



## CABINET

**DATE:** Friday, 10 November 2023

**TIME:** 10.30 am

**VENUE:** Committee Room - Town Hall,  
Station Road, Clacton-on-Sea,  
CO15 1SE

### MEMBERSHIP:

Councillor M Stephenson	- Leader of the Council; Portfolio Holder for Corporate Finance & Governance
Councillor I Henderson	- Deputy Leader of the Council; Portfolio Holder for Economic Development, Regeneration & Tourism
Councillor A Baker	- Portfolio Holder for Housing & Planning
Councillor M Barry	- Portfolio Holder for Leisure & Public Realm
Councillor M Bush	- Portfolio Holder for Environment
Councillor P Kotz	- Portfolio Holder for Assets
Councillor G Placey	- Portfolio Holder for Partnerships

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**DATE OF PUBLICATION: THURSDAY, 2 NOVEMBER 2023**



## 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 - 20)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 6 October 2023.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, 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 - Draft Jaywick Sands Place Plan (Pages 21 - 154)**

To enable the Cabinet to consider the recommendation made to it by the Planning Policy & Local Plan Committee in relation to the Draft Jaywick Sands Place Plan.

### **8 Leader of the Council's Items - A.2 - Our Vision - A New Corporate Plan 2024/28 (Pages 155 - 178)**

To seek Cabinet's approval and recommendation to Full Council for the final proposals for 'Our Vision' (the Corporate Plan 2024/28) following full consultation with the public, key partners and stakeholders.

### **9 Leader of the Council's Items - A.3 - Financial Performance Report 2023/24 - General Update at the end of September 2023 (Pages 179 - 226)**

To provide a general update and overview of the Council's financial position against the 2023/24 budget and looking ahead to 2024/25 and beyond.

### **10 Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.4 - North Essex Economic Board Strategy and Action Plan (Pages 227 - 324)**

To update Cabinet on the continued positive benefits of the North Essex Economic Board (NEEB) partnership and to seek support for its refreshed strategic priorities and delivery plan, whilst noting that funding is not secured to deliver the activities identified.

**11     Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.5 - Claim of Costs in respect of development at St. John's Nursery, Clacton-on-Sea (Pages 325 - 346)**

To seek the Cabinet's decision on making a payment to the applicants for development at St. John's Nursery, Clacton-on-Sea following an award of costs by the Planning Inspector in deciding to overturn the Council's decision to refuse planning permission on appeal and finding the Council to have acted unreasonably.

**12     Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.6 - Consideration/Adoption of a Comprehensive and Cohesive Taxi/Private Hire Policy (Pages 347 - 412)**

To request that Cabinet considers and, if satisfied, adopts a comprehensive and cohesive taxi and private hire policy recommended to it by the Licensing and Registration Committee on 16 October 2023.

**13     Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.7 - Consideration and Adoption of Housing Policies on Repairs, Damp & Mould and Fire Safety (Pages 413 - 466)**

To consider the following draft policies prepared in relation to the maintenance and operation of the Council's retained housing stock:-

- Repairs Policy
- Damp and Mould Policy
- Fire Safety Policy.

**14     Cabinet Members' Items - Joint Report of the Housing and Planning Portfolio Holder and the Corporate Finance & Governance Portfolio Holder - A.8 - The Local Council Tax Support Scheme, Discretionary Council Tax Exemptions/Discounts/Premiums for 2024/25 and Annual Minimum Revenue Provision Policy Statement 2024/25 (Pages 467 - 522)**

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

- Local Council Tax Support Scheme 2024/25
- Exceptional Hardship Policy
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2024/25
- Annual MRP Policy Statement for 2024/25.

**15     Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.9 - Determination of a Nomination to Register an Asset of Community Value: Lady Nelson Playing Field, Frinton Road, Thorpe-le-Soken, CO16 0JD (Pages 523 - 542)**

To determine whether Lady Nelson Playing Field meets the criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 following its nomination as an Asset of Community Value by Thorpe Le Soken Parish Council. No other criteria are pertinent.

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

*The next scheduled meeting of the Cabinet is to be held in the Committee Room at the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 15 December 2023.*

## **Information for Visitors**

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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 6TH OCTOBER, 2023 AT 10.30 AM  
IN THE COMMITTEE ROOM AT THE TOWN HALL, STATION ROAD, CLACTON-ON-  
SEA, CO15 1SE**

**Present:**

Councillor Mark Stephenson	Leader of the Council & Portfolio Holder for Corporate Finance and Governance (Chairman)
Councillor Ivan Henderson	Deputy Leader of the Council & Portfolio Holder for Economic Growth, Regeneration & Tourism
Councillor Andy Baker	Portfolio Holder for Housing & Planning
Councillor Mick Barry	Portfolio Holder for Leisure & Public Realm
Councillor Mike Bush	Portfolio Holder for Environment
Councillor Gina Placey	Portfolio Holder for Partnerships (except item 34)

**Group Leaders Present by Invitation:** Councillors Jayne Chapman BEM (Leader of the Independents Group), Carlo Guglielmi (Leader of the Conservative Group) and Gary Scott (Leader of the Liberal Democrats Group)

**Also Present:** Councillors Jeff Bray, Zoe Fairley and Graham Steady (Deputy Leader of the Independents Group)

**In Attendance:** Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Keith Durran (Committee Services Officer)

**28. APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Peter Kotz (the Portfolio Holder for Assets).

**29. MINUTES OF THE LAST MEETING**

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

**RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 21 July 2023, be approved as a correct record and be signed by the Chairman.

**30. DECLARATIONS OF INTEREST**

In relation to agenda item 7 (report A.2 – E-Petition: Requested changes to the Council's Waste Management Functions), Councillor Placey stated that she had signed

that e-petition and that therefore she would leave the meeting whilst it was deliberated and decided upon by the Cabinet.

In relation to agenda item 8 (report A.3 – E-Petition: ‘Brightlingsea Stench’), Councillor Barry stated for the public record that he was a member of Brightlingsea Town Council.

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

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

**32. ANNOUNCEMENTS BY CABINET MEMBERS**

Tendring4Growth Fortnight

The Portfolio Holder for Economic Growth, Regeneration & Tourism (Councillor I J Henderson) announced that it had been a fantastic fortnight of events. He thanked the Economic Growth Team and all others who had helped to make it a successful fortnight of events culminating in the Awards Night on 5 October 2023, which itself had been tremendously inspiring.

Overall, there had been nine events including for the first time events around coastal tourism and creative & cultural aspects. Particularly inspirational had been the Women in Business event, which had highlighted ambitious women in Essex.

Councillor Henderson referenced the excellent keynote speakers and the role of COLBEA and other organisations who were there to give advice, help and support to local businesses. Overall, it was very encouraging for the future.

Tendring Youth Awards

The Portfolio Holder for Partnerships (Councillor Placey) announced that she had attended the Tendring Youth Awards Night on 3<sup>rd</sup> October 2023. It had been a night of celebration, which had recognised the hard work and the contribution that young people had made in their local communities. Many of them had overcome personal challenges to improve their lives. Some were young carers. Many were community volunteers. Overall, it had been a fantastic event.

**33. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.1 - E-PETITION: BEACH HUT LEASE CHANGES**

Cabinet was informed that an e-petition submitted by Dale Westall, as lead petitioner, had been received on 30 June 2023. The petition had been signed by 164 persons and stated:-

*“We the undersigned petition the Council to have the Cabinet of the Council reconsider its decision that all Beach Hut licenses be changed to leases and further, we petition the Cabinet of the Council that Beach Hut Association members be shown the cost, length, and terms of the leases prior to them being put in place.”*

Members were reminded that Beach Hut Licensing was an executive function and that therefore the Cabinet was the appropriate body to consider this matter.

It was reported that, in accordance with the Council's adopted Scheme for Dealing with Petitions the receipt of this Petition had been reported, for Members' information, to the meeting of the Full Council held on 11 July 2023. This matter had now been investigated and a report prepared and presented to the Cabinet on the basis that the Petition contained between 30 and 500 signatures.

The Deputy Chief Executive & Monitoring Officer's written advice and assessment of the Petition was as follows:-

*"It's important to refer back to the legal requirements section of the February 2023 Cabinet Report, which confirms that 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.*

*Option for Beach Hut Agreements - The proposal in the February report was to move away from Licence Agreements to Leases from 1 April 2024. Cabinet had the option however to maintain the status quo and continue to operate Beach Hut agreements through licences. A licence only grants a personal right to use and occupy the site and place the hut in accordance with certain conditions (see current clause 2), it is not transferrable. Some Beach Huts are being sold on the impression that the licence will be transferred to the new owner and this is legally not possible. An application has to be made for a new Licence and the Council has the right to refuse, especially if the Hut is not compliant with the conditions of the former licence but in particular, (see current clause 4.11) the Council has a waiting list for our Beach Hut sites. Licences offer less protection and permits the Council to make changes to terms and conditions, with minimum notice and providing notice to end agreements with 28 days' notice (see current clause 4.4.2).*

*A lease is a legal interest and grant of a right to the exclusive possession of land for a determinable period of time. It is important for both parties to understand the type of agreement into which they are entering. With Beach Huts changing hands for very significant values, the lease agreements would provide protection to those making sizeable investments. Despite huts being sold for tens of thousands of pounds, licences have no transferable value.*

*Furthermore, if licences were operated to their terms and conditions, there is no obligation on the Council to provide new licence agreements to any prospective new owner (see current clause 4.11). As such, any 'vacant' licence (following a hut sale) could be offered to those on a waiting list, held by the Council. This would be a significant risk to Beach Hut users, where as a lease would provide increased security of tenure and allow them to assign the benefit of their lease to a new owner. If a decision is taken to continue with Licence Agreements, it is important that the lack of security this provides is clearly highlighted to potential hut owners when considering a purchase.*

*Ultimately, it is important to ensure the correct legal status is given to the occupation of the Beach Hut sites and in accordance with the intentions of the parties.*

*The Land Registration Act 2002, together with the Land Registration Rules 2003, sets the categories of leases that are either compulsorily or voluntarily registrable. Section 27(2)(b)(i) of the Land Registration Act 2002 requires leases granted out of existing*

*registered titles, that are for a term of more than seven years from the date of the grant are compulsorily registrable at the Land Registry.*

*The decision to approve the Heads of Terms for the Leases has been delegated to the Portfolio Holder for Leisure and Public Realm and consultation prior to these decisions being made could be undertaken, should the Portfolio Holder wish to do so."*

The Assistant Director (Buildings & Public Realm)'s written advice and assessment of the Petition was as follows:-

*"The preceding Cabinet adopted the Beach Hut Strategy in February 2023. The broad aims of the strategy are to regularise the management arrangements around beach huts and to establish a sustainable legal, financial and practical position in relation to the operation. The transition from licences to leases is intended to address some key issues and should benefit the Council and hut owners alike.*

*For the Council:*

- *A five-year renewal cycle instead of one*
- *Clearer terms and framework for enforcement*
- *Addressing the uncertainties around the market for beach hut sales*
- *Regularising a position around third party lettings and hires*

*For the hut owners:*

- *Five-year security instead of one.*
- *A real legal estate that can be transferred or inherited.*
- *Clarity around responsibilities.*

*If the strategy overall is successful, all parties will benefit from greater certainty and ability to address issues that have concerned the parties at various of the beach hut locations. Officers recommend that the transition to leases is advisable and is likely to be advantageous to all of the parties.*

*The beach hut associations have been consulted on the draft lease for commercial huts and the Officer team is engaged in creating a finalised version that reflects the comments received, where appropriate. The team will consult similarly on the leases for non-commercial users. Some resourcing issues have affected progress and ongoing programme is being reviewed. It is not planned that the transition to leases of itself will increase or decrease fees (rents). Of course, time and external factors will lead to general increases but these will not be driven by the nature of the agreement. Future fees (rents) will be set as part of the Council's annual review processes."*

In addition, Cabinet had before it the following comments submitted by the Leisure & Public Realm Portfolio Holder:-

*"I am aware that beach hut owners have been concerned by the proposed changes. I am also convinced that there is genuine need to get beach huts and coastal matters into a sustainable position and that availability of resources has for various reasons, challenged implementation during the current financial year.*



*I have asked the Officer team to refresh the timeline for the implementation of the strategy, including a phased transition to leases, and to review draft leases to make them as simple as possible, also review the presentation of strategy issues, including the development of simplified guidance and a frequently asked questions document. This in order to reassure hut owners to the extent possible, that changes are on balance positive for all involved."*

Dale Westall, the lead petitioner, had been invited to attend the meeting and to address the Cabinet to outline the reasons for the submission of the e-petition and what action they would like the Council to take. However, Mr Westall did not attend.

Having duly considered and discussed the Petition and in order to comply with the adopted scheme for dealing with petitions, as set out in the Council's Constitution:-

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

**RESOLVED** that –

- (a) Mr. Westall be thanked for his e-petition; and
- (b) the Leisure & Public Realm Portfolio Holder's written comments regarding the e-petition be endorsed as Cabinet's formal response to Mr. Westall's e-petition.

**34. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.2 - E-PETITION: REQUESTED CHANGES TO THE OPERATION OF THE COUNCIL'S WASTE MANAGEMENT FUNCTIONS**

Earlier on in the meeting, as reported under Minute 30 above, Councillor Placey had stated that she had signed this e-petition and that therefore she would leave the meeting whilst it was deliberated and decided upon by the Cabinet. Councillor Placey therefore accordingly left the meeting for this item.

Members were informed that an e-petition submitted by Sharon Tyler, as lead petitioner, had been received on 18 August 2023. The e-petition had been active in the period from 5 May to 18 August 2023 and had been validly signed by 33 persons.

It stated:-

*"We, the undersigned, petition the Council to seek alternative solutions to waste collection in the District, specifically, that the issuing of lilac coloured rubbish bags to volunteer litter picking groups is changed so that these sacks do not go to landfill, wheelie bins are issued for household recycling doorstep collection and that more public bins are installed in Towns and along the Seafronts."*

The petitioners' stated justification for this e-petition was that:-

*"Wheelie bins for recycling rather than boxes would be more effective and make the collection process more efficient. Currently Veolia empty the boxes into a wheelie bin before emptying contents into the lorry. This is inefficient. The boxes and lids often get damaged and blown away or stolen meaning the Council must have a constant supply of new ones. Wheelie bins would be more efficient because the contents are kept safely inside until emptied and they are more robust. We also need more bins in the town and*

*on the seafront that are separated by litter type to reduce what goes to landfill. There would be an initial cost for household recycling wheelie bins but this would be offset in cost savings made in dealing with litter more effectively. The lilac sacks from litter picking need to be changed so this litter doesn't go directly to landfill."*

Cabinet was aware that waste management was an executive function and therefore the Cabinet was the appropriate body to consider this matter.

It was reported that, in accordance with the Council's adopted Scheme for Dealing with Petitions, the receipt of this E-Petition had been reported, for Members' information, to the meeting of the Full Council held on 26 September 2023. This matter had now been investigated and a report prepared and presented to the Cabinet on the basis that the Petition contained between 30 and 500 signatures.

The Assistant Director (Housing & Environment)'s written advice and assessment of the Petition was as follows:-

*"The submission of this petition is timely as the Council is embarking on a review of its waste and recycling and street sweeping services in light of the expiry of the current contractual arrangements early in 2026.*

*The review, involving the creation of a dedicated Board and an all-party councillor working group, will consider the strategy the Council wishes to adopt in respect of waste and recycling and the preferred methods of collection and materials to be collected for recycling. The introduction of wheeled bins for the collection of recycling is something that will be considered as part of this process.*

*The work undertaken by community litter picking groups is very much appreciated and enhances the service provided by the Council's contractors. The purple coloured bags provided to these groups is intended to differentiate the waste they collect from other waste that might be fly-tipped or inappropriately disposed of. Currently, all litter collected through litter picking and from public waste bins in the District is disposed of to landfill. This is something that will be included in the review of the services already mentioned. Separation of litter picking waste by community litter picking groups into recyclable and residual waste streams is technically possible however would require more work and time at the point of picking and a more complicated collection process.*

*Along with the level of litter bin provision in the district we will also be considering the feasibility of introducing on street recycling options although other government schemes brought forward in the Environment Act 2021 will place a greater obligation on producers and suppliers to provide recycling opportunities."*

In addition, Cabinet had before it the following comments submitted by the Environment Portfolio Holder:-

*"It is excellent and encouraging to see so many residents express their interest in how the Council collects and recycles waste in the District. It also highlights the excellent community spirited work undertaken by the many volunteer litter pickers, who I sincerely thank for their efforts in making our communities better places to live and work.*

*As highlighted by our Assistant Director earlier in this report we are entering an exciting period as we review how we want to collect, manage and recycle the waste produced in*

*the District from 2026 onwards. We will feed the comments from this petition directly into that process.”*

Sharon Tyler, the lead petitioner, had previously informed the Committee Services Manager that she was unable to attend the meeting to put forward her petition.

Having duly considered and discussed the Petition and in order to comply with the adopted scheme for dealing with petitions, as set out in the Council’s Constitution:-

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

**RESOLVED** that –

- (a) Ms. Tyler be thanked for her e-petition; and
- (b) the Environment Portfolio Holder’s written comments regarding the e-petition be endorsed as Cabinet’s formal response to Ms. Tyler’s e-petition.

**35. MATTERS REFERRED TO THE CABINET BY THE COUNCIL - A.3 - E-PETITION: 'BRIGHTLINGSEA STENCH'**

Earlier on in the meeting, as reported under Minute 30 above, Councillor Barry had stated for the public record that he was a member of Brightlingsea Town Council.

Cabinet was informed that an e-petition submitted by Matthew Court, as lead petitioner, had been received on 31 August 2023. The e-petition had been active in the period from 1 August to 31 August 2023 and had been validly signed by 110 persons. It stated:-

*“We the undersigned petition the Council to:-*

- Immediately reopen the investigation into the persistent stench issue in Brightlingsea.*
- Engage external environmental experts, if necessary, to support and expedite the investigation into the source and nature of the problem.*
- Provide regular, transparent updates to the public on the progress of the investigation, findings, proposed solutions, and expected timelines.*
- Actively coordinate with the Environment Agency and any other relevant authorities to advocate for the needs of Brightlingsea residents and seek their intervention if required.*
- Implement temporary measures to mitigate the impact of the stench on the residents of Brightlingsea while a long-term solution is being found.*
- Form a community task force, including residents, council members, and experts, to ensure direct community participation in the ongoing efforts to resolve this issue.*
- Carry out a comprehensive assessment to understand the potential health impacts of the stench on Brightlingsea's residents.”*

The petitioners’ stated justification for this e-petition was that:-

*“The persistent stench that has plagued the residents of Brightlingsea for over a year is more than just a nuisance; it’s a matter of public health, well-being, and the quality of life for every person living and working in the affected area, including the school which has its main playing field nearby. It has turned what should be a pleasant environment into a*

*place where people cannot even open their windows or spend time outside without discomfort.*

*The initial investigation by Tendring District Council was a step in the right direction, but the premature closure of the investigation without finding a source or solution is deeply disappointing and frankly, unacceptable. This decision gives the impression of a council that is either unable or unwilling to fully address the problem, which is a disservice to the people it is supposed to represent and protect.*

*This e-Petition is not just about the stench; it's about the role of Tendring District Council and councillors as our elected representatives. It's about how we, as a community, expect our concerns to be addressed, our voices to be heard, and our wellbeing to be prioritised. The actions listed in this petition reflect those expectations.*

*We understand that finding a solution may not be easy or immediate, but we insist that the council take these necessary steps, engage with the necessary bodies, utilise all available resources, and provide the leadership and representation that Brightlingsea needs and deserves. We look forward to seeing a renewed effort from the Council in tackling this ongoing issue and restoring the quality of life in this part of our beloved town."*

Members were reminded that pollution and environmental health was an executive function and that therefore the Cabinet was the appropriate body to consider this matter.

It was reported that, in accordance with the Council's adopted Scheme for Dealing with Petitions, the receipt of this E-Petition had been reported, for Members' information, to the meeting of the Full Council held on 26 September 2023. This matter had now been investigated and a report prepared and presented to the Cabinet on the basis that the Petition contained between 30 and 500 signatures.

The Assistant Director (Housing & Environment)'s written advice and assessment of the Petition was as follows:-

*"The Council has an ongoing investigation into complaints about unpleasant odour in Brightlingsea, most recently during the course of this Summer. Most of the reports received have been anecdotal with limited evidence provided as to where and when the odour is experienced and the impact it has on residents. Since the end of June 2023 there have been 12 individual complainants of which six provided their addresses in the area. None of these complainants have yet returned witness report diaries for consideration. There is not therefore any documented evidence as to the impact the odour is having on local residents.*

*The Council assesses odour complaints under the statutory nuisance regime set out in the Environmental Protection Act 1990 and so far it has not been possible for officers to witness an odour sufficiently strong and durable as to constitute a statutory nuisance.*

*The Council has been in correspondence with the Environment Agency (EA) over the matter, especially as they are the regulator for parts of a waste processing site in the Town that has the greatest potential to give rise to the type of odour that is being complained about. All waste processing activities on that site are being undertaken in accordance with their permits that put in place controls around emissions arising as a consequence of the processing activity.*

*Regular updates have been provided to the Town Council and officers have spent many hours following up reports and making random visits to the area, often out of hours, in an effort to witness the problem.*

*There is not currently any evidence that anyone has suffered any ill health as a result of the odour and as yet officers have yet to witness the odour or receive documented evidence of when it occurs and who it affects. Investigations will continue but it should be highlighted that even if a definitive source is found this alone may not be enough to justify further statutory action beyond advice and guidance."*

In addition, Cabinet had before it the following comments submitted by the Environment Portfolio Holder:-

*"This is a matter I have taken a personal interest in. I have visited the area twice, once with officers and representatives from Brightlingsea Town Council and a second time to meet with residents.*

*I have therefore witnessed first-hand the detailed and committed work our officers have put into trying to witness and locate the source of the odour. I have also heard from residents about how it affects them. I have experienced an odour very near to the waste processing site that I felt was to be expected given the nature of the activities undertaken on the site. Knowing that activities on the site are regulated both by the EA and the Council gives me reassurance. The odour I experienced was not one so strong or persistent that it could be experienced further away from that site.*

*As our Assistant Director has said, activities on the site are subject to environmental controls. The Council has been in correspondence with the EA and all activities are being undertaken in accordance with permit conditions that have been monitored and recorded, which include assessments as to whether odour is being generated. Should residents be able to furnish officers with witness report diaries evidencing the dates and times they are affected by the odour these will of course be followed up."*

Matthew Court, the lead petitioner, had been invited to attend the meeting and to address the Cabinet to outline the reasons for the submission of the e-petition and what action they would like the Council to take. Mr. Court attended the meeting and duly put forward the reasons for the submission of the e-petition and outlined the action that they wanted the Council to take.

With the permission of the Leader of the Council, Councillor Chapman BEM, Leader of the Independent Group and a Ward Member and Town Councillor for Brightlingsea, read out the following statement:-

*"Thank you for the opportunity to speak and thank you to [Town] Councillor Court for bring this petition to Cabinet today. I do have to stress that I live there. My back garden backs onto this industrial estate so I am just highlighting that.*

*Brightlingsea Ward Councillors have been active in responding to residents' concerns and representations on the issue of the odour being experienced around various locations in Brightlingsea.*

*The matter came to prominence in August 2022 when there was a huge increase in reports being received by the Environment Agency (EA) about an odour being attributed to the Dunmow waste transfer and recycling site in Morses Lane.*

*Councillor Barry, as the then Mayor, took the lead to organise meetings of all agencies involved at the time with a meeting in the parish hall. He initiated ongoing liaison with the EA, Dunmow management and residents and report back to the Town Council on developments.*

*Despite a number of site visits and follow ups the EA stated that there was no direct evidence confirming the source of the odour and therefore could not propose any potential control measures. An issue that became apparent was that it was difficult for investigators to witness odour incidents that were generally episodic and short lived, with differential levels of exposure due to changing wind directions.*

*The level of complaints and reports to agencies diminished over the winter months, although monitoring and regulatory visits continued to be made to the Dunmow site and the EA produced a final briefing note on 29<sup>th</sup> September 2022.*

*On 20<sup>th</sup> June this year the EA received 32 reports of odour and given the nature and extent of the reports informed Essex County Fire & Rescue Service, who attended the area quickly but reported back that they had not been able to identify any odour. This included the use of detection equipment by their Hazardous Materials Officers.*

*Tendring District Council Environmental Services have been heavily involved since June as is documented in the report before Cabinet. The three Brightlingsea Ward Councillors met with three residents in a meeting chaired by the Town Mayor, Ric Morgan on 3<sup>rd</sup> August 2023. The outcome of this was an agreement that Councillor Steady would liaise with residents to facilitate information exchanges and continue to update the Town Council and monitor developments. Since the end of June reports of odour have been much reduced with no clear evidence base being identified that locates the source of the odour to a definite reference point to enable remedial measures to be taken. This is the current position and it is clear that Town and Ward Councillors will continue to liaise with residents and relevant agencies to monitor the situation and support residents who continue to be affected by this issue.*

*As a Town Council, we have written to the supermarket, which is next door, the Colne School and a neighbouring farm. We have spoken to NEEB Holdings who own the industrial estate and they say they have received complaints over the last five years but the last two years the complaints have increased. We have met with some of the businesses and all of the comments that we collated were passed to Graham Steady."*

*With the permission of the Leader of the Council, Councillor Steady, a Ward Member and Town Councillor for Brightlingsea, made the following statement:-*

*"Just an update. As mentioned in the statement, I am liaising with residents and will continue to do so. I have a meeting planned with two residents on Monday to discuss the issue and to keep channels of communication open and transparent. Also, I am looking at an initiative which could help the situation going forward. One thing I have learned from this. There are unexpected coincidences. I understand residents are concerned but the press reports would suggest that the whole of the town is affected by this issue when in actual fact it is not. So once again it will be a big job for the Town and*

*the District to be able to put forward some positive views onb this subject which we hope to do in the future."*

Having duly considered and discussed the Petition and in order to comply with the adopted scheme for dealing with petitions, as set out in the Council's Constitution:-

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

**RESOLVED** that -

- (a) Mr. Court be thanked for his e-petition; and
- (b) the Environment Portfolio Holder's written comments regarding the e-petition be endorsed as Cabinet's formal response to Mr. Court's e-petition.

**36. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.4 - CONSERVATION AREA CHARACTER APPRAISALS AND MANAGEMENT PLANS FOR ARDLEIGH, GREAT HOLLAND AND TENDRING VILLAGE**

Cabinet was informed that the Planning Policy & Local Plan Committee ("the Committee"), at its meeting held on 27 July 2023 (Minute 7 referred), had considered a comprehensive report (and appendices) of the Director (Planning). That report had reported to it the Ardleigh, Great Holland and Tendring village Conservation Area Appraisals and Management Plans, prepared for the Council by Essex Place Services.

The report had also sought the Committee's recommendation to Cabinet that they should be approved for public consultation purposes.

The Committee's decision at its meeting held on 27 July 2023 had been as follows:-

**"RESOLVED** that the Planning Policy and Local Plan Committee:

- a) *endorses the new Conservation Area Appraisals and Management Plans for Ardleigh (Appendix 1 to item A.1 of the Report of the Director (Planning)), Great Holland (Appendix 2 thereto) and Tendring village (Appendix 3 thereto);*
- b) *recommends to Cabinet that the above documents forming Appendices 1, 2 and 3 be published for consultation with the public and other interested parties; and*
- c) *requests that in the event that future reviews of a Conservation Area or Areas within a Parish or Parishes coincides with that Parish or Parishes or other qualifying bodies formulating a Neighbourhood Plan then that Parish or Parishes or other qualifying bodies will be consulted by Officers at an earlier stage of the review(s) in order that the said Parish or Parishes or other qualifying bodies can take any material considerations arising therefrom forward as part of the Neighbourhood Plan process."*

Cabinet had before it the following comment submitted by the Portfolio Holder for Housing & Planning:-

*"I thank the Planning Policy and Local Plan Committee for its consideration of these last three Conservation Area Character Appraisals and Management Plans and I sincerely welcome, once again, its recommendation to Cabinet that these be published for public 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 thank and congratulate the Officers and the members of the Committee, past and present for all of their sustained hard work over the last three years in bring these conservation area appraisals to fruition."*

Having duly considered the recommendations submitted to Cabinet by the Planning Policy & Local Plan Committee, together with the response of the Housing & Planning Portfolio Holder thereto:-

It was moved by Councillor Baker, seconded by Councillor Bush and:-

**RESOLVED** that the new Ardleigh, Great Holland and Tendring village Conservation Area Appraisals and Management Plans be approved for consultation with the public and other interested parties.

**37. LEADER OF THE COUNCIL'S ITEMS - A.5 - FINANCIAL PERFORMANCE REPORT 2023/24 - GENERAL UPDATE AT THE END OF JULY 2023**

Cabinet considered a report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance (A.5), which provided it with a general update and overview of the Council's financial position against the 2023/24 budget and looking ahead to 2024/25 and beyond.

That report was split over two distinct sections as follows:

**1) *The Council's in-year financial position against the budget at the end of July 2023; and***

**2) *An updated long term financial forecast***

Members were reminded that previously an additional section had been included within these reports that had undertaken a detailed view of items that would have an impact on the in-year position but also an on-going impact on the later years of the forecast. Although this report set out a number of adjustments to the in-year budget, any longer term impacts remained under review at present. However, they would be revisited as part of developing the forecast for 2024/25 and beyond, and they would be reported within future financial performance reports.

**SECTION 1 - In respect of the in-year financial position at the end of July 2023:**



It was reported that the position to the end of July 2023, as set out in more detail within the appendices, showed that, overall, the General Fund Revenue Account was underspent against the profiled budget by £1.747m.

Cabinet recalled that, as part of developing the budget for 2023/24, which had been agreed by Full Council in February 2023, a number of adjustments had been made to reflect emerging and/or on-going issues. Therefore, only a limited number of variances had developed during the first four months of this financial year. Where variances had been highlighted, those broadly reflected known issues where further review / consideration might be necessary or reflected the timing of general expenditure and/or income budgets. It was acknowledged that other expenditure or income trends might still emerge / develop over the remainder of the financial year.

Members were made aware that this report also set out a number of further potential issues although no adjustments had been made to the budget at the present time as they remained subject to ongoing review and / or reporting separately later in the year.

It was reported that, in respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out in this report, there were no other major issues that had been identified to date. In respect of treasury activity, the transactions undertaken with Birmingham City Council were highlighted in the report along with the commitment to report to Cabinet the outcome of the Birmingham City Council meeting when its Members had considered their Section 151 Officer's Section 114 report.

Members were reassured that any emerging issues would be monitored and updates provided in future reports, which would include their consideration as part of updating the long-term financial forecast.

Cabinet was advised that a number of in-year budget adjustments were proposed as set out in Appendix 1H, with an associated recommendation also included within the report. That same appendix also set out a number of items that had been requested to be carried forward by Services from 2022/23. Those were presented for consideration by Cabinet as they did not meet the criteria relating to carry forwards, but it could still be advantageous to approve them to enable the associated work / projects to be undertaken in 2023/24.

As mentioned within earlier reports, the Chief Executive continued to chair the regular Budget, Performance and Delivery meeting of Senior Managers whereby any emerging issues such as those highlighted within this report and its appendices were identified / discussed.

Cabinet was informed that the net impact of the proposed budget adjustments would be moved to the Forecast Risk Fund. At the end of July 2023, it had been possible to make a contribution to the fund of £0.169m, which supported the requirement set out in the long-term forecast of identifying in-year savings of £0.250m each year.

In addition to the above, it was also proposed that this Council continued to be a member of the Essex Business Rates Pool and Essex Council Tax Sharing Agreement if it remained advantageous to do so in 2024/25.

**In respect of the updated long term financial forecast:**

It was reported that the forecast had been reviewed and updated at the end of July 2023 and it was set out in Appendix 2A. It continued to reflect the very challenging financial position faced by Local Authorities, which included the inflationary pressures currently being experienced.

Members were advised that the revised forecast also sought to better balance the optimism / pessimism bias that was inherent in any forecasting process and it included the use of one-off funding such as the New Homes Bonus in the short term.

Cabinet was informed that worked remains ongoing within departments and with Portfolio Holders with the aim of remaining 'sighted' on potential future cost pressures. Some of those were included in Appendix 1H where there was already an impact in 2023/24.

It was felt that the long-term approach alongside the Forecast Risk fund provided additional flexibility and time to make better-informed decisions. However, significant on-going savings were still required.

Cabinet was made aware that, based on the updated forecast, ongoing savings of £3.000m were required across 2024/25 to 2026/27. This was significant, especially in the context of the Council's overall net budget being just over £14.000m and it presented the Council with a major challenge.

It was considered that developing the framework against which the required savings could be identified therefore remained a key activity over the coming months alongside the development of the new Corporate Plan. The level of resources required to not only develop the above framework but to deliver the required savings, was not to be underestimated, especially when set against other existing commitments such as delivering the Levelling Up projects and Freeport East. There therefore needed to be a clear focus on the timely development of the plan whilst managing competing resources over the coming months.

Members were told that, although consideration would be given to extending the current forecast period beyond 2026/27, the long-term forecast approach still provided an effective method of managing financial risks, and remained underwritten by the Forecast Risk Fund. As mentioned during the development of the longer-term approach to the budget over recent years, it was important to continue to deliver against this plan as it continued to provide a credible alternative to the more traditional short-term / annual approach.

Cabinet was informed that the challenges faced by the Housing Revenue Account were also significant and included increased expectations and requirements that were likely to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan would be developed over the coming months with the aim of responding to such challenges as set against the wider context of continuing to provide a financially sustainable position in the long term.

In order to set out the latest financial position for the Council; to respond to emerging issues in 2023/24; and to help develop the budget and long term forecast from 2024/25:-

It was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and:-

**RESOLVED** that Cabinet -

- (a) notes the Council's in-year financial position at the end of July 2023 along with the updated financial forecast for 2024/25 and beyond;
- (b) approves the proposed adjustments to the 2023/24 budget, as set out in Section 1 of Appendix 1H to the Report of the Leader of the Council/Corporate Finance & Governance Portfolio Holder and requests Officers to review the potential on-going impact in 2024/25 and beyond, where necessary, as part of developing the forecast and detailed estimates for further consideration by Cabinet later in the financial year;
- (c) notes the outcome of the review of carry forwards from 2022/23 approved under delegation to the Portfolio Holder for Corporate Finance and Governance as set out in Table 1 of the aforesaid report and -
  - i) approves items 1 and 2 set out in Section 2 of Appendix 1H to the aforementioned report;
  - ii) requests Officers to provide additional information relating to items 3 to 6 set out in Section 2 of Appendix 1H to the above mentioned report for inclusion in the Financial Performance Report for Quarter 2 that is scheduled to be presented to Cabinet in November 2023;
- (d) notes the treasury transactions with Birmingham City Council set out in the report and request Officers to provide an update in Quarter 2 setting out the response of Members at the Full Council meeting at Birmingham City Council to their Section 151 Officer's recent Section 114 reports;
- (e) the Council continues to be a member of the Essex Business Rates Pool and Council Tax Sharing Agreement with Essex County Council in 2024/25 if it remains financially advantageous to do so;
- (f) notes the updated financial forecast set out in the report and requests Officers, in consultation with the relevant Portfolio Holders, to further develop the financial forecast proposals alongside the development of the Council's priorities, as part of the wider framework within which to identify the necessary budget reductions to support the Council's long-term financial sustainability; and
- (g) requests that the Resources and Service Overview and Scrutiny Committee be consulted on the latest financial position of the Council, as set out in the report.

**38. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.6 - LEVELLING UP FUND AND CAPITAL REGENERATION PROJECTS - PROGRESSING THE PROJECTS TO PLANNING PERMISSION**

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.6), which sought its consideration of the next steps for the Levelling Up Fund (LUF) Project in Clacton-on-Sea and the Capital Regeneration Project (CRP) in

Dovercourt. The report also sought Cabinet's approval to draw down £1,898,421 from the Council's £2.295m Levelling Up Fund budget for the procurement of professional services to progress the respective project plans through to the submission of applications for planning permission.

Members recalled that it had been announced on 19 January 2023 that the Council's bid to round two of the Government's Levelling Up Fund (LUF) for Clacton Town Centre, the 'Clacton Civic Quarter', had been successful and awarded £19,958,224. In addition, on 15 March 2023 it had been announced that a £6.65m bid for projects in Dovercourt Town Centre had been approved, under the Government's Capital Regeneration Scheme. The schemes were comprised of the following:-

- Clacton Hub (LUF)
- Carnarvon Terrace (LUF)
- Kingsway Improvements (CRP)
- Homes in Dovercourt (CRP)
- Learning and Library Project (CRP)

Cabinet was reminded that the Council had chosen the projects from the Council's plans as set out in the documents 'Love Clacton' and 'Dovercourt Revisited'. Those projects responded to some of the key challenges for the District, including increasing skills, driving economic growth, supporting vibrant town centres, and meeting local housing need, and aimed to improve the quality of life for residents of Clacton and Dovercourt. The projects also aligned with other Council projects, including the Orwell Terrace scheme in Dovercourt, and the recruitment of a Town Centre Manager.

Cabinet recalled further that, on 17 March 2023, it had considered a report entitled 'Financial Performance Report - In Year Performance against the Budget at the end of Quarter 3 2022/23 and Long Term Financial Forecast Update'. In addition to accepting Government funding for the Clacton Civic Quarter LUF scheme, through that report Cabinet had allocated £250,000 of Tendring District Council's match funding allocation for the above bids to support the development of the scheme for Clacton.

Members were reminded that, on 23 June 2023, Cabinet had considered a report entitled 'Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid'. In addition to accepting Government funding for the Dovercourt scheme, through that report Cabinet had allocated usage of the £250,000 which had been drawn down in the March 2023 report, towards early preparations for the CRP scheme and had agreed proposals for delivery of the respective projects in partnership with Essex County Council (ECC).

Cabinet was aware that its June report had further set out that the Council was the responsible authority for both the LUF and CRP projects. As such, the Council would programme manage the overall schemes, reporting to the Officer-led LUF Delivery Programme Board, thence on to the Member-led Regeneration Board, and ultimately to DLUHC and Government. Both Boards had joint membership from the Council and ECC. Furthermore, the report had proposed that this Council would commission the two projects where it owned the land and ran services, namely Carnarvon Terrace (Clacton LUF), and Homes for Dovercourt (Dovercourt CRP).

It was reported that, following a review of that delivery method, it was now proposed that the Council would manage those projects directly. This approach provided good value

for money and enabled the procurement of the professional delivery team to take place within the Council. It would allow the Council to retain control and effectively manage the associated risks. Delivery would take place under the oversight of a Capital Delivery Programme Manager, and recruitment had also taken place for a Project Manager to support delivery. The proposed delivery team would consist of:

TDC Governance [including Corporate resources]

TDC – Capital Programme Management [Across all 5 sites]

- CDM Coordinator
- Local Authority Building Control
- Public Consultation Advisor

TDC Owned Sites [across both sites]:

- Employer's Agent/QS Cost Management – Lead Consultant
- Civil & Structural Engineer
- Mechanical, Electrical and Public Health Engineers
- Fire Consultant, Highways, etc. [other Design Team members]

Each site would then have their own Architects. It was anticipated that the ECC-led sites would have a similar delivery structure.

Cabinet was informed that the LUF and CRP schemes had a combined overall budget of £37,532,319, of which £2,295,060 was a match funding contribution from TDC. Previously, £3,600 of this budget had been spent on procuring footfall data as part of the Government's required monitoring and evaluation process for the bids, and £250,000 had been allocated for project development, as mentioned above. This report recommended drawing down a further £1,898,421 from the remaining match funding of £2,291,460 to commission a project team and allow for the development of the pre-construction information (including surveys, advisors and project design and delivery teams as set out in the finance section). This would develop the LUF and CRP funded schemes up to submission of detailed planning applications for the relevant sites. This structure was considered the most effective method of successfully delivering the projects, whilst managing the accompanying risk.

Members were advised that the estimated budget for the professional team for the duration of the projects had been developed from a high-level indicative cost-model for each scheme to establish overall budgets, which would fund their procurement up to the submission of Planning Applications for the projects.

It was felt that for the Council to effectively oversee the projects, manage the associated risks and budgets, there was a need for strong leadership, experience and technical skills in programme and construction management. As such, the Council intended to extend the services of an experienced programme manager through an agreement with an employment agency and to allocate funding to acquire sufficient specialist legal and financial support.

As previously agreed, the Council would sign funding grant agreements with ECC to commission and deliver the three remaining projects where ECC owned the land and ran services, which were Clacton Hub (Clacton LUF), Harwich Library, and Kingsway Improvements (Dovercourt CRP).

Cabinet was told that a further report would be submitted for its consideration on the detailed projects, and its approval to develop technical designs to the level of detail required to go out to the market for procurement of main build-contracts.

In order to:-

- (1) ensure sufficient funding was allocated to procure a professional team to deliver the LUF and CRP projects up to, and including, the submission of detailed planning applications; and
- (2) ensure the Council was able to adequately oversee the projects and manage the subsequent risk effectively by funding a Capital Programme Manager and Project Manager until completion.

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

**RESOLVED** that Cabinet -

- a) endorses the revised programme delivery method for the Carnarvon Terrace and Homes for Dovercourt schemes, as a change from the previous Cabinet decision, which results in the Council managing these projects directly and not Essex County Council led partners, and recognises the need to allocate resources from total project funding available to these schemes;
- b) approves the allocation of up to £1,898,421 from the Council's remaining Levelling Up Fund Budget of £2.041m to procure professional services in order to deliver the projects through to planning submission, with expenditure from this allocation being in line with the bid submission;
- c) requires that any changes to the projects be made by Officers, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism;
- d) authorises the Corporate Director (Place and Economy), in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to procure appropriate resources and commission a project team to carry out the associated work including for the design briefs;
- e) approves the necessary exemptions from the Council's Procurement Procedure Rules in order to enable the Corporate Director (Place and Economy) to enter into an agreement with the relevant Employment Agency to extend the engagement of the Capital Programme Manager; and
- f) delegates the agreement of the final design brief and subsequent planning application submission to the Portfolio Holder for Economic Growth, Regeneration & Tourism.

**39. MANAGEMENT TEAM ITEMS - REPORT OF THE MONITORING OFFICER - A.7 - SECTION 5 UPDATE**

Further to the decision taken by the Cabinet at its meeting held on 21 July 2023 (Minute 27 resolution (d) referred), Members considered a report of the Monitoring Officer which provided an update on the actions taken by this Council in response to a breach of a statutory reporting deadline.

Cabinet was informed that this report was based on the Monitoring Officer's Section 5 report, which had been submitted to the meeting of the full Council held on 26 September 2023. That report to Council was attached as an Appendix to the Monitoring Officer's report (A.7) for Members' information and reference.

It was reported that, since Cabinet's meeting on 21 July 2023, a number of actions / events had occurred summarised as follows:-

- the Council's Statement of Accounts for 2022/23 had been published by 1 August 2023, with the period for public inspection therefore commencing on that date. This had brought to a close the period whereby the Council had remained in breach of the statutory requirement to publish the Accounts by 1 June 2023;
- reference to this issue had been included within the Annual Governance Statement 2023, which formed part of the Statement of Accounts for 2022/23; and
- the Government had now published its intended response to the on-going audit delays. Essentially, the aim behind the Government's proposed approach was to set statutory 'back stop' deadlines that required External Auditors to conclude their audit work and publish either qualified or unqualified opinions based on the level of work they had completed by those statutory deadlines.

Greater detail on those summarised points was to be found in the "Legal Requirements" section of the Monitoring Officer's aforementioned Section 5 report to Full Council.

In order to enable Cabinet to formally receive the required update from the Council's Monitoring Officer on this matter:-

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

**RESOLVED** that the contents of the Monitoring Officer's update report be noted.

The Meeting was declared closed at 11.57 a.m.

**Chairman**

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## CABINET

10 NOVEMBER 2023

### REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE

#### A.1 **DRAFT JAYWICK SANDS PLACE PLAN**

(Report prepared by Ian Ford, Committee Services Manager)

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

To enable the Cabinet to consider the recommendation made to it by the Planning Policy & Local Plan Committee in relation to the Draft Jaywick Sands Place Plan.

##### **EXECUTIVE SUMMARY**

The Planning Policy & Local Plan Committee ("the Committee"), at its meeting held on 5 October 2023 (Minute 16 refers), considered a detailed report of the Director (Planning) (A.1) which had invited its comments on the Draft Jaywick Sands Place Plan. The report had also sought the Committee's recommendation to Cabinet that it be approved for public consultation purposes.

The Committee's decision at its meeting held on 5 October 2023 was as follows:-

***"RESOLVED*** that the Planning Policy and Local Plan Committee -

*a) notes the contents of the Draft Jaywick Sands Place Plan: August 2023; and*

*b) recommends to Cabinet that the above document (forming Appendix 1 to item A.1 of the Report of the Director (Planning)) be approved for consultation with the public and other interested parties."*

##### **Housing & Planning Portfolio Holder's Comments**

"I very much welcome the recommendation from the Planning Policy and Local Plan Committee.

I would like to emphasise to everyone the importance of the Place Plan in providing a long-term strategy for the future regeneration of Jaywick Sands and, in particular, a strategy that will have been developed through positive engagement with the Jaywick Sands community."

##### **RECOMMENDATION**

**That, subject to Cabinet's consideration of the recommendation of the Planning Policy & Local Plan Committee arising from its meeting held on 5 October 2023, Cabinet resolves that the Draft Jaywick Sands Place Plan be approved for consultation with the public and other interested parties.**

##### **CURRENT POSITION**

Cabinet is now requested to consider the recommendation submitted to it by the Planning

Policy & Local Plan Committee.

The Director (Planning)'s Report and accompanying Appendix which were considered by the Planning Policy & Local Plan Committee at its meeting held on 5 October 2023 are attached as Appendices to this report.

## **BACKGROUND PAPERS**

Published Minutes of the meeting of the Planning Policy & Local Plan Committee held on 5 October 2023.

## **APPENDICES**

A1 Appendix 1 – Jaywick Sands Place Plan (Draft)

A1 Appendix 2 – Report of the Director (Planning) (item A.1) to the meeting of the Planning Policy & Local Plan Committee held on 5 October 2023



# Jaywick Sands Place Plan DRAFT Final Report



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# 1. Executive Summary

The Jaywick Sands Place Plan is a framework for regeneration of Jaywick Sands over the coming years. It sets out a vision and ambition for what Jaywick Sands can become in the future, alongside recommendations for achieving this through tangible actions and initiatives. The Place Plan has been developed through wide research, consultation and engagement and is now presented for further public consultation prior to adoption by Tendring District Council as a non-statutory development framework.

Jaywick Sands is identified as a Priority Area for Regeneration under Policy PP14 of the adopted Tendring Local Plan. Policy PP14 states that Priority Areas for Regeneration will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure, and that the Council will support proposals for new development which are consistent with achieving its regeneration aims.

The two primary challenges in Jaywick Sands are deprivation and flood risk. Jaywick Sands includes the very lowest ranked area in the English Index of Multiple Deprivation (2019), and two areas which are within the lowest 10% of all areas in England. In addition, most of Jaywick Sands falls within Flood Zone 3. Actual flood risk today includes flood depths of 1300mm (1.3m) for some homes along the seafront in the design (0.5% AEP) flood event, and rises to depths of 3m and above over the next 100 years. Therefore, improving the safety of residents in a flood event, and the flood resistance and resilience of homes, is an important part of meeting the aims of Policy PP14.

Tendring District Council has commissioned the Place Plan as a step in the ongoing cross-sectoral work to change the prospects for residents for the better.

The aims of the Place Plan is to "provide a development framework for the physical regeneration of Jaywick Sands facilitating the provision of new flood resilient homes built to modern building standards which will provide a high standard of accommodation for existing residents as well as providing land for employment opportunities and recreation and amenity areas."<sup>[1]</sup> In line with the Tendring Local Plan, the Place Plan objectives are:

- Transform housing quality and the built environment;
- Ensure long term flood resilience;
- Create greater connectivity to neighbouring areas;
- Attract commerce & new economic opportunities; and
- Improve people's life chances, access to public services & health & wellbeing

The Council has also stated that public consultation must be central to the production of the Place Plan and only with the support of the local community will the proposals be deliverable.

Jaywick Sands has many qualities that can help it become a thriving community if its challenges are overcome. With wonderful beaches, a rich history and a strong community, if its future is secured through improved flood defences and if the quality of housing and the physical environment is improved, it can become a fantastic small town with a sustainable future.

This report outlines the strategic, physical and social context for the Place Plan, and the recommended strategy for Jaywick Sand's renewal.

This report has been produced by HAT Projects, with input from Igloo Regeneration. Maccreeanor Lavington, DK-CM, Potter Raper and Antea also contributed to the early stages of the work.

"In Jaywick Sands, regeneration projects will continue to raise the standard of living in this part of Clacton. Jaywick Sands will have seen, through the provision of a deliverable development framework, a sustainable community with associated economic, community and employment opportunities."

## Tendring Local Plan vision

1 Tendring Local Plan, Policy PP14, supporting text 6.10.5

## 2. How the Place Plan has been developed

The Place Plan has been developed over a number of years commencing with initial scoping, research and informal community and stakeholder engagement by the consultant team in 2018. With a pause over the Covid-19 pandemic, work was restarted in late 2021 and a broad public consultation on initial options was undertaken in autumn 2022. The insights gained through the consultation alongside further studies undertaken by others, most significantly the Environment Agency’s Coastal Defences Study 2022, have led to the final proposed Place Plan vision, spatial framework and delivery plan presented in this report.

### 2.1 Initial options appraisal

A range of initial strategic options were developed during the first stage of development for the Place Plan. The options focused on approaches to improving housing quality and the built environment; connectivity; commerce and economic opportunities; and improving people’s life chances. Options for ensuring long term flood resilience were only partially considered, from the perspective of improving the flood resilience and safety of homes themselves rather than the community as a whole (improved flood defences). This was because the Environment Agency was completing a review of the flood defences and without this evidence base it would not be possible to develop a range of options that could be reasonably assessed.

The options developed during the initial stage considered a range of approaches to rehousing residents of substandard homes, and assumed that the powers to enforce on substandard homes are available and put to use. These options deliberately included extreme scenarios in order to ensure all approaches had been robustly tested. The options considered included:

1. Full decant and demolition of Jaywick Sands with residents rehoused in other areas
2. Comprehensive redevelopment of Brooklands and parts of the Village into new flood resilient housing and other uses
3. New mixed tenure development on all land owned by Tendring District Council including land either side of Lotus Way and Tudor Fields, including land outside the settlement framework, enabling decant and redevelopment of existing substandard homes and additional market housing

4. New affordable and social housing development on land owned by Tendring District Council inside the settlement framework only, enabling decant and redevelopment of existing substandard homes
5. Development on individual (vacant) plots owned by Tendring District Council within Brooklands
6. Purchase and redevelopment of consolidated parcels of adjoining plots in Brooklands and the Village, to redevelopment alongside Tendring owned plots
7. Public realm, environmental improvements and standalone projects to boost the local economy and address infrastructure deficits within Brooklands and the Village only (no new or replacement homes)

These options were assessed for their high level feasibility and their fit against the objectives of the Place Plan. High level viability assessments were also completed to understand the broad issues around deliverability.

Through the assessment of the advantages and disadvantages of these options, 4-7 were identified as initially preferred options to take forward for public consultation.

### 2.2 Findings from consultation in 2022

Consultation was undertaken during September and October 2022 with the Jaywick community as well as with statutory authorities and stakeholders. This was a broad-based consultation as it was the first time that the community as a whole was being engaged with the Place Plan work.

The consultation revealed a number of important insights from both statutory bodies and the local community, with regard to the objectives of the Place Plan. These are summarised below within the broad themes that the consultation was structured around.

#### Overall priorities

- The beach, and the community spirit, were seen as the most positive aspects of Jaywick Sands
- The priority most frequently mentioned by residents, was addressing the blight resulting from derelict buildings and

- disused plots.
- Residents are highly concerned about the maintenance of the public realm, fly tipping and rubbish related issues
- Residents like the character of Jaywick Sands, including the eclectic and unique character of the homes and plot patterns. They do not wish to see that character altered, while recognizing that in parts of Jaywick Sands homes are too small, particularly for families.

#### Housing quality

- Residents were critical of the failure of landlords to adequately maintain properties, as well as accepting problem tenants who caused wider social issues.
- Most homeowners that responded to the consultation are proud of their properties and wish to continue to make improvements to them
- There was support for building new homes on vacant plots, but several respondents stated that building on double plots should be the minimum, as single plots were too small.
- Building new homes was seen as positive if it reduced the number of derelict plots and encouraged other property owners to improve their homes, but was not broadly welcomed as an aim in itself.
- The new properties recently built by TDC are unpopular with residents, because they are seen as unattractive; out of character; unsafe and unsuitable for residents with disabilities or young children and the cause of overlooking and overshadowing to neighbouring properties.
- Residents raised concerns about the loss of green space and wildlife impacts if homes were built on currently undeveloped land

#### Flood risk

- The Environment Agency stated a clear position in their consultation response, that they would oppose a regeneration strategy that resulted in a net increase in the number of residents in the flood-prone areas of Jaywick Sands.
- The Fire Service also raised evacuation as a concern, including the lack of a flood safe road or access route out of the community.
- Residents also expressed concern about increasing the number

- of people requiring evacuation in the case of a flood.
- Residents were keen to see improved sea defences as well as improvements to the flood safety and resilience of individual homes.
- Homeowners are motivated to improve the flood resilience of their properties but lack knowledge about how to achieve this.
- Some residents felt they would like to move from Jaywick Sands if flooding became more regular, but the cost of doing so was a barrier.

Streets and spaces

- Residents almost all welcomed the idea of making Brooklands into a one-way street with the resultant improvements to safety for pedestrians and cyclists.
- Residents welcomed improvements to public realm around the community including more tree planting, play facilities and planting.
- Residents wanted to see more facilities in public spaces and green spaces, including outdoor gym equipment; play equipment and allotments
- The currently poor accessibility for wheelchair users and other disabled people was frequently mentioned, including to the seafront and beach; to Clacton; and to shops and services within Jaywick Sands itself
- A beach boardwalk was suggested as a way to improve access to the beach for residents and visitors
- The lack of facilities for visitors to the beach was mentioned
- The lack of bus shelters was frequently mentioned as a barrier to use of public transport.

Shops and services

- The lack of a supermarket in Jaywick Sands, and the lack of access to shops for Brooklands residents, was very frequently raised
- Residents frequently mentioned the under-provision and lack of choice in terms of grocery shops and basic day-to-day needs such as cash machines.
- Community facilities, including play areas; sports facilities; GP/ dentist provision and public toilets were mentioned by residents as lacking
- The new workspace and market building (under construction at the time of the consultation) was frequently mentioned as an opportunity but there was a lack of understanding among residents about how the units were going to be let and how this

would support the wider economy of Jaywick.

Other

- The rural setting and access to green spaces and the beach was very frequently mentioned as a positive aspect of living in Jaywick Sands, from a wellbeing perspective
- Safe and secure housing was widely recognised as being important for people’s wellbeing and life chances. Many residents recognised the potential of the beach as an economic driver
- Residents were keen to see more shops, cafes and tourist attractions

2.3 Other studies and workstreams

Environment Agency Coastal Defences Study

Alongside the development and initial consultation on the Place Plan, the Environment Agency undertook a major study into the options and costs for upgrading the coastal defences on the West Clacton to Jaywick Sands seafront.

The aim of the study was to identify and cost a preferred option in line with Treasury and DEFRA guidance and the associated Economic, Technical and Environmental requirements.

The completion of this study has allowed the Place Plan team to assess options for flood defence improvements with regard to their costs, benefits and impacts on the regeneration of Jaywick Sands as a whole. Further detail on the options considered is given in appendix C.

Healthy Housing Initiative

The Healthy Housing Initiative currently in progress, is a significant step towards addressing the priorities identified by residents and the objectives of the Place Plan. It will not only have a substantial impact on reducing poor quality homes, but will also address the waste and fly tipping issues, and improve public open spaces in the community.

It is important that the latter element of the programme is informed by the wider Place Plan strategy.

Viability assessment

High level viability assessment of development options within Jaywick Sands confirmed that the viability of both new-build homes on currently undeveloped land; and development of new homes on plots within the existing built-up areas; is heavily negative. This is due to the low property values for new-build homes within Jaywick Sands; the relatively high costs of acquiring plots to redevelop due to the relatively high rental yield for even low-quality properties; and the disproportionately high construction costs for development in Jaywick Sands due to poor infrastructure and ground conditions.

This confirmed that unsubsidised private sector-led development cannot be relied upon to deliver the change required to improve Jaywick Sands and that achieving the vision of the Place Plan will require substantial grant funding or long-term social impact investing.

Other projects currently being implemented in Jaywick Sands

A range of physical regeneration projects are already starting to have a positive impact on quality of life and economic opportunities within Jaywick Sands:

- The opening and activation of the new workspace and market building, and associated public realm, with markets, events and activities drawing in locals and visitors and changing perceptions of Jaywick Sands
- Improvements to the seafront walking and cycling route to Clacton through the Active Essex programme
- Upgrades to the sea defences at Cockett Wick by the Environment Agency, reducing the risk of flooding from this section of the sea wall, which was assessed as having a lower crest height and worse condition than the other parts of the sea wall.

The Place Plan has taken these projects into account in developing the development framework. Future projects, whether led by Tendring District Council or by other delivery agencies, should be aligned with the Place Plan framework to ensure a joined-up approach.



### 3. Vision and summary of the Place Plan framework

#### 3.1 Vision

The vision for Jaywick Sands is to be a thriving community that makes the most of its coastal location and unique character, while being resilient to the risks posed by sea level rise.

- Improved flood defences will maintain protection against the sea while creating a attractive and accessible seafront for residents and visitors, increasing tourism and the local jobs it supports
- Residential streets will see vacant and derelict plots brought into use for a range of functions. New homes will be distinctive and beautifully designed, and flood safe, on well-sized plots that provide good amenity for their residents
- Property owners will be improving existing homes and rental properties, and have the support and guidance they need to make them more flood safe
- Streets and spaces will be green, attractive and well-used, helping residents lead active lives and making it easier to get around.
- The community will have the shops and services it needs within a short walk of every home.

The Place Plan development framework includes the following components:

- Flood defence design framework that integrates wider improvements to the seafront public realm, accessibility of the beach, and minimises the impact on existing seafront properties. This includes converting Brooklands to a one-way street with footways on both sides and a fully segregated cycle track.
- Design and delivery framework for improving the residential areas by redeveloping vacant and derelict plots for suitable new uses, and replacing poor quality homes that are unsafe and lack flood resilience, with good quality new homes, in line with the adopted Jaywick Sands Design Guide SPD
- Land use plan identifying areas where commercial and community uses should be safeguarded and additional space developed to ensure day-to-day needs for shops, services and social infrastructure are met in full.
- Improvement to green spaces to support active lifestyles, wellbeing and community activity, alongside greening and biodiversity gains.
- Improvement to walking and wheeling routes, including a new north-south route across Tudor Fields which can be used for emergency access and evacuation in a flood event, and improvements to bus stops to increase the use and accessibility of public transport.
- Recommendations for improvements to surface water and foul drainage infrastructure

Over the long term, the improvement of flood defences is a pre-condition for Jaywick Sands to thrive and sustain a community. While improvement of flood defences will make Jaywick Sands safer, there will always remain residual risk and in the event of overtopping or breach of defences, evacuation of residents will need to be practical and safe.

For this reason, the Place Plan framework is designed to ensure there is no increase in the population living within the parts of Jaywick Sands at risk of flooding now and in the future, and to increase the safety and flood resilience of the community. New homes will only be developed when this assists with replacing existing, less safe, homes off the market, by rehousing residents.

Given the residual flood risk that will remain even when flood defences are improved, residents - particularly those who have poor mobility or long-term health conditions - should have options for where and how they wish to live. The Place Plan therefore includes:

- An aspiration to develop financial viable options for residents to relocate outside the area of flood risk, should they wish to do so
- Guidance and technical support for property owners to improve the flood resilience and safety of their homes, and an aspiration to develop funding options.

The community of Jaywick Sands must be at the heart of the regeneration process and fully involved with how it is delivered. The Place Plan must therefore involve:

- A community engagement and stewardship strategy to support genuine resident involvement and capacity building, to capitalise on the strong local culture of mutual aid, and to build a positive partnership between the local authorities and statutory bodies, and the local community.

Delivering real change in Jaywick Sands will be a long term process and the Place Plan should be considered a living framework that is updated and evolved as conditions alter. This report includes recommended next steps, quick wins, and a high level delivery and funding assessment in order to assist Tendring District Council and wider stakeholders in delivering on the Place Plan vision.



3.2 Spatial framework

Place Plan components















-  Renewed flood defences integrating improved public realm, improved accessibility to beach, and conversion of Brooklands to a one-way street
-  Existing residential areas where new design and delivery approach to redeveloping vacant and derelict plots, and replacing poor quality homes that are unsafe and lack flood resilience, with good quality new homes, is applicable
-  Areas where existing commercial and community uses should be safeguarded, and where redevelopment to create additional business, retail and community facilities should be permitted.
-  Sites where development of new business, retail and community facilities, as part of a masterplanned approach (with new and replacement parking), is appropriate.
-  Improved public open spaces to support active lifestyles, wellbeing and community activity, alongside greening and biodiversity gains.
-  New walking and wheeling route across Tudor Fields, suitable for emergency access and evacuation in a flood event.
-  New fully accessible access points to beach
-  New beach boardwalk suitable for wheeling and walking
-  New/improved footpaths increasing access to green spaces for recreation and exercise
-  Improvements to existing alleyways
-  Improvements to bus stop facilities
-  Potential future residential / holiday accommodation development (no net increase in permanent residents within Flood Zone 2/3)



Fig. 1. Spatial framework of Jaywick Sands Place Plan

Local Plan policy designations

-  Settlement boundary
-  Priority Area for Regeneration and Place Plan boundary

3.3 How the Place Plan meets the objectives in the Tendring Local Plan

Objectives (from Tendring Local Plan)	Success indicators relevant to the Place Plan	How the Place Plan meets this objective
Transform housing quality and the built environment	<ul style="list-style-type: none"><li>• Proportion of homes which meet the Decent Homes Standard*</li><li>• Proportion of homes with central heating*</li><li>• Proportion of homes which are flood resilient</li><li>• Number of accessible and adaptable and wheelchair adapted homes (M4(2) and M4(3) homes as defined in the Approved Documents for the Building Regulations)</li><li>• Proportion of homes with an EPC rating of C or above</li><li>• Reduction in vacant and/or derelict plots or buildings</li><li>• Proportion of streets which have been upgraded to an adoptable standard in terms of design</li><li>• Reduction in environmental crime (fly-tipping)</li><li>• Fewer road traffic accidents*</li></ul>	<ul style="list-style-type: none"><li>• Design and delivery framework for redeveloping vacant plots for suitable new uses, and replacing poor quality homes with new, high quality and flood resilient homes</li><li>• Flood defence design framework that integrates wider improvements to the seafront public realm, accessibility of the beach, and minimises the impact on existing seafront properties.</li><li>• Public realm design framework and delivery plan that will improve the safety and attractiveness of streets and spaces</li></ul>
Ensure long term flood resilience		<ul style="list-style-type: none"><li>• Flood defence design framework that maintains a 0.5% AEP standard of protection for c.100 years.</li></ul>
Create greater connectivity to neighbouring areas	<ul style="list-style-type: none"><li>• Improved standard of protection from flood defences</li><li>• Proportion of homes which are flood resilient</li><li>• Improved access for emergency services in the event of a flood</li></ul>	<ul style="list-style-type: none"><li>• Design and delivery framework for replacing poor quality homes with new, high quality and flood resilient homes</li><li>• New emergency access and evacuation route at a safe level</li></ul>
Attract commerce & new economic opportunities	<ul style="list-style-type: none"><li>• Road distance to: post office; primary school; general store or supermarket; GP surgery*</li><li>• Increase in quantity (km length) of segregated and well-lit cycle routes to local destinations.</li><li>• Number of bus stops with shelters and seating</li></ul>	<ul style="list-style-type: none"><li>• New and improved walking and wheeling routes including more direct route to the primary school and GP surgery and a car-free cycle route along the seafront</li><li>• Improvements to bus stops.</li></ul>
Improve people's life chances, access to public services & health & wellbeing	<ul style="list-style-type: none"><li>• Increased job density and increased number of locally based businesses</li><li>• Lower unemployment*</li><li>• Increased visitor numbers and spend</li></ul>	<ul style="list-style-type: none"><li>• Sites identified for development of additional commercial space.</li><li>• Significant improvements to the beach and seafront to increase the visitor economy and associated local jobs</li></ul>
	<ul style="list-style-type: none"><li>• Reduced household overcrowding*</li><li>• Increased proportion of homes meeting Decent Homes Standard*</li><li>• Reduced income deprivation (as per IoD2019 Income domain indicators)*</li><li>• Lower unemployment*</li><li>• Improved levels of education and skills in the community (as per IoD2019 Education, skills and training domain indicators)*</li><li>• Road distance to: post office; primary school; general store or supermarket; GP surgery*</li><li>• Increased availability and range of local shops and services within a 15 minute walking radius of each home.</li><li>• Improved health indicators (as per IoD2019 Health deprivation and disability domain indicators)*</li></ul>	<ul style="list-style-type: none"><li>• Design and delivery framework for replacing poor quality homes with new, high quality and flood resilient homes</li><li>• Sites identified for development of additional commercial space, increasing employment and training opportunities</li><li>• New walking and cycling route that reduces the distance to the primary school for a substantial proportion of the community</li><li>• Sites identified for additional retail and local services</li><li>• Improvements to active travel routes and public open spaces designed to encourage active lifestyles and improve health and wellbeing</li></ul>

\* These indicators form part of the English Indices of Deprivation 2019 (IoD2019) assessment and therefore improvements to those would directly impact on the measured deprivation of Jaywick Sands.



3.4 Delivering the Place Plan

Delivering the Place Plan vision will require coordinated work by a range of partners and with the full involvement of the community. It must be emphasised that while the Place Plan sets out a vision and an accompanying framework for guiding change in Jaywick Sands, achieving this will require substantial investment and is currently unfunded. Delivering the strategy set out in the Place Plan in full is likely to require a 20 year timeframe.

The following is a high-level summary of delivery and funding considerations for each part of the development framework. Further detail is given in the subsequent chapters.

Flood defence and seafront public realm

- While this element of the Place Plan will be the most challenging to deliver, securing protection against sea level rise is a precondition for the sustainability of Jaywick Sands as a community.
- The delivery of the preferred option for upgraded flood defences, which integrates this with a significant amount of new public realm, improved accessibility to the beach and new facilities, will require a very substantial funding commitment in the region of £84m (2023 values)..
- Delivery of the new seafront will be a highly complex project which will need to be phased due to the length of the frontage.
- Flood Grant in Aid (FGiA) will be available after 2030 but cannot be drawn down prior to this.
- The one-way system on Brooklands should be piloted at an early stage as a temporary intervention pending the delivery of the full seafront improvements
- The further beach enhancements, such as the boardwalk, are relatively low-cost and deliverable either as a standalone project or in conjunction.

Improving residential areas

- In order address the blight resulting from vacant and derelict plots, and start to improve housing quality in existing residential areas, the priority action is for most currently vacant and derelict plots to be purchased. While the value of vacant plots is low, this will require capital funding.
- Redeveloping vacant plots for suitable uses, including for new flood-safe homes, will also require investment although in the long term, as values rise, this is likely to provide a return. Along

with the purchase of suitable vacant plots, the funding required may be in the region of £8-10m (2023 values) for this first tranche of redevelopment (which comprises around 30 homes and other improvements).

- A range of potential models can be considered to fund this, including long-term institutional investment, but will require initial investment via public funding.
- It is essential that a strong link is created between building new flood-safe homes and taking existing unsafe homes out of circulation, whether through further site purchase or through enforcement action on homes of the poorest quality. This will require further work to establish the most suitable approach.
- Options to allow residents to relocate outside the areas of flood risk require further work to develop, but could result in the acquisition of a number of plots that can then be added to the redevelopment programme over time.
- Guidance and support for property owners to improve their properties and make them more flood resilient is relatively easy and inexpensive to provide in comparison to the costs of site purchase and redevelopment. This should be considered as a 'quick win' for early implementation.

Business space, shops and local services

- Consideration should be given to directly developing and letting further space for commercial use and to accommodate local services of which there is an evidenced deficit.
- This will need to be informed by the evaluation of the Sunspot workspace building and will require funding to be sought and committed. The nature of funding required should be established through further feasibility and demand study work.
- Incentives for existing property and business owners to upgrade their commercial units - for example, shopfront improvement grants - should also be considered. These can be a relatively low-cost way to improve the environment and the streetscape and could be considered as a quick win.
- Partnership working with service providers will be required to establish the scope and management strategy for additional local services and to date little response has been received from service providers.

Public open spaces

- Public open space improvements are relatively low-cost and simple to deliver, and will have a substantial impact on both the quality of place and the quality of life for residents.

- The public open space projects should be delivered as 'quick wins' leveraging funding from a range of sources.
- Funding required to deliver all the open space improvements identified may be in the region of £3-£3.5m.

Accessibility and connectivity

- The implementation of a new walking and cycling route across Tudor Fields, which can also be used for emergency evacuation and access, should be seen as a strategic priority. While this is the most substantial cost associated with accessibility improvements, it will have the greatest impact on residents.
- Other accessibility and connectivity improvements are small-scale and relatively low-cost, and can be delivered as a package or as a series of stand-alone projects as funding becomes available. These are also suitable for 'quick wins' which can have a high impact.
- Funding required to deliver all the accessibility and connectivity improvements identified may be in the region of £5-£5.5m.

Drainage infrastructure

- The surface water and foul drainage network will require partnership working with the statutory providers to address.
- Works to improve the network and make it resilient to increased stormwater flows as a result of climate change will be costly and disruptive and will require phasing.
- The scale of funding required cannot be established without further engagement with statutory providers including Anglian Water and the Environment Agency.

Community engagement and stewardship

- Effective community engagement is a prerequisite for successful regeneration in Jaywick Sands. Capacity building in community leadership should be considered and robust governance and participatory structures put in place at an early stage.
- Sustained commitment to funding community engagement on the ground in the community is required.

# 4. Background and baseline conditions

Jaywick Sands is located on the Essex coast, in Tendring District. The village of just under 4,800 residents (2,600 households)<sup>[1]</sup> is sited along the seafront a few miles south-west of Clacton-on-Sea.

A century ago the village did not exist. The plotlands settlement was founded in 1928 and most of the estate was not purpose built for permanent year round occupation. The responsibility for provision of services, and for protection against flooding, has remained a point of contention between residents and the authorities since the founding of the estate.

The original appeal of Jaywick Sands was as an affordable place, relatively close to London, where Londoners could independently own a plot and a chalet for holidays and later, retirement. Elsewhere, plotlands communities of this nature are almost unrecognisable today, having been either redeveloped or demolished. A combination of social, political, economical and geographic factors have meant that Jaywick Sands has retained its distinctive low-rise, self-built character, and strong community, although currently it is best known for including officially the most deprived statistical area in the UK.<sup>[2]</sup>, and for being at high risk of tidal flooding which is worsening as climate change takes place.

- The Council's objectives for Jaywick Sands in the Tendring Local Plan aim to address these challenges. These objectives are to:
- Transform housing quality and the built environment;
  - Ensure long term flood resilience;
  - Create greater connectivity to neighbouring areas;
  - Attract commerce & new economic opportunities; and
  - Improve people's life chances, access to public services & health & wellbeing

Wide partnership working is required to deliver these objectives. The Place Plan, as a development framework for physical change, can directly support some of these objectives, and indirectly support the delivery of others. This section sets out the current baseline conditions relating to each objective, as the evidence base supporting the development of the Place Plan strategy.

1 Office for National Statistics (2012): 2011 Census data  
2 Index of Multiple Deprivation (2021): 2019 data



Fig. 2. Location of Jaywick Sands in the wider area



4.1 Development of Jaywick Sands over time

- 1928
- Frank C. Stedman, resort developer, purchases land at Jaywick.
  - Construction begins on road link between Jaywick Lane and Clacton (West Road).
- 1929
- Stedman begins to build the first few chalets in Jaywick Sands, initially as permanent homes west of Lion Point. Works are interrupted by disputes with local authority around flooding and service provision.
  - Development of 800 homes, described as seasonal 'beach huts' in Brooklands & Grasslands area.
- 1930-1934
- Construction of chalets in the Village, on slightly more generous plots, often tandem plots, which were also considered and advertised as seasonal homes or beach huts. In practice these were often occupied for extended periods, and in some cases year round rates were paid.
  - Formation of Jaywick Sands Freeholders Association.
- 1935-1939
- Development of the Tudor Estate to the north of the Village as permanent homes.
  - Opening of Butlin's Clacton holiday camp.
- 1945 - 1952
- Plot holders return to Jaywick Sands, pre-war holiday makers become post-war retirees.
  - Sea defences improved, portion of costs covered by residents of Jaywick.
  - Flooding and erosion of seafront areas continues to be an issue.
- 1953
- Major flooding of East Coast, 35 lives are lost in Jaywick.

Key

<div></div>	Brooklands & Grasslands	<div></div>	Martello Tower
<div></div>	Village	<div></div>	Butlin's
<div></div>	Tudor Estate	<div></div>	Other holiday park
<div></div>	Guinness Trust housing	<div></div>	Clacton urban area

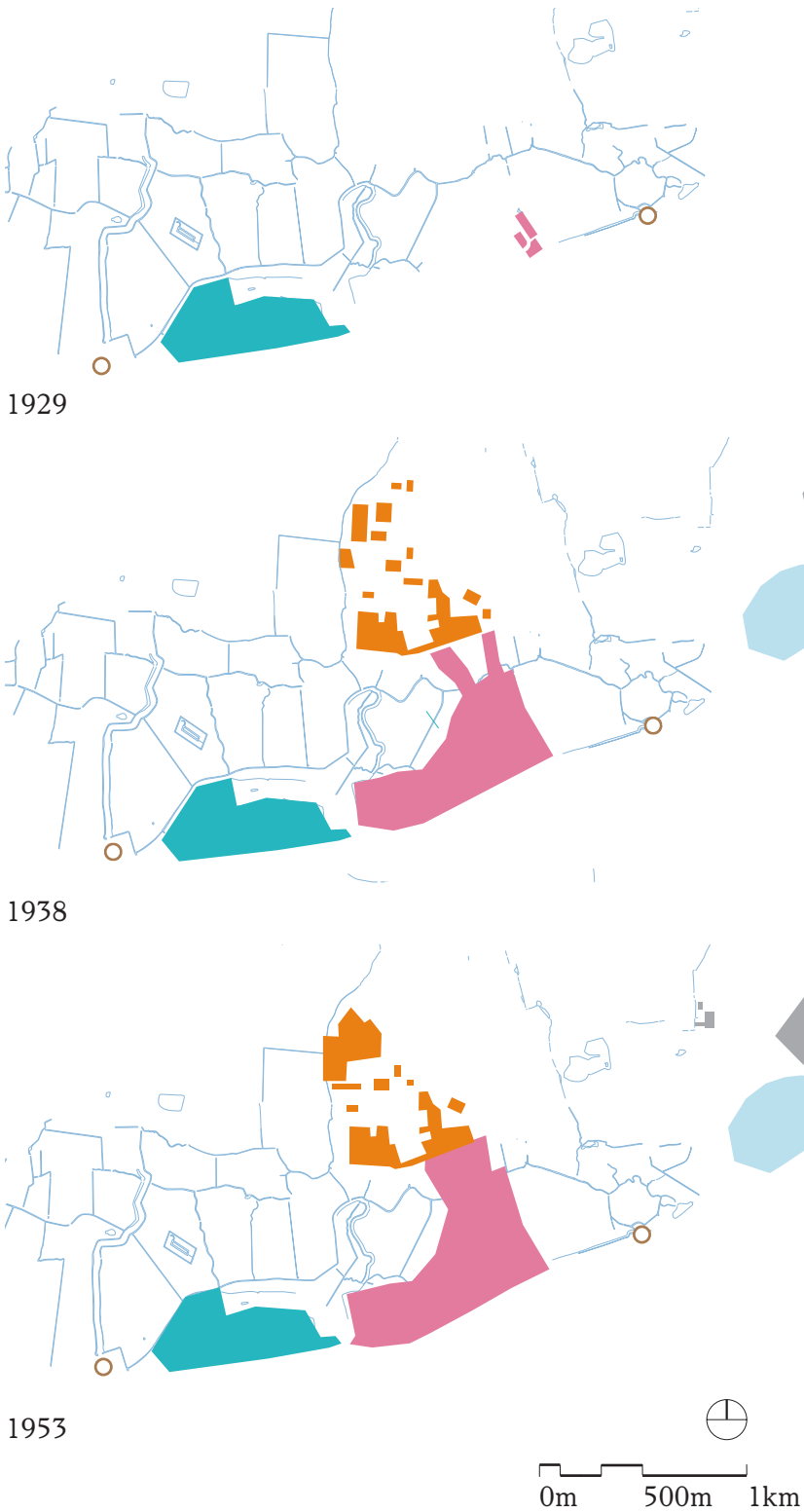


Fig. 3. Development of Jaywick Sands. Source: Historic map records.



Fig. 4. Jaywick Sands, c1930 ©Unknown



Fig. 5. Estate office, 1936 ©Unknown



Fig. 6. Vintage postcard, 1950s ©Unknown



- 1954-1970
- Rapid recovery of Jaywick Sands.
  - Development of Seawick holiday park at St Osyth Beach.
  - Retirees continue to move to Jaywick Sands.
  - Brooklands and Grasslands remain without basic services.
- 1971-79
- Failed Council attempt to compulsorily purchase and demolish most of Brooklands and Grasslands.
  - Local government restructure results in new Tendring District Council, who begin to issue formal planning guidance for plotlands, but space requirements cannot be met on small plots.
  - Recession drives in Jaywick residents who cannot afford to buy elsewhere.
  - Formation of Brooklands and Grasslands Residents Association.
- 1980-1989
- Basic utilities including drainage are installed in Brooklands and Grasslands area.
  - Butlin's Clacton closes.
- 1990-1999
- Jaywick Community Resource Centre opens.
  - Jaywick Enterprise Centre opens.
- 2000
- Guinness Trust builds 30 houses and 10 bungalows - wins awards at the time. Planned second phase never completed.
- 2007
- TDC commissioned masterplan proposes demolition of 500 homes in Brooklands, is abandoned after community opposition.
- 2009
- Jaywick Martello Tower converted to arts, heritage and community venue.
  - Jaywick Sands Freeholders Association wound up.
- 2010
- Jaywick is named most deprived place in England on Index of Multiple Deprivation.
- 2015
- Jaywick is again named most deprived place in England on Index of Multiple Deprivation.
  - Jaywick Vision Plan 2015-2025 report and consultations.
  - Improvements to Brooklands & Grasslands streets (drainage and surfacing) - completed 2017.

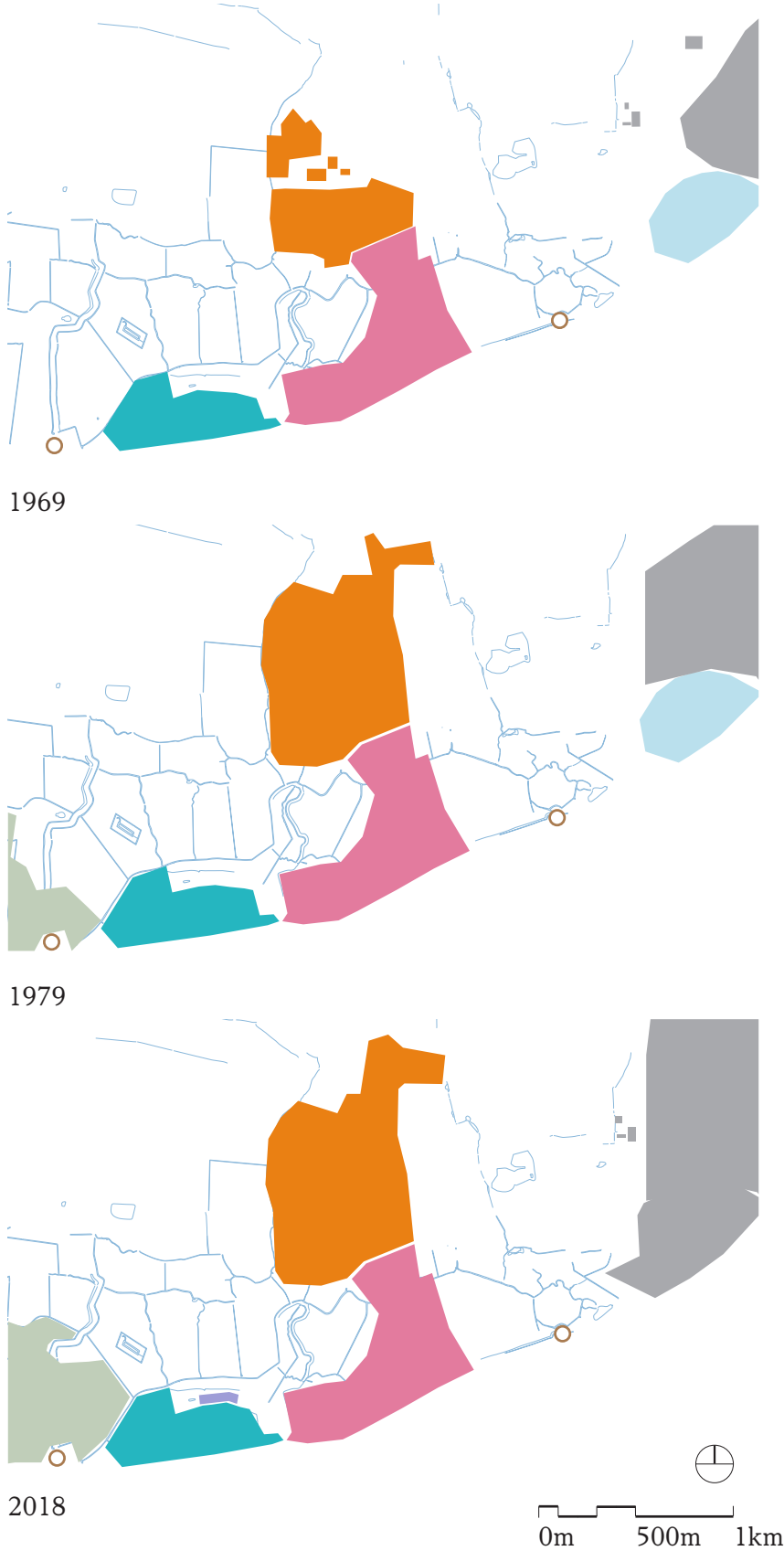


Fig. 7. Development of Jaywick Sands. Source: OS historic map records.



Fig. 8. Flood in 1953



Fig. 9. The beach, 1980s



Fig. 10. Sunspot, 1950s



4.2 Jaywick today

The Jaywick Sands Place Plan covers the existing built up areas known as the Village, Grasslands and Brooklands, alongside approximately 30 hectares of adjoining land recently acquired by Tendring District Council.

Jaywick sits within the West Clacton and Jaywick Sands ward. Jaywick Sands as a whole, including the Tudor Estate is divided for statistical analysis into three Lower Super Output Areas (LSOAs), which do not align with physical subdivisions within Jaywick, but comprise areas of similar size in population terms. The LSOAs are used in a range of national datasets, including Census and the Index of Multiple Deprivation.

Tendring 018A LSOA includes all of Brooklands, Grasslands and part of the Village - the oldest parts of the settlement. This LSOA was ranked as the most deprived area in England and Wales on the Index of Multiple Deprivation in 2010, 2015 and again in 2019. The adjacent LSOA, Tendring 018C, is also in the bottom 5% according to the Index of Multiple Deprivation 2019, and Tendring 018B (mainly the north of the Tudor Estate) scores in the bottom decile across 3 of the 7 deprivation indices. These statistics are further supported by 2011 census data, other reports and datasets.

Despite the challenges faced by those living in the area today, the community is largely strong and resilient. Various organisations, led by local community leaders, are actively working to improve life in Jaywick Sands, alongside the work of grassroots charities and social enterprises, and initiatives supported by the public sector at local, county and national level.

Some of the social enterprises, residents groups and other organisations active in Jaywick Sands are:

- Jaywick & Tudor Residents Association
- Jaywick Residents Forum
- Jaywick Sands CIC
- Jaywick Sands CLT
- Inclusion Ventures
- Jaywick Sands Happy Club
- Martello Tower/Friends of Martello Tower
- Community Resource Centre
- Golf Green Hall
- Dig 4 Jaywick
- Community Volunteering Service Tendring
- TDC Neighborhood Wardens

Residents' views

Aspects of Jaywick Sands that the community feel are important, positive or want to change were identified by residents themselves through consultation on the Place Plan held in autumn 2022. The aims of the consultation were to centre the local community in the process of the regeneration strategy, inform on key issues, gain insight on their priorities and build trust for continued collaboration. Examples of the most frequently mentioned aspects included:

*'I love the slow pace of life, access to a beautiful beach, friendly people, I like the fact I feel safe here.'*

*'The beach & the sense of community'*

*'The unspoilt beach. The surrounding green fields. Living in a small friendly village. Low traffic. Rural location.'*

*'Empty properties, should be tidied up - it's disgusting & embarrassing.'*

*'Improve housing. Clear rubbish in public areas, and maintain the roads.'*

*'Cleaner, more bins, more rubbish collection, improved recycling'*

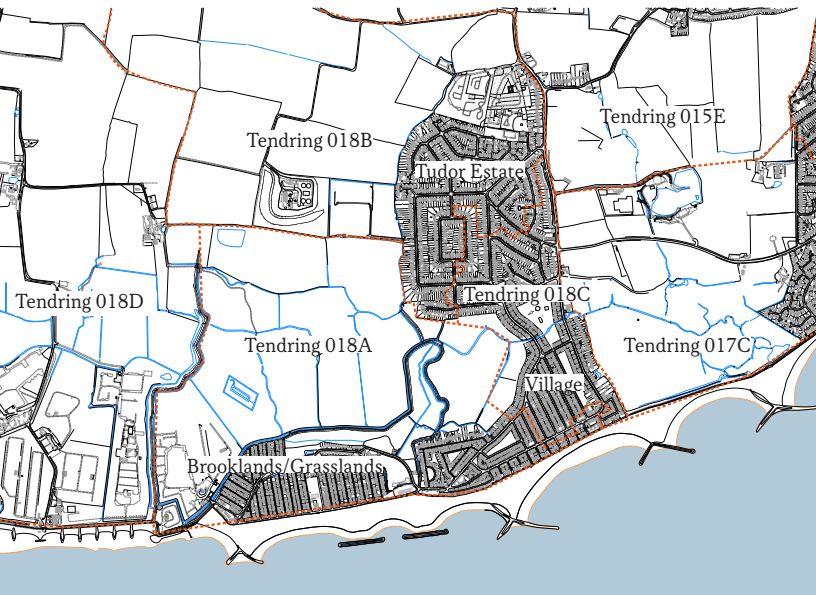


Fig. 11. Boundaries of Lower Super Output Areas in Jaywick Sands



Fig. 12. Sea Holly Way



Fig. 13. View of the grassy dunes at Jaywick beach

4.3 Age profile

Jaywick has an aging population with almost a quarter of residents aged over 65. Tendring also has a higher than average concentration of older people, which is not unusual for coastal districts as they tend to be retirement destinations, even more so for populations directly on the coast, such as Jaywick. The national average is around 10% aged 75 or over, with the bulk of the population aged between 19 and 49.

At LSOA level, it is clear that the older generations are concentrated to the east and north of Jaywick Sands (018B, and 018C i.e. the Tudor Estate and north Village), whereas in Grasslands, Brooklands and the west part of the Village (018A) although the houses are smaller and in worse condition, there is a higher concentration of children and young people. There are 345 children (under 18) in LSOA 018A.<sup>[1]</sup>

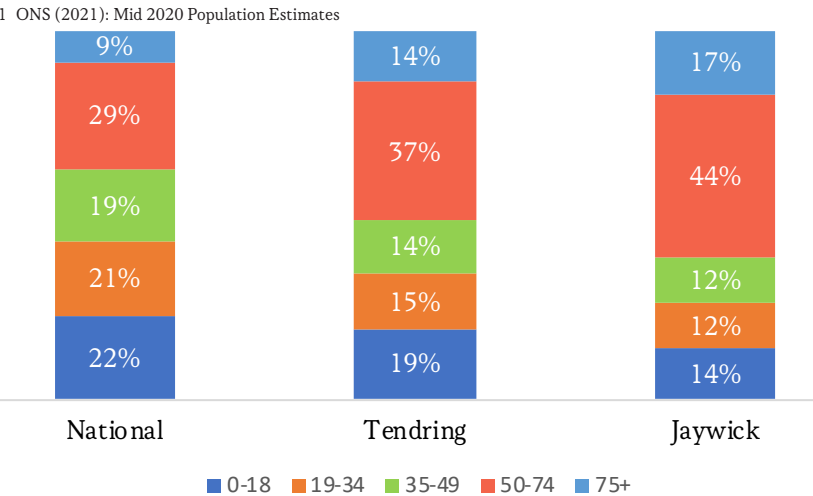


Fig. 14. Diagram showing age profile  
ONS (2021): Mid 2020 Population Estimates

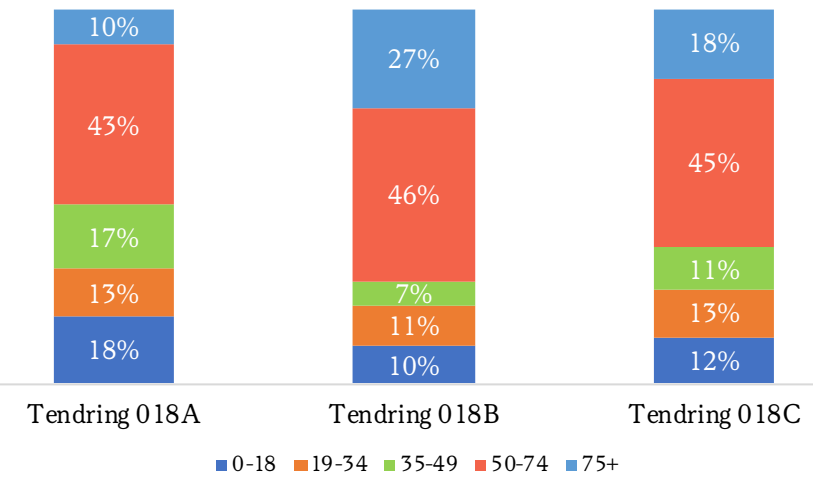


Fig. 15. Diagram showing age profile from Jaywick LSOA level  
ONS (2021): Mid 2020 Population Estimates

4.4 Household composition

Jaywick Sands has a high proportion of single person households compared to both Tendring and national averages. However, of the 46% of households which comprise only one person, more than half are aged over 65, which is lower than the rest of the district.<sup>[2]</sup> This indicates a significant portion of the relatively high number of inhabitants living in single person households, are not part of the retirement community.

Compared with the district and the wider national averages, few households have dependent children, which is consistent with the overall age profile. The proportion of households with dependent children is around 30% nationally, in Jaywick Sands the figure is around half of that, which is in accordance with the data on age.<sup>[3]</sup>

Over 20% of households in Jaywick Sands are lone parent, which is above the national and Tendring average.<sup>[4]</sup>

Overcrowding in Brooklands, Grasslands and The Village (LSOA 018A) is indexed at 0.94 while it is very low in the other two output areas<sup>[5]</sup>. This compares to an average in Tendring of 0.51 and a national average of 0.86. It can be surmised that the very small house size, and high proportion of children in Brooklands and Grasslands has led to an unacceptable level of overcrowding which contributes to the high level of deprivation in these areas.

4.5 Health profile

The general health in Jaywick Sands is poor, with over 20% of residents in 'bad health' or 'very bad health'<sup>[6]</sup>. Across Jaywick Sands less than 25% of residents are in 'very good health', while Tendring district averages at 40%, and nearly 50% nationally.

There is not much variation between LSOAs, though Brooklands and Grasslands are worse off, with poor health almost five times higher than the national average. As this area actually has the youngest age profile of all the Jaywick LSOAs, it is particularly concerning that the concentration of poor health is found in this area. This also correlates with IoMD data on health.

2 ONS (2023): 2021 Census data  
3 ONS (2023): 2021 Census data  
4 ONS (2023): 2021 Census data  
5 Index of Multiple Deprivation (2021) 2019 data  
6 ONS (2023): 2021 Census data

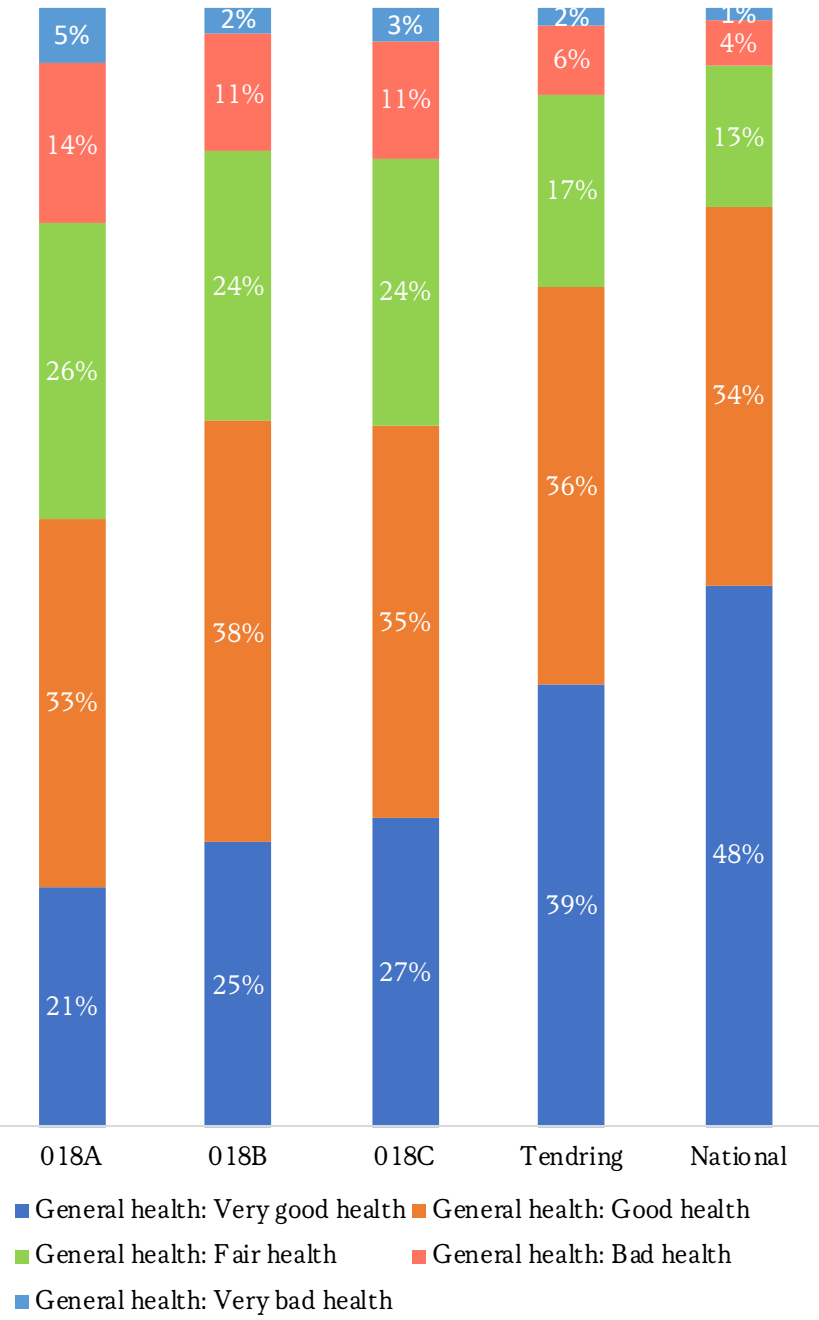


Fig. 16. Diagram showing health profile at Jaywick LSOA level  
ONS (2023): 2021 Census data, health.

4.6 Economic profile

The Tendring Economic Strategy evidence base (2019) shows that Jaywick Sands has an extremely low availability of local employment. There are only 325 jobs in the settlement, representing a job density of 1 job to every 16 residents: this compares to a ratio of 1:3 for Tendring as a whole.



Jobs within Jaywick Sands comprise:

- Tourism (80 jobs)
- Retail (70 jobs)
- Health and care (130 jobs)

ONS Business register and employment data shows largest employers in Tendring district are:

- Wholesale retail and trade
- Human health & social work
- Education

Other significant sectors include, accommodation/food services, manufacturing, construction, transport and storage.

Barriers to these wider opportunities include geographical isolation from centres of employment and education or training, as well as an insufficient and unaffordable public transport service. The general high level of deprivation exacerbates the situation further.

4.7 Employment and skills profile

Residents in full and part-time employment are significantly fewer than the national and district averages. Of employed residents, a higher proportion are self-employed than the national and district averages.

Approximately 60% of the population is classed as economically inactive, much higher than the district and national averages<sup>[7]</sup>. The 41% of retired residents contribute to this, though proportions of long term sick and disabled persons are also very high, both of these categories are around three times the national average.

The proportion of residents classed as looking after the family is similar to the national average, though the statistics on household composition show that proportionally, Jaywick Sands has half as many households with dependent children as the national average.

Employed residents of Jaywick Sands typically work in:

- Low skilled occupations such as care and leisure
- Elementary occupations
- Skilled trades

Self employment of skilled tradespeople is evident through informal conversations with residents, many of whom have

7 ONS (2023): 2021 Census data

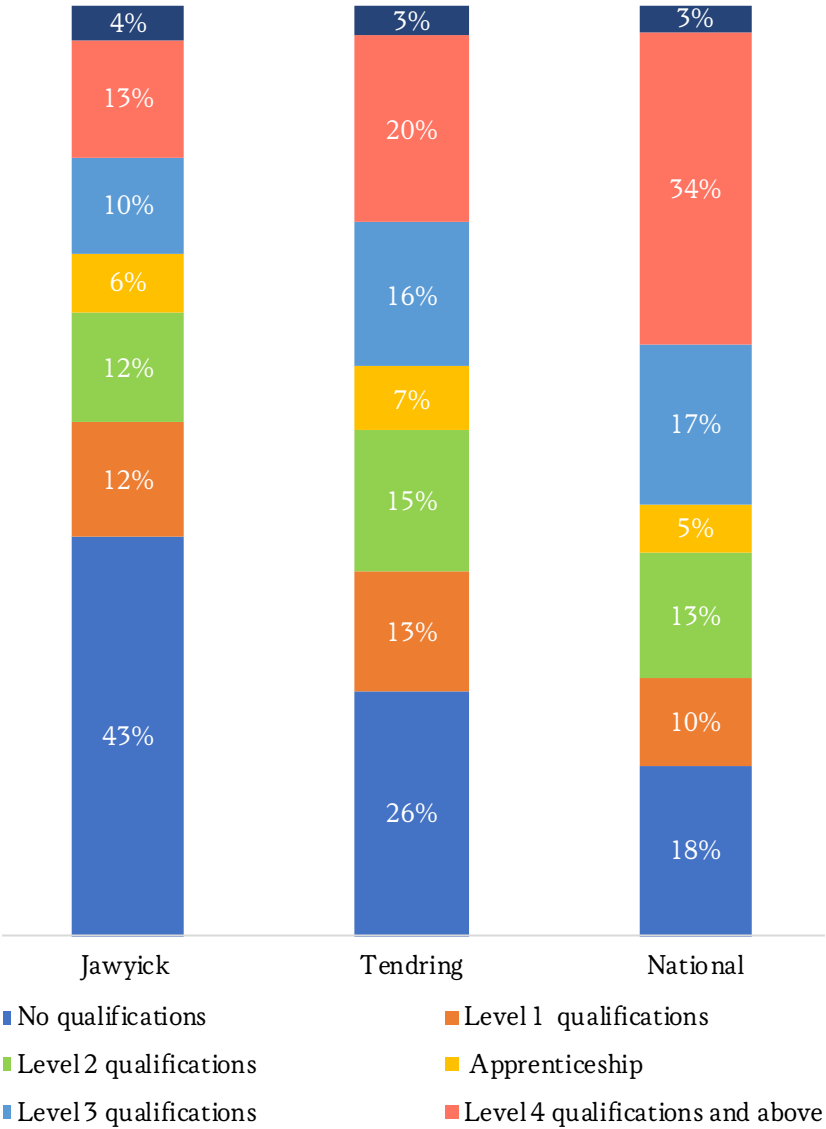


Fig. 17. Diagram showing qualifications profile.  
ONS (2012): 2011 Census data

connections with people in those sectors.

4.8 Education & skills

There are few students going into higher education, and post-16 education take-up is lower than average. The number of residents of working age with no formal qualification at all is high, around 43%.<sup>[8]</sup>

8 ONS (2023): 2021 Census data

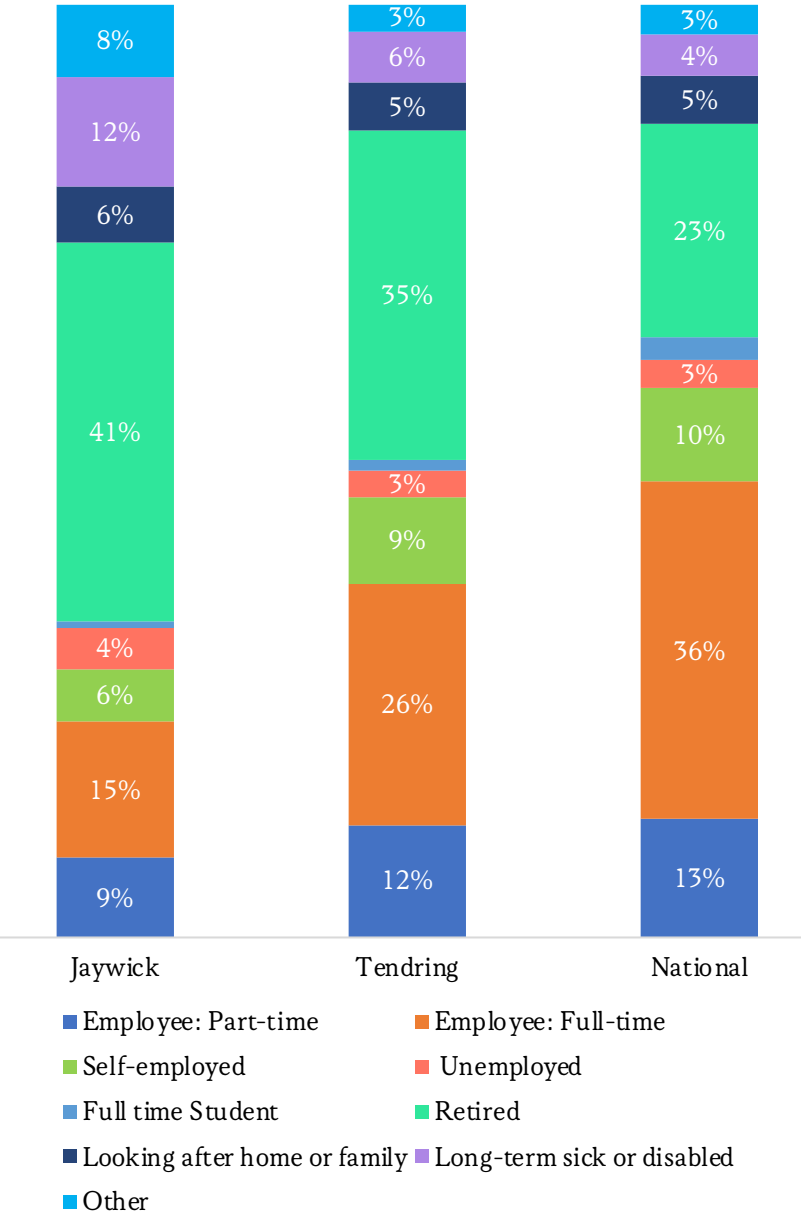


Fig. 18. Diagram showing employment profile  
ONS (2012): 2011 Census data

Residents' views

When asked what could be done to improve life in Jaywick Sands, residents' responses included:

'Greater employment opportunities'

'More business for working wise so they can keep up with the rents'

'Bus improvement to get to and from Jaywick'

4.9 District level services and connectivity

One of the key economic and social challenges of Jaywick Sands is its physical isolation. For a community where car ownership is much lower than average, due to the low income of its residents, access to jobs and services is challenging and leads to a cycle of unemployment, poor health and lack of opportunities for children and young people. The cost of public transport also represents a barrier to seeking employment outside of Jaywick itself.

The mapping demonstrates the physical distance of Jaywick to key services and amenities through its geography, many of which are also identified in the Jaywick Sands Infrastructure Assessment (JSIA). They are also factors considered in the Indices of Multiple Deprivation, which measures physical as well as financial barriers to services, alongside other indicators of deprivation.

- The bus service to Clacton 4/4A (Hedingham) runs daily from between 7am and 10pm, Mondays to Saturday. At peak times there are around 3no. buses an hour, with up to 5 between 9am and 10am. Outside of these times the service is reduced to hourly. Journeys at 11pm operate on Saturdays only. The bus operates hourly on Sundays from 9am to 6pm. The journey time is around 20 minutes.
- The bus service 76 or 76X (Hedingham) to Colchester begins in Jaywick, running twice before 8:30am Monday to Saturday, though it does not stop in Jaywick on the return journey. Residents can take the 4/4A to and from Clacton from where the 74 (Hedingham) and 76 (First Essex) operate between Clacton and Colchester more regularly.
- Colchester General Hospital is a 20 mile distance, equating to a 35 min car journey, or 1h 40min bus journey
- Clacton & District Hospital is located a 5 min car journey or 20 minute bus journey away. Services are limited, though do include a walk-in Minor Injuries Unit.
- The nearest secondary schools are located in Clacton. The distance to the existing secondary schools are well above the recommended 1,500m distance.
- Jaywick Community Library and West Clacton Library are within a 2.5km catchment, with Clacton Library a 20 min bus journey away.
- There are a number of convenience stores in Jaywick, located in the Village and Tudor Estate. The closest supermarkets are in Clacton, with a the majority of larger stores north and east of the centre, farthest from Jaywick Sands.

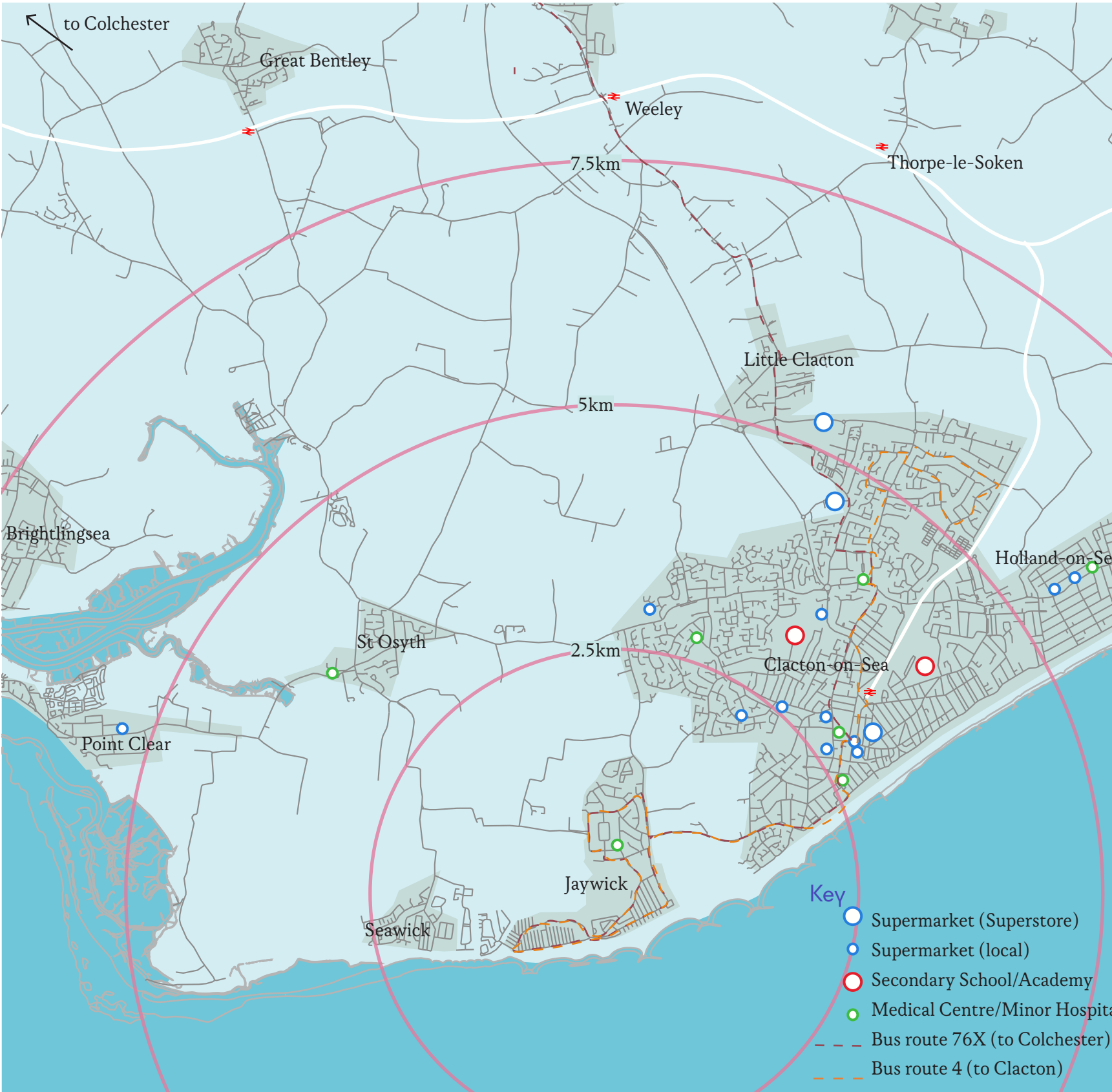


Fig. 19. Distance of key services and amenities for Jaywick wider area



4.10 Ward level services and connectivity

The form and plan of Jaywick Sands is set within the drainage ditches that have divided the marshes for centuries, as evidenced in historic maps of the area. This pattern has resulted in a single main access road in and out, as a result residents of Brooklands, Grasslands and parts of the Village, are very far from the primary healthcare services, primary school and other amenities which are located mainly in the Tudor Estate. Access to commercial amenities are also poor for these residents.

- Brooklands former commercial strip (1) is currently derelict.
- The recently opened Sunspot building offers space for start up and growing businesses (9).
- There is small congregation at St. Christopher’s Church(2) and Methodist Church(3) exists, All Saints Church (4) has not been used a Roman Catholic place of worship since 2016, though another Christian denomination do currently use the building.
- There are a relatively high number of community groups within Jaywick Sands, operating out of a number of buildings in the area, including purpose built community halls, pubs, church halls and other premises.
- The quantity of green infrastructure and open space, LEAPs and NEAP is sufficient. Though many of the amenity greenspace sites are low quality or poorly maintained, there are some community maintained greenspaces of relatively high quality.
- There is no need for more outdoor sports spaces, but there is significant lack of indoor sports provision, particularly with regard to swimming pool provision.
- There is a GP surgery, pharmacy and dental practice(5) in the Tudor Estate, but it has limited capacity for expansion.
- There is a primary school and pre-school (6) (Sir Martin Frobisher, an academy) on the Tudor Estate, and another pre-school at Hemmington House(7), on Broadway, linked to Little Pals Nursery based at Tendring Education Centre.
- Jaywick Community Library, based at Golf Green Hall(8), is open four mornings a week (on Thursdays, Fridays and Sundays, the library is closed completely) West Clacton Library, also located at the TEC, on Jaywick Lane. It is not easily accessible to pedestrians.

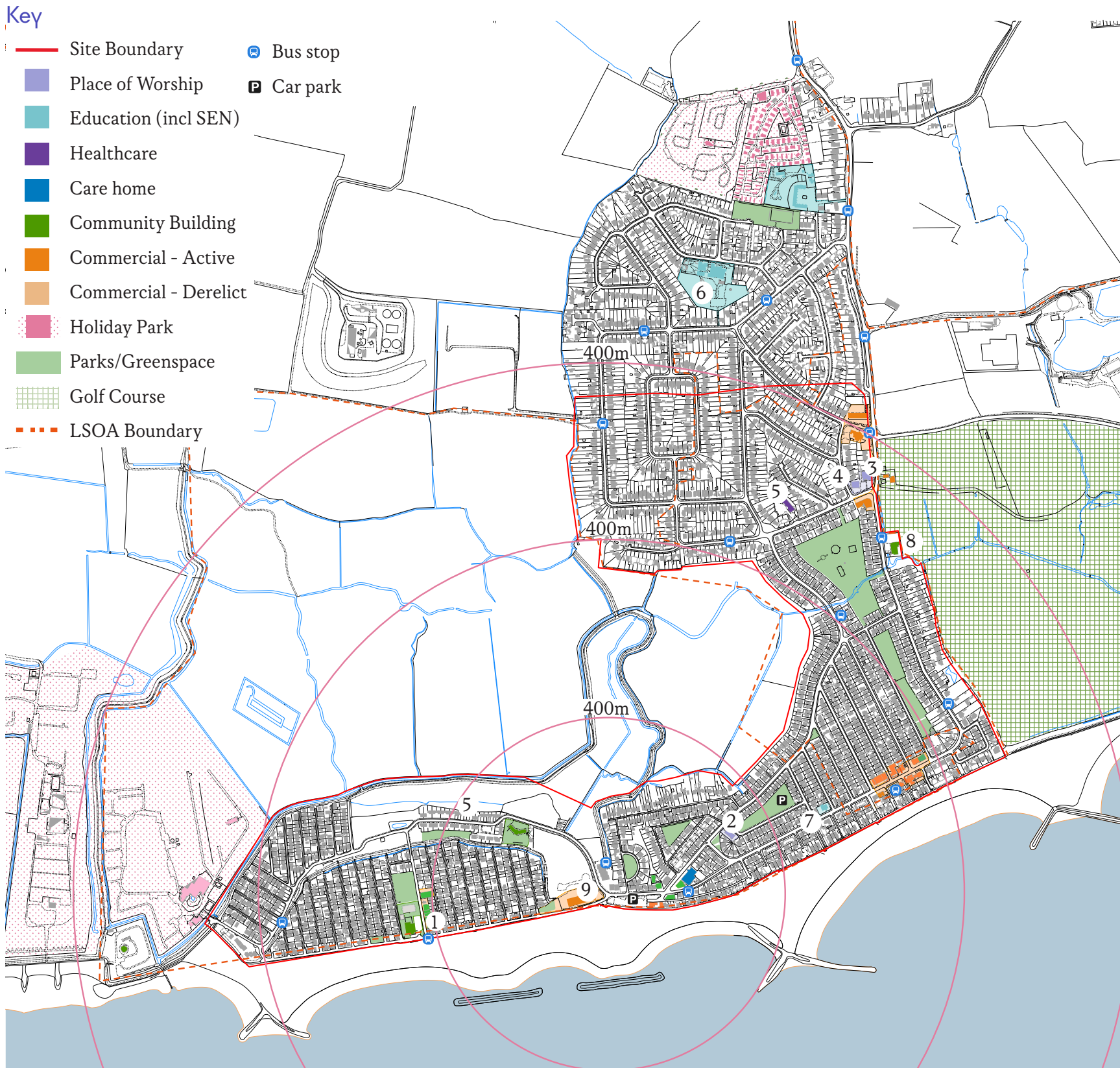


Fig. 20. Key services and amenities for Jaywick.



4.11 Street network and parking

The majority of the roads in Jaywick Sands were completed to facilitate the original development. The concrete for Golf Green road was the first to be laid, after the main connection to Clacton via West Road. Jaywick Lane links the settlement to the B1027, St Johns Road.

The condition of roads has been poor historically, with a complicated ownership and maintenance history. Major infrastructure improvements in 2015 (finished by the end of 2017 significantly improved the accessibility and appearance of the carriageways and footways within Brooklands and Grasslands.

Brooklands Avenue, along the seafront, is a two-way road in network terms but does not have adequate width for two lanes, and reduces to the equivalent of a single lane at some points. It does not have a footway on either side of the road, except for the block immediately west of the junction with Lotus Way where a footway on the north side of the road only has been created as part of the Sunspot development. A private track continues along to the Martello Tower and surrounding holiday park, which can also be entered from the west, though there is no through route for general traffic.

With the exception of the Tudor estate, small plot sizes, mean that parking tends to be on the road, though low car ownership rates reduces the impact of this on the streetscape.

There are small car parks associated with the Community Resource Centre, Enterprise Centre, as well as the Martello Tower. One of two public car parks is Tamarisk Road car park, situated east of Lion Point, in the Village. Capacity of this car park is around 50 places. There is an additional car park on St Christophers Way - a grassed area of around 0.5ha which could accommodate 150 parking spaces, though is not well located for visitor use due narrow access lanes and residential surroundings.

4.12 Pedestrian and cycle routes

Narrow alleys between avenues and streets in the village have survived as part of the original plot pattern, these are often poorly maintained and underlit. Public Rights of Way exist along beach and through Crossways Park.

The England Coastal Path running along the Jaywick seafront has



Fig. 21. Existing movement network

recently been improved with new signage and access rights being put into place.

It is possible to walk east along the coast and slightly inland, to Point Clear, where a ferry operates in the summer months connecting the coastal path to Brightlingsea and East Mersea.

Essex County Council has announced more accessible and environmentalyl friendly bike route from Jaywick to Clacton. The proposed scheme is split into three parts and the first one will connect Jaywick's Tamarisk Road car park to the National Cycle Route 150 which starts at The Close (Jaywick East). Resurfacing works have recently been completed, though other improvments such as lighting are limited at Jaywick Sands.



Fig. 22. Jaywick Sands seafront



4.13 District environmental analysis

Jaywick Sands' coastal location has significant ecological and geological value and is part of a wider network of habitats.

Prior to the founding of Jaywick Sands, the site was farmland and marshland. The geology and complex geodiversity found below the surface today is a result of the pre-historic movement of watercourses (early Thames and Medway Rivers), that left behind the sands and gravels. The following points summarise the findings from various reports and documents<sup>[1]</sup> on the wider site:

- This part of the Tendring coastline is known for significant archeological and geological findings; artefacts from the Paleolithic period found along the deposit channels are known to be the earliest evidence of human activity in the region.
- South-west Tendring has a high concentration of protected sites; there are several locally, nationally and internationally recognised areas , many of which relate to the coastal grazing marshes, closely associated with inland watercourses and floodplains as well as creeks.
- Other important sites in the area are old mineral workings of Villa Farm Quarry and Arlesford Lodge.
- The Essex Estuaries Special Area of Conservation extends across to Jaywick Sands from the mouth of the Colne to Lion Point, between Brooklands and the Village.
- Much of the wider area is still agricultural land, though developments continue to encroach on farmland and put pressure on protected areas.
- Grade II listed buildings in the area include Jaywick Martello Tower and Cockett Wick Farmhouse as well as a Scheduled Ancient Monument at the Decoy Pond north-east of Brooklands

The wider habitat and environmental constraints on development were scoped in 2019 as part of the related Sustainability Appraisal and Habitats Regulation Assessment commissioned by TDC.

<sup>1</sup>(RPS Archeological Assessment July 2018, AGB Environmental July 2018, Tendring Geodiversity Characterisation Report 2009

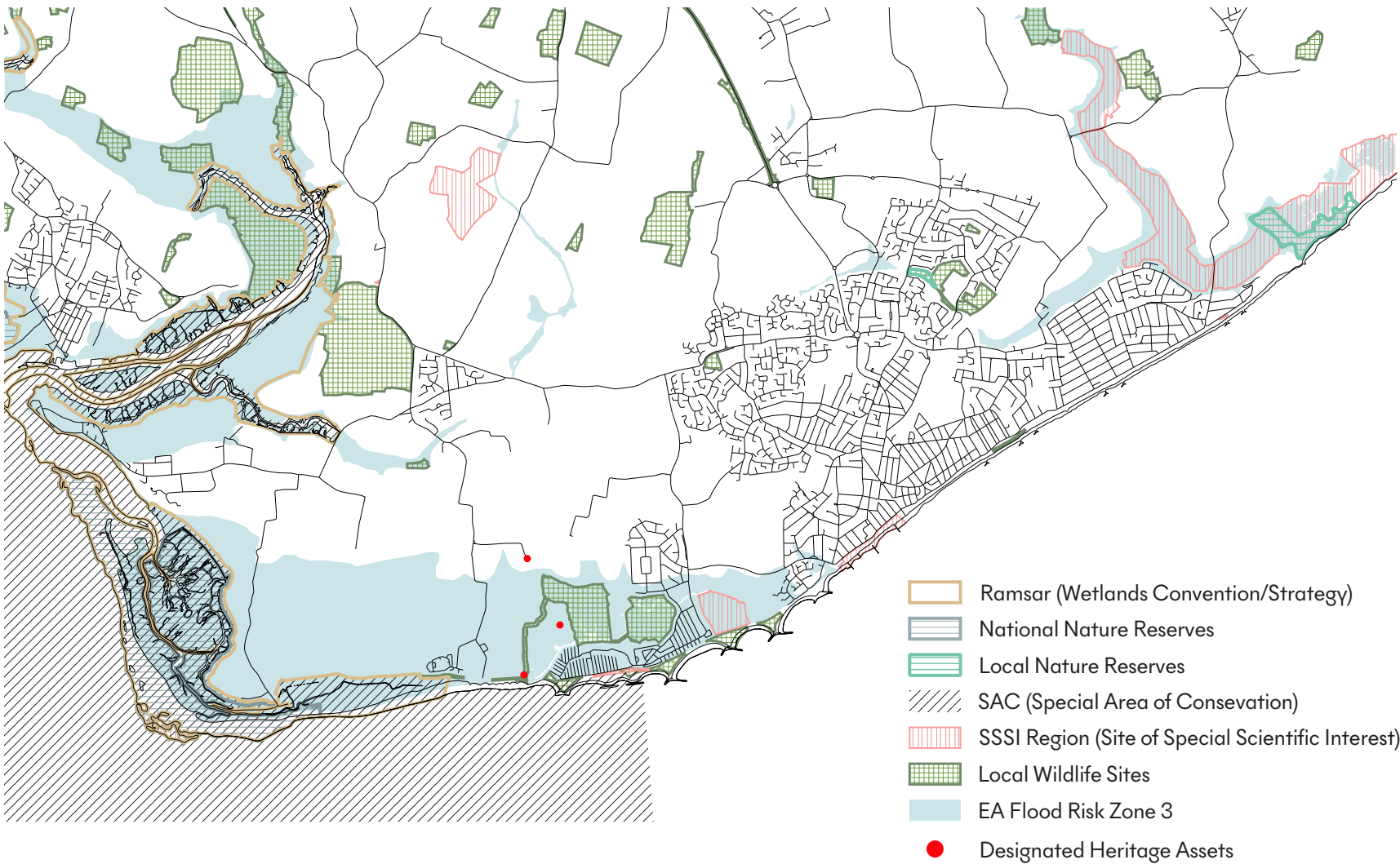


Fig. 23. Environmental designations in the wider area around Jaywick Sands. Source: Natural England and Historic England data



Fig. 24. View of the beach and Martello Tower



Fig. 25. View of the grassy dunes at Jaywick beach



4.14 Local environmental analysis

Jaywick Sands sits behind a sea wall, separating the dense plotlands sites from a long stretch of beach with national and international environmental significance. Inland, the undeveloped areas also provide valuable habitats and hold designated and non-designated ecological value. The following points summarise the environmental context in and around site area.

Beach

- The Clacton Channel Deposits lie beneath most of the site, stretching between Jaywick Sands and West Cliff at Clacton, and are particularly rich in Paleolithic matter and artifacts. They are protected by three separate areas that make up the Clacton Cliffs SSSI.
- Coastal protection and buildup of sand/shingle obscures the SSSI regions below ground level, and development is unlikely to disturb this, though there is the opportunity to increase public knowledge of the geology and associated archeological importance of the site, from the Ice Age onwards.
- The beach at Jaywick Sands is prone to erosion, the simple groynes protect from erosion, and the fishtail groynes allow monitoring of erosion and effectiveness of beach management.
- The stable areas of beach south of the sea wall are designated County Wildlife Sites, so any development on this area will require compensatory habitat creation elsewhere.

Undeveloped sites

- Within the Place Plan site boundary, areas of dense scrub, marsh grazing land provide habitats for birds, water vole and reptiles, and have been identified as potential habits for other protected species.
- The greenfield site of Tudor Fields is a designated Local Wildlife Site so any development on this area will require compensatory habitat creation elsewhere. As there is limited area within the Place Plan red line boundary, this will need to be created outside the site and may require further land purchase by TDC, or accommodated by compensatory agreement with adjacent landowners.

Brownfield and built up areas

- While there are few ecologically significant sites within the built up area, small gardens, allotments, and open spaces punctuate the dense street pattern, as well as walking routes along the raised banks that follow the historic pattern of dykes and ditches.



Fig. 26. Local environmental designations in Jaywick Sands

- Designated open and green space is generally in poor condition, though satisfactory in term of quantity.
- Other non-designated but publicly accessible green and open spaces, provided and maintained by various community groups, are a significant asset to the residential areas, and evidence of the strong community spirit.
- The derelict plots hold little ecological value and some have issues with contamination.
- Jaywick Water Recycling Centre (WRC) is exceeding capacity for treatment of water as identified in the 2017 HRA assessment for the Tendring Local Plan. Adequate drainage infrastructure and mitigation of potential harmful impacts on the environment would need to be ensured for any development, see section 12.



Fig. 27. View of Tudor Fields (Local Wildlife Site)



4.15 Flood risk

The Jaywick Sands Place Plan area sits within Flood Zone 3, which amounts to around 1800 homes currently at risk of flooding. Flood Zone 3 is defined as an area which could be affected by flooding from the sea in a 0.5% AEP (1 in 200 chance of happening each year), or a 1% AEP (1 in 100) chance of river flooding, without taking into account any existing defences.

The extent of Flood Zone 3 is similar to the extent of the 1953 flood, though this was not an overtopping scenario, but a breach further west that flowed through to Jaywick.

Since 1953, improvements to the sea defences have taken place and existing defences include:

- Sea wall (from St Osyth beach up to Clacton)
- Embankment (runs north/south from west of Martello Tower to Cockett Wick Farm)
- Beach deposit, with 2no. simple and 3no. fishtail groynes to limit erosion.
- The outer bank and dyke, running behind Grasslands acts as an additional defence.
- Works currently under way (2023) to improve the sae defences around Cockett Wick (1) (the seafront area identified as poor on figure 28.)

In the most recent Strategic Flood Risk Assessment (2023) for Jaywick Sands, most of the area was assessed within a NaFRA (National Flood Risk Assessment) classification of Low. A Low classification means that the area has an actual chance of flooding at the present day, taking into account current defences, of between 1 in 1000 and 1 in 100. An NaFRA classification of Medium means an actual risk of between 1 in 100 and 1 in 30 in any given year and High indicates above 1 in 30.

Under the updated modelling, Jaywick Sands has a high proportion of poor quality homes which are at risk of flooding, now and in the future. Actual flood risk today includes flood depths of 450mm (0.45m) for some homes in the design (0.5% AEP) flood event, and rises to depths of 3m and above over the next 100 years. All emergency access/evacuation routes also flood significantly. This represents a severe risk to life and property. Therefore, improving the safety of residents in a flood event, and the flood resistance

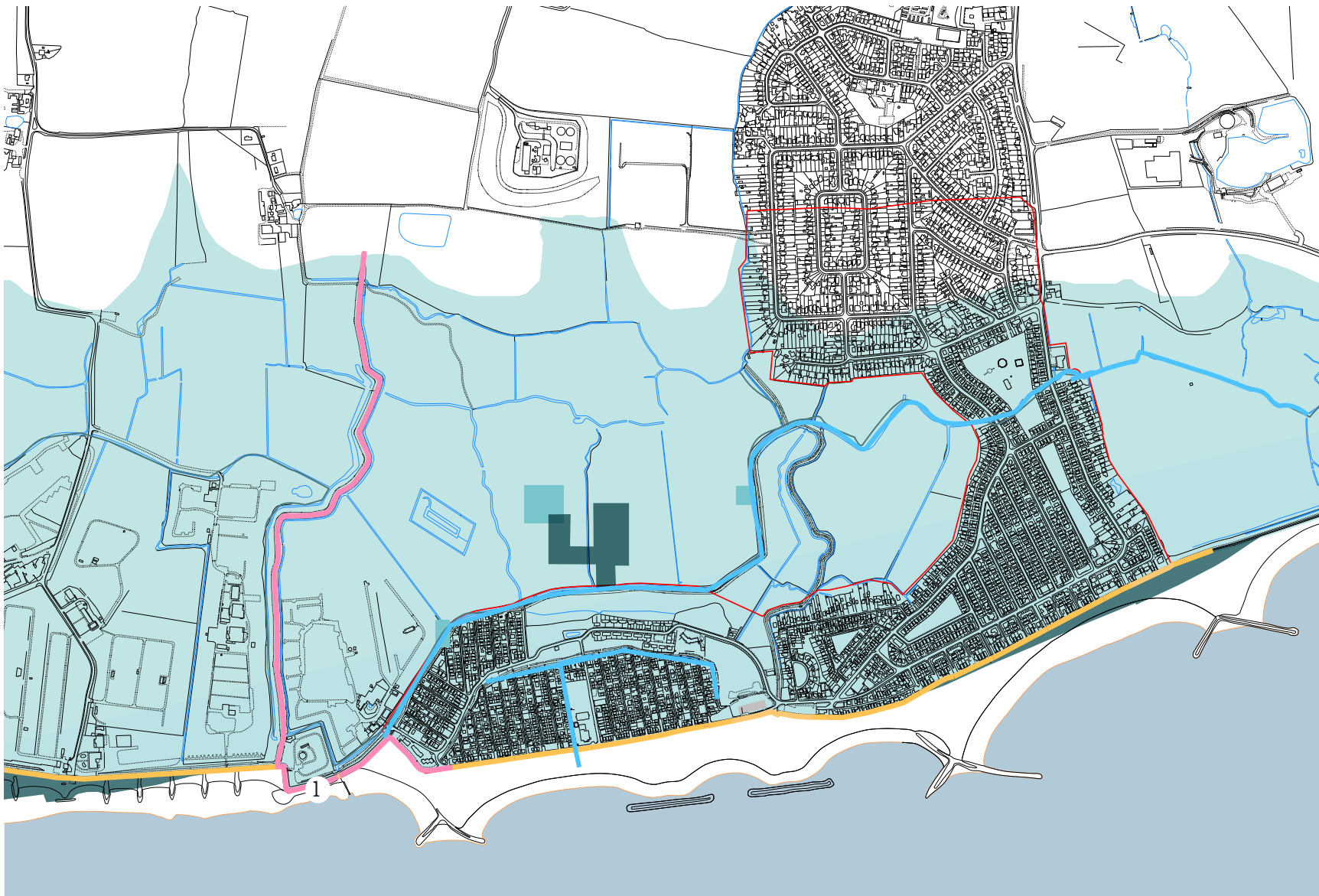


Fig. 28. Flood risk and defences at Jaywick Sands. Source: 2015 Jaywick Sands Statagic Flood Risk Assessment, 2023

Key

Flood Zone 3: NaFRA Classification Low

NaFRA Classification: Medium

NaFRA Classification: High

NaFRA flood defences condition: fair or good

NaFRA flood defences condition: poor

Main river (Environment Agency classification)

and resilience of homes, is an important part of meeting the aims of Policy PP14.

There is also a risk of fluvial flooding from Jaywick ditch, concentrated in the fields below the Tudor Estate.

The Shoreline Management Plan has a 'Hold the Line' policy position for the coastal defences protecting Jaywick Sands, which states that an appropriate flood defence for the community will be maintained into the future, although the standard of protection is not defined. This is an unfunded aspiration for the future flood management of the frontage, and its delivery will require continued partnership working, and significant partnership funding.

The Environment Agency is currently undertaking a strategic review of the coastline defences, modelling of flood risk and costs for upgrades and protection which will determine their preferred approach to upgrading defences, the standard of protection that would be provided, and the costs including the funding gap between the standard funding formula and the estimated cost of the preferred option. This review was shared with the project team in early 2023 and has informed the development of the Flood defences and seafront public realm (pp 40-46)

One of the major challenges in continuing to protect Jaywick Sands against flooding in the future is the length of flood defences required to ensure this protection. Fig. 29. shows the extent of defences affecting Jaywick Sands.

Impact of flood risk on regeneration opportunities

All new development within Flood Zone 3 should demonstrate that it has passed the sequential and the exception tests where required and as set out in the National Planning Policy Framework and Planning Practice Guidance 3. A more detailed briefing note on the application of the sequential and exception test can be found in Appendix B.

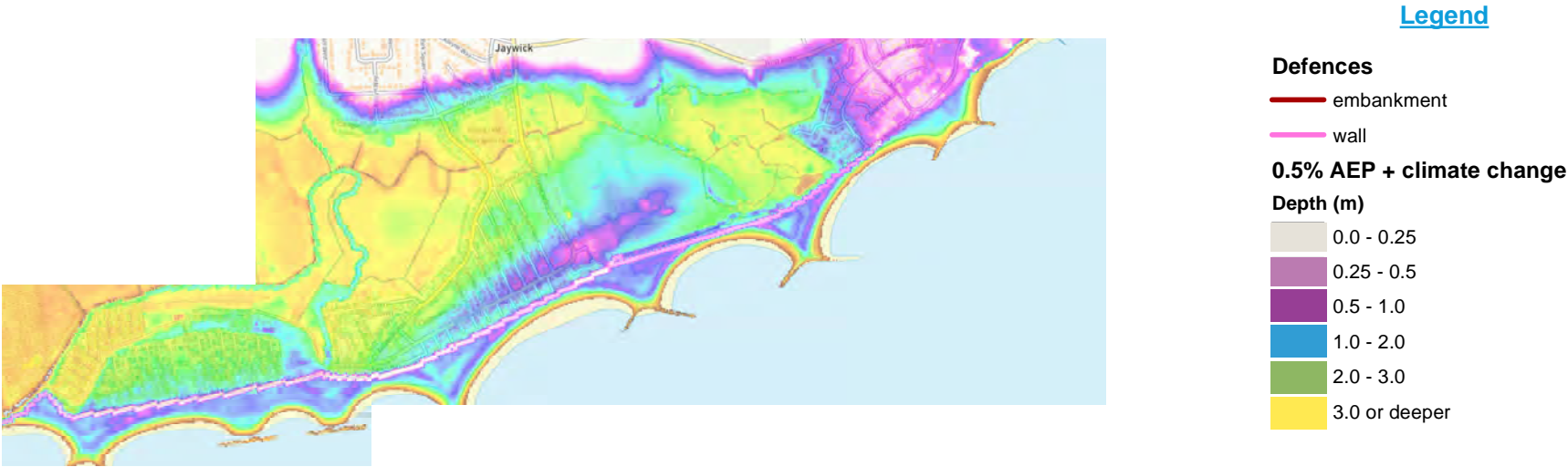


Fig. 29. Depths of inundation predicted in a climate change to Climate Change scenario for a 0.5% AEP event. Source: Environment Agency, 2022

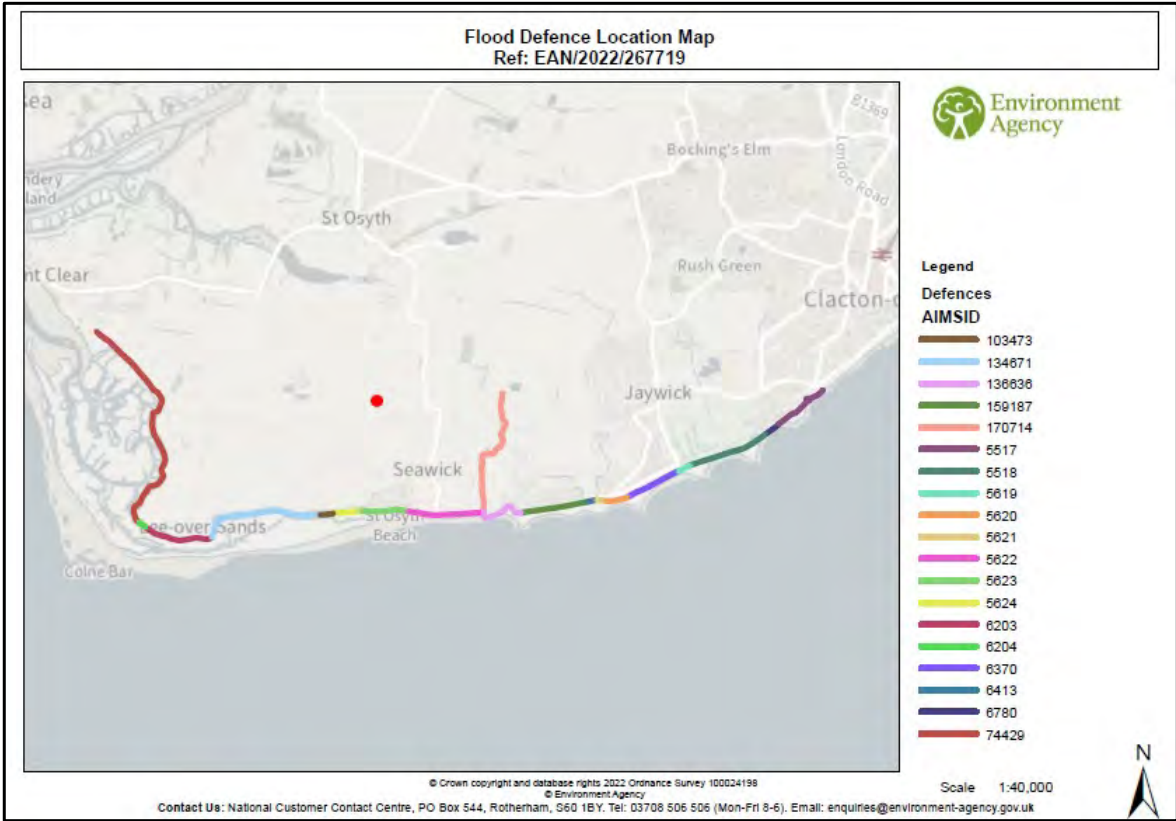


Fig. 30. Extent of the flood 'cell' in which Jaywick Sands is located. Upgrades to all the defences shown would be required to continue to protect Jaywick Sands in the future. Source: Jaywick SFRA, 2023



4.16 Character areas

Each of the named areas in Jaywick Sands has a distinctive character deriving from the size and layout of its plots and the form of the homes that could be accommodated on them. 73% of dwellings in Jaywick Sands are bungalows[1] . The result is a very unique development form and character, of over 2,500 detached chalet-style homes, which vary from plot to plot so that each building has an individual personality expressed through its design.



Fig. 31. Buick Avenue



Fig. 32. Beach and the wall



Fig. 33. Brooklands

Residents' comments

*'I think they are amazing. a lot of history behind it all.'*

*'All different with own character and much improved since roads have been done'*

*'Small scale, one way streets, access to beach or fields mostly detached dwellings with space outside.'*



Fig. 34. House on the seafront



Fig. 35. Village house

1. Office for National Statistics (2012): 2011 Census data



4.16.1 Brooklands/Grasslands

- This was the first area to be completed, and contains approximately 775 homes.
- Originally timber framed chalets, advertised as 'beach huts'.
  - Narrow lanes running back from Brooklands Avenue, which follows the sea wall on the landward side.
  - The sea wall is quite high along Brooklands, resulting in ground floor views to the sea being blocked
  - The plots are dense, with little amenity space - typically 15 x 7m
  - Many homes appear to be the original chalets, albeit often overclad with a variety of materials and with alterations and extensions.
  - Plot size tends not to allow off-street parking
  - Grasslands has open views over marshland/fields to the north
  - The Guinness Trust development is of a very different character
  - Density (calculation excludes open space, but includes roads and pavements within original estate area) 49 dwellings per hectare
  - This increases to around 60 dwellings per hectare (when taking into account caravans & demolished/empty plots)

TDC had previously estimated 60-100 DpH in Brooklands - and were working to 30 DpH for development of the site, which is The Essex Design Guide's suggested minimum of DpH for new developments on brownfield sites.



Fig. 36. Grasslands



Fig. 37. Grasslands map



Fig. 38. Plot diagram - Brooklands/Grasslands

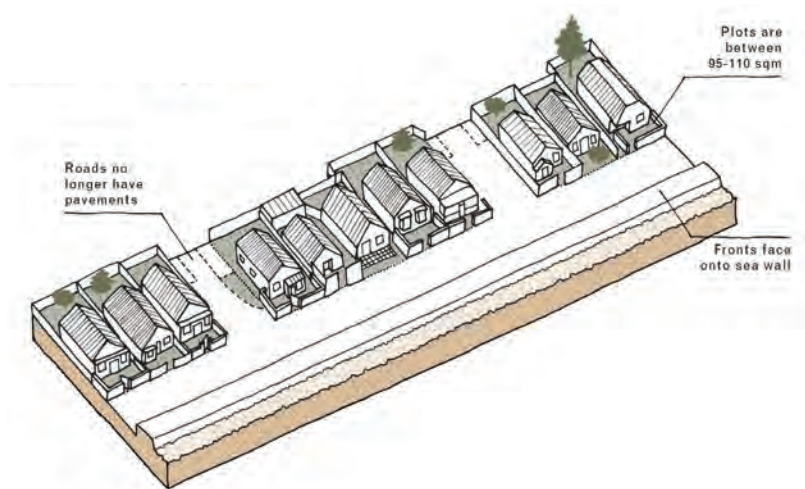


Fig. 39. Plot diagram - Brooklands seafront



4.16.2 The Village

- Contains 1134 homes.
- Larger plots than Brooklands/Grasslands - typically 8.5 x 20m - with some accommodating off-street parking - but most homes still lack amenity space.
  - Along Meadow Way, Golf Green Road and Crossways, there are tandem plots, with a second row of homes 'piggy backed' behind those that face the street.
  - Some small 'greens' but homes back, rather than front, onto these spaces.
  - Strip of cafes, takeaways, shops and bars along Broadway, as well as a small retail pocket to the west, along Tamarisk Way.
  - Density (calculation excludes open space, but includes roads and pavements within original estate area) 29.5 Dwellings per Hectare, 1134 dwellings in 38.4 hectares.



Fig. 40. The Village



Fig. 41. The Village map

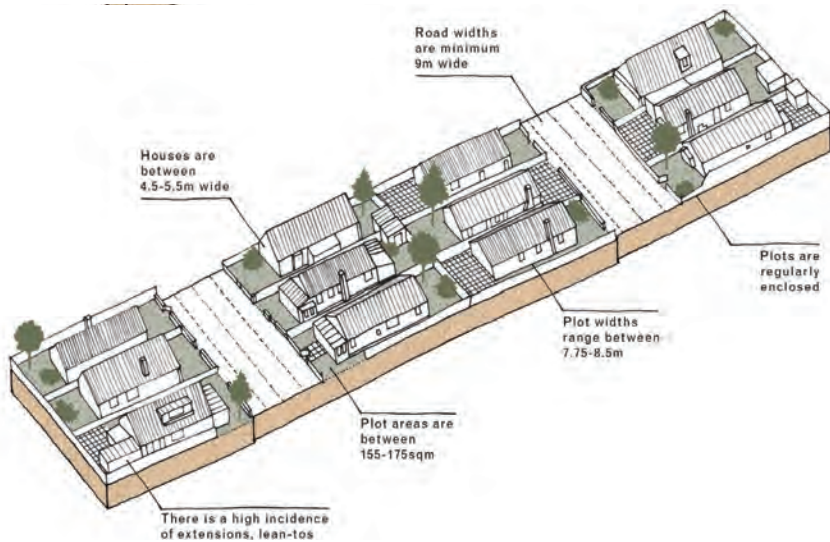


Fig. 42. Plot diagram - The Village typical streets

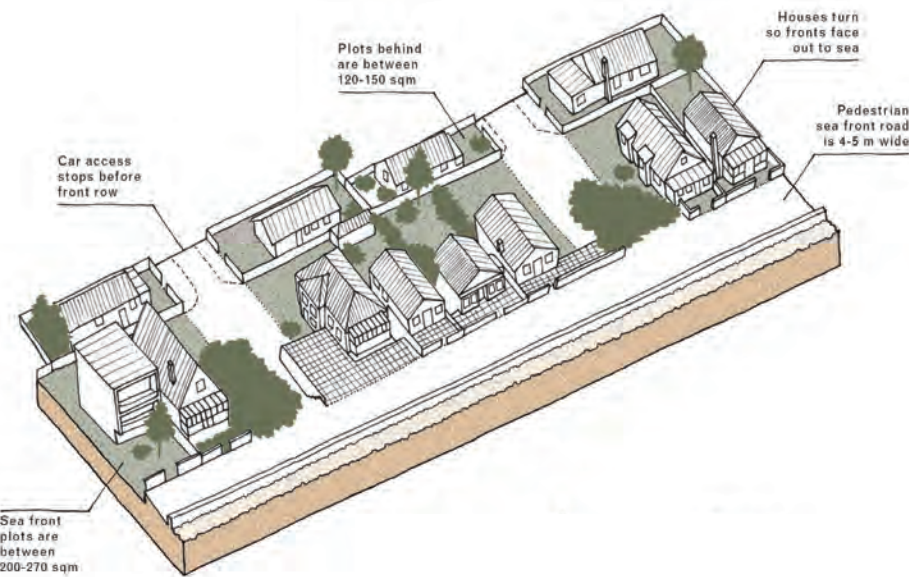


Fig. 43. Plot diagram - The Village seafront



4.16.3 Tudor Estate

Though building in the Tudor Estate, farthest from the seafront, had begun in the 1930s, the area was not fully built out until the 1970s, when the central green around which the original houses were built, was filled in.

- Much larger plots - typically 10.5 x 45m - resulting in generous front and back gardens, and off street parking
- Much larger homes, mostly L-shaped or rectangular.
- Large front gardens with driveways lead up to double fronted facades, often with the entrance way along a side wall.
- The original buildings have hipped roofs, occasionally broken by a gable ended ground floor extension, or dormer resulting from a loft conversion.
- Density (calculation excludes open space, but includes roads and pavements within original estate area) 17.5 Dwellings per Hectare , 958 dwellings in 55.2 hectares.



Fig. 44. Tudor Estate



Fig. 45. Tudor Estate map



Fig. 46. Tudor Estate street



Fig. 47. Tudor Estate street



4.17 Housing condition

Housing standards vary across Jaywick Sands. The 2019 Index of Multiple Deprivation estimates that 33% of housing in LSOA 018A (the most poorly performing part of Jaywick) does not meet the Decent Homes Standard but this is considered to be a significant underestimate due to the methodology employed. A visual condition survey was undertaken by the design team, in which housing was scored based on its external appearance, which found that many of the dwellings in Brooklands could be considered in poor or very poor condition. Local Authorities are obliged under the Housing Act 2004<sup>[1]</sup> to keep housing conditions under review in order to identify actions required to be taken under the provision of the law. Tendring District Council commissioned a district wide survey in 2015 and found more households suffering from a low income, excess cold hazards and fuel poverty than the average in England.<sup>[2]</sup> A further report completed by the council in 2022 found that a high proportion of private rented housing in Jaywick Sands were identifies to have Category 1 and 2 hazards to health present.<sup>[3]</sup>

The areas with the poorest housing condition have significantly more private rented, and fewer owner occupied household spaces than other parts of Jaywick Sands, as well as falling well below district and national levels. There is a clear correlation between low owner occupation and poor housing conditions in Jaywick Sands.

The proportion of homes in Brooklands, Grasslands and the Village without any usual occupants is around twice as high as the national average, at 12.3% in the 2021 census<sup>[4]</sup>. This category includes vacant homes alongside second and holiday homes.

1 UK Government (2004) The Housing Act  
2 Tendring (2015) BRE Dwelling Level Housing Stock Models  
3 Tendring (2022) Housing PHF Report  
4 ONS (2023): 2021 Census data, *Number of dwellings by housing characteristics in England and Wales, 2021 compared with 2011.*

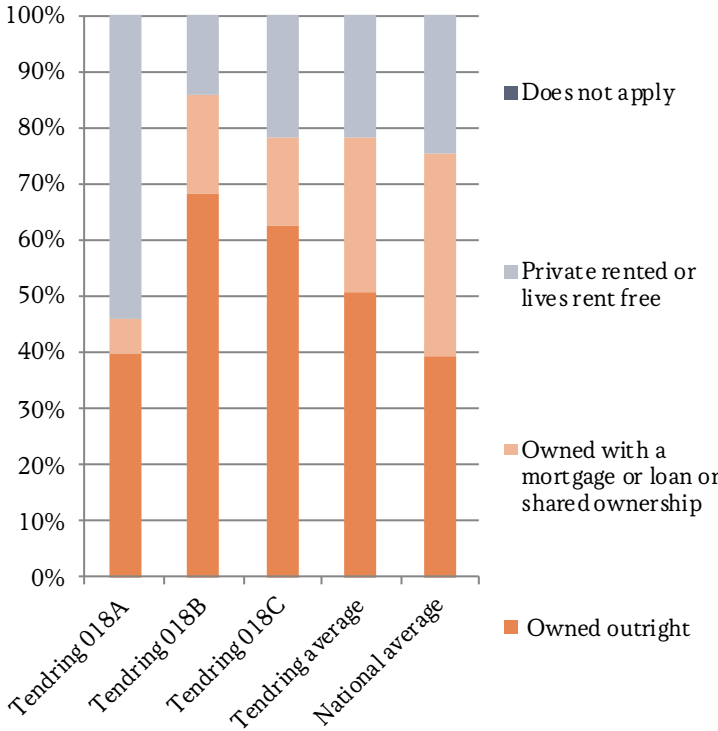


Fig. 48. Diagram showing housing tenure at Jaywick LSOA level Census 2021.



Fig. 49. Examples of occupied housing in poor condition.



Fig. 50. An example of vacant and derelict housing in poor condition.



4.18 Local services and infrastructure deficits

A range of local deficits have been identified through reports prepared by others to support the Place Plan development - specifically through a 2018 Jaywick Sands Infrastructure Assessment and a 2022 Historic Deficits Assessment update report, both produced by Navigus Planning.

This section of the Place Plan report summarises the existing (historic) deficits noted from this report as well as other reports and evidence compiled by the project team.

Education

The following deficits in education are noted in the 2022 update to the Jaywick Sands Infrastructure Assessment:

- A deficit in early years childcare in Jaywick Sands at ward level and contributes to local deprivation issues.
- Distance and cost of travel to the nearest day nursery are barriers to access for people living in Jaywick Sands.
- ECC reports that there is a surplus of places in the area that serves Jaywick Sands including at the nearest primary school
- No reported deficit in provision for secondary education.

Health

The existing health and support services for the Jaywick Sands area are struggling to manage acute and wide ranging health issues faced by the community. At ward level, 16% of the population have bad or very bad health, and over 40% are affected by long term illness or disability. The public health services are overstretched here and cost of travel to nearby health providers is a barrier to access, exacerbating existing issues. Similar issue affect those facing mental health and substance misuse issues.

Other issues reported by the community include difficulty accessing GP appointments, lack of dental services, needle disposal services, prescriptions, and other drop-in services.

North East Essex Clinical Commissioning Group (NEECCG) indicated that a review of health provision was taking place and that there were potential opportunities within the Place Plan to explore additional facilities, but no additional detail has been received to date.

Green infrastructure, open space, leisure and play

While there is not a quantitative deficit in terms of the amount of open space within Jaywick Sands, qualitative deficits are outlined in the Tendring Open Space Assessment Report where only one open space in Jaywick Sands (Crossways) was assessed as being of high quality with regard to play and only one open space (Brooklands Gardens) was assessed of being of good quality with regard to amenity greenspace space generally. In the Nagivus reports specific to Jaywick Sands, the following existing deficits are noted:

- No classified parks and gardens within a 1km catchment of Jaywick Sands.
- A deficit in youth provision (additional MUGA required to meet the Local Plan standard).
- No grass playing pitches or artificial turf pitches serving the Jaywick area although there is no specific standard applicable to Jaywick.
- Existing publicly accessible natural green space within catchment of Jaywick Sands is of low quality, and too far away from much of the community to be accessible.
- Existing open spaces within the community score poorly because of lack of facilities and the standard of appearance of maintenance.
- Deficit in allotment provision (0.25 hectares per 1000 people within 15 minutes walking time of the population) (2022 update).

Foul and surface water drainage

Since the completion of the Infrastructure assessment and report updates, issues with the foul drainage system have been identified, including regular blocking of foul drains affecting resident and construction work in Jaywick Sands. The maintenance plan Anglian Water implement for the area does not include annual maintenance for all of the network, but is based on a reporting and responding system.

There is no adopted existing surface water drainage to Brooklands and Grasslands, although a limited surface water system directed to a culvert at Brooklands Ditch was installed in 2015. Surface water flooding is a regular occurrence for Brooklands in particular and requires improvement.

Mains water

There is no information presently available regarding any capacity issues for mains water.

Gas

There is no existing gas pipeline services to Brooklands and Grasslands but due to the move to decarbonise domestic properties this is not considered a deficit.

Electricity

There are not issues reported in relation to capacity to provide power to Jaywick Sands.

Telecoms & data

There is no information presently available regarding any capacity issues for telecoms capacity. Openreach Clacton Exchange serves the Jaywick Sands area and broadband data connections are available in most areas.

Access to food

Jaywick Sands lacks access to food and household goods, there is no standard for access to food however cost and lack of public transport are barriers to access nearby supermarkets and shopping centres.

Community Centres

There is no national standard for community centre provision. An assumed reasonable standard of 0.2m<sup>2</sup> per person is inferred from locally applied standards across the UK. This would suggest a deficit in the provision within Jaywick Sands at present.

Library

There are no distance standards for libraries and therefore the report does not comment on the level of provision. The report notes that West Clacton Library, the nearest library to Jaywick Sands, may be at risk of closure.



4.19 Land ownership

Tendring District Council have acquired a substantial portfolio of sites, including:

- Large greenfield sites between the Village and the Tudor Estate, known as Tudor Fields (1)
- The remainder of the north side of Grasslands, around the Guinness Trust development (2)
- The central Market site including the former Sunspot site, between Brooklands and the Village (3)
- The Mermaid site on Brooklands Gardens (4)
- 16no. individual plots within Brooklands (5)

The ownership of the existing housing areas is currently not fully analysed due to a lack of Land Registry information being made available to the team. However, we are aware of some holdings of multiple plots where planning consents have been achieved for redevelopment, though not implemented.

Ownership of the beach and the unadopted streets is currently unclear.

Martello Tower ownership sits with Essex County Council but the land surrounding it continues to remain in the ownership of the Caravan Park. This limits its use for additional events.

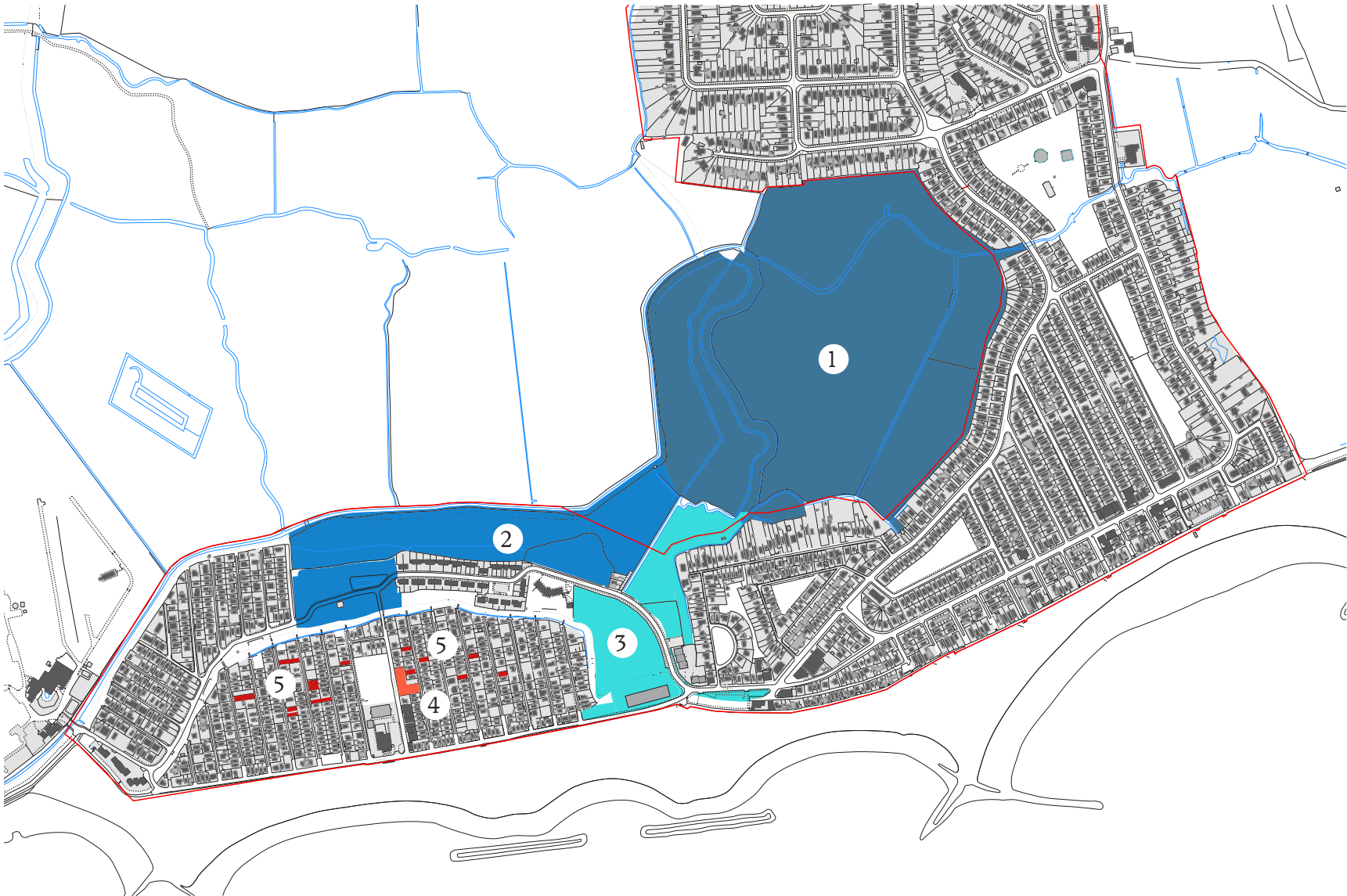


Fig. 51. Map showing Tendring District Council land ownership in Jaywick Sands

4.20 Values and viability

Viability of development in Jaywick Sands is challenging due to a combination of low property values and high costs. This will present funding challenges for the delivery of the Place Plan and the next stages of work will seek to quantify this further for the preferred approach which is identified following feedback at public consultation.

Costs of development

Development costs in Jaywick Sands are significantly higher than other comparable sites locally due to a variety of factors:

- Costs associated with the flood risk and resilience conditions measures required for all homes, including non-habitable space at ground floor level. Poor ground conditions - the ground conditions (former saltmarsh) require more complex foundation and drainage design than typical development sites
- Contamination on sites nearer to the existing housing areas
- Costs associated with the ecological importance of the sites - the requirement to relocate sensitive species
- Complexity of layout required due to shape of landholding, retaining an adequate ditch/drainage network, adjacencies to existing homes.
- Infrastructure costs

Values

Jaywick Sands currently has some of the lowest property values in the country, but also a sharp value gradient between the best and worst value homes. See table below for values between 2020 and 2023, compiled from the property website Rightmove (accessed February 2023). The key factors that bring values down in Jaywick Sands are the blight , poor reputation of the area, very poor housing quality and flood risk. To raise values mean that all these issues need to be addressed by the Place Plan.

Area	1 bed property			2 bed property		
	High	Low	Average	High	Low	Average
Tudor Estate <sup>[1]</sup>	N/A	N/A	N/A	£440,000	£180,000	£250,000
The Village	£140,000	£80,000	£110,000	£180,000	£75,000	£122,000
Brooklands & Grasslands	£59,000	£61,000	£60,000	£180,000	£53,000	£94,000

1 No variable available for bedrooms, typically houses are 2 bedroom..

There are several large new homes developments in the housing trajectory for the Clacton area. The delivery of these sites - in locations where demand is currently much higher than in Jaywick Sands - is also a factor in assessing the viability of substantial new housebuilding in Jaywick Sands.

Figure 52 (right) illustrates nearby allocated housing sites Rouses Farm and Hartley Gardens. Outline planning consent has been granted for 950 homes at Rouses Farm off Jaywick Lane, which will include 20% affordable housing, land for a new school and other associated community infrastructure. Applications for the detailed reserved matters are expected to be submitted by the developers Persimmon Homes by the end of 2023 and the first homes are expected to come forward in 2024/25 and built out over a 10-year period.

The Hartley Gardens site further north, extending towards the A133 and Little Clacton is allocated in the Council’s Local Plan for the largest development in the Clacton area and will include around 1,700 homes with necessary medical and educational facilities, transport infrastructure, open spaces and possible commercial and employment space. Homes England is actively involved in the delivery of this scheme, is leading on the masterplanning approach and will act as master developer working in collaboration with a number of landowning parties. The proposal will be the subject of a Supplementary Planning Document (SPD) to be prepared by the Council for consultation and adoption in 2024 with the first planning applications expected to follow shortly after and the possibility of development beginning as early as 2025/26, building out over a period of 10-15 years.

The new developments at Rouses Farm and Hartley Gardens bring the opportunity to support the regeneration of Jaywick Sands as part of a wider strategy for growth in the west Clacton corridor by bringing improvements and investment in transport infrastructure that could improve access to and from Jaywick Sands, new community facilities that will not only support the proposed develop-

ments but benefit the wider existing population and new market and affordable housing that could play a role in meeting the needs of households either on a temporary or permanent basis while the housing stock in Jaywick Sands is improved over time.

By working positively with Homes England and other partners, there is significant potential to coordinate activities at Jaywick Sands, Rouses Farm and Hartley Gardens to achieve maximum benefit to the regeneration of the area and the delivery of quality housing and new infrastructure for the new and existing communities.

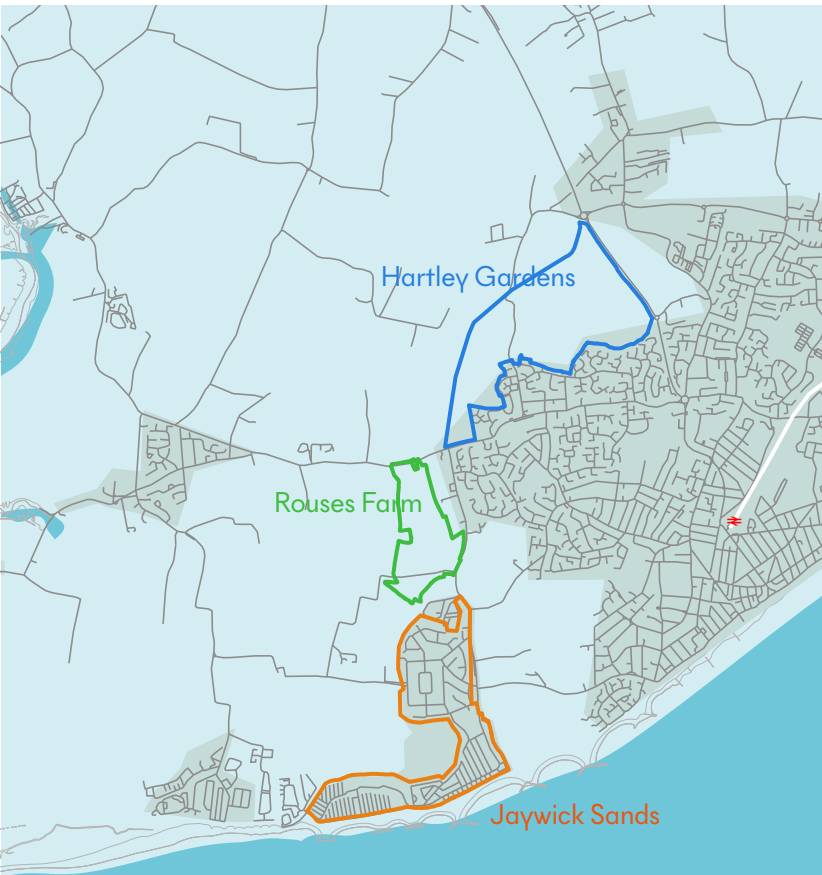


Fig. 52. Map showing locations of nearby allocated housing sites

<b>Rouses Farm</b> 950 homes in total	<b>Hartley Gardens</b> 1700 homes in total
<b>Delivery estimates:</b> 30 p/a 2026-2030 60 p/a 2030-2033 up to 650 post 2033	<b>Delivery estimates:</b> 30 p/a 2028-2031 60 p/a 2031-2033 up to 1490 post 2033



## 5. Policy context

### National Planning Policy Framework

The National Planning Policy Framework (NPPF), published in 2012 and updated in 2021, sets out to facilitate sustainable development through simplifying and consolidating national planning guidance.

Three over-arching objectives are set out in the framework;

1. economic
2. social and
3. environmental.

The objectives set out in the NPPF are to be delivered through local and regional planning policy, sitting within the national framework but developed for the particular circumstances and character of each area.

The Local Plan for Tendring District identifies policies in the NPPF that are relevant to Jaywick Sands, including policies that propose to:

- use land within settlements in preference to “greenfield” sites, particularly derelict and previously developed land and buildings known as “brownfield” land
- promote development with a mix of uses so that people can live much closer to their jobs, shops and other facilities;
- ensure that there is a better balance between employment and housing and put jobs and homes near each other to reduce the need to travel long distances to work;
- encourage better design of new development to create high quality living and working environments and make best use of land resources;
- ensure that the scale of proposed development fits in well with the size and character of existing settlements
- stimulate economic regeneration in areas where there is high unemployment and few job opportunities;
- promote energy efficiency and renewable energy and reduce pollution of land, air and water
- ensure major developments to have at least 10% of dwellings available for 'affordable home ownership'

The NPPF also sets out the requirements for the sequential and

exception tests which apply to development within Flood Zone 3, and the application of these tests in Jaywick Sands has been set out in detail within the preceding chapter.

### Local Planning Policy

The Jaywick Sands Place Plan is intended to support the Tendring Local Plan, and supports core policy guidance from both Tendring District Council and Essex County Council for the priority area of Jaywick Sands.

### Local Plan 2013 -2033

The 2013-2033 Tendring District Local Plan is a two part document consisting of a part relating to Tendring itself, and and a joint plan for North Essex with Colchester and Braintree, which includes the proposed Tendring Colchester Borders Garden Community.

The Local Plan's vision and objectives section includes specific mention of Jaywick Sands:

"In Jaywick Sands, regeneration projects will continue to raise the standard of living in this part of Clacton. Jaywick Sands will have seen, through the provision of a deliverable development framework, a sustainable community with associated economic,community and employment opportunities."

### Settlement hierarchy and boundaries

Under **Policy SPL 1 Managing Growth** Jaywick is included within the Clacton-on-Sea settlement boundary, which is ranked as one of the highest Strategic Urban Settlements in the Settlement Hierarchy. Unlike in the 2007 Local Plan, the settlement boundary is drawn to include the area north of Brooklands and in between Brooklands and the Village, but not the 'Tudor Fields' area that lies within the Place Plan boundary. The **Policy SPL 2 Settlement Development Boundaries** states that there is a presumption in favour of new development within settlement boundaries, and outside of settlement boundaries, "the Council will consider any planning application in relation to the Settlement Hierarchy and

any other relevant policies in this plan. An exemption to this policy is provided through the Rural Exception Site Policy LP6."

### Green space and protected natural landscapes

Several local green spaces within the Place Plan area are identified in the proposals map within the Place Plan area and safeguarded under **Policy HP 4 Safeguarded Open Space** whereby "Development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space, as defined on the Policies Map and Local Maps will not be permitted" unless either a replacement area is provided, or it is proved that the space is no longer appropriate or required.

Under Policy **PPL 2 Coastal Protection Belt** the whole of the Tudor Fields area outside of the settlement boundary but within the Place Plan boundary is identified as protected. The policy states that within the Coastal Protection Belt, the Council will

"a. protect the open character of the undeveloped coastline and refuse planning permission for development which does not have a compelling functional or operational requirement to be located there; and

b. where development does have a compelling functional or operational requirement to be there, its design should respond appropriately to the landscape and historic character of its context".

Under **Policy PPL 4 Biodiversity and Geodiversity** the Tudor Fields area within the Place Plan boundary is identified as a Local Wildlife site and, as such, protected from development "likely to have an adverse impact on such sites or features[...].Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation or, as a last resort, compensation measures are included, to ensure no net loss, and preferably a net gain, in biodiversity."



Housing and employment land allocation

No specific allocated sites for housing are located in Jaywick Sands under the emerging Local Plan although the undeveloped land between Brooklands and the Village and along Lotus Way was assessed in the Strategic Housing Land Availability Assessment (SHLAA). This concluded that the Objectively Assessed Need (OAN) of the district for 11,000 homes over the Local Plan period, would be met without this site coming forward, but that if other sites failed to deliver then it would be suitable for development.

The Lotus Way site was assessed at a very high density of 100 home per hectare for the purposes of the SHLAA, resulting in an assessed capacity of 700 homes. This is not likely to be deliverable in real terms due to the site layout and constraints, the importance of developing appropriately in design terms, as well as the requirement for open space, social infrastructure, and other non-residential uses to meet other policies within the emerging Local Plan.

No employment land allocations are identified in Jaywick Sands under the emerging Local Plan.

Village services and other facilities

Under **Policy PP 3 Village and Neighbourhood Centres** three areas of Jaywick Sands - Broadway, Tudor Parade and the junction of Tamarisk Way/Broadway are defined as neighbourhood centres to be protected and enhanced.

Under **Policy PP 11 Holiday Parks** the caravan park to the west of Jaywick Sands is identified as a safeguarded site protected against redevelopment.

Regeneration

Jaywick Sands is identified under **Policy PP 14 Priority Areas for Regeneration** as a priority for focused investment in "social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure."

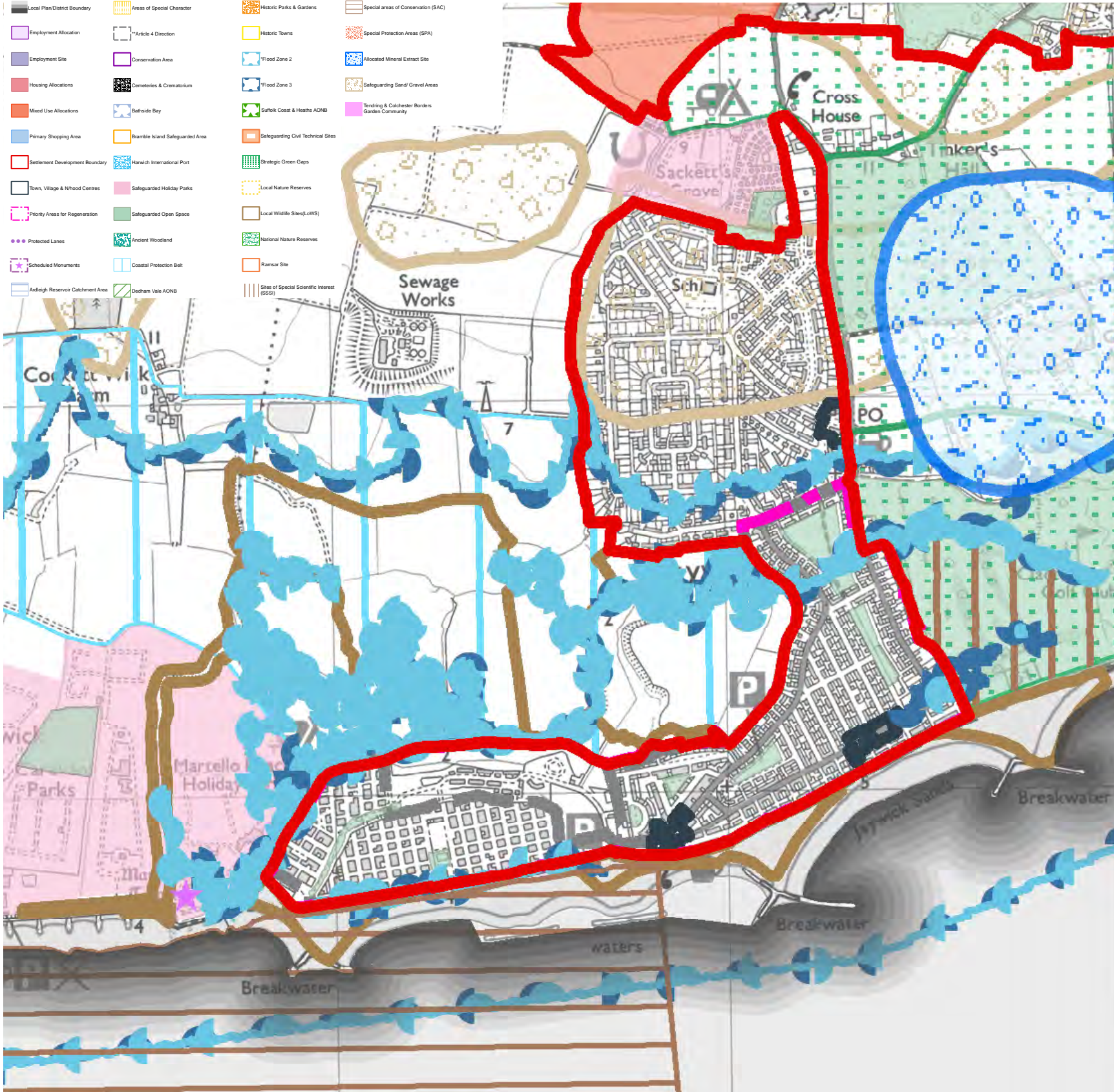


Fig. 53. Extract from Tendring Local Plan Policies Map



General requirements

A number of other Local Plan policies will be applicable to new development within the Place Plan boundary. The following is not an exhaustive list but highlights several policies that are being considered in the development of the Place Plan as they place constraints or guide the form of development, the infrastructure and amenity requirements and other key spatial fixes.

Under **Policy SPL 3 Sustainable Design** "All new development (including changes of use) should make positive contribution to the quality of the local environment and protect or enhance local character." There is specific mention of the requirement for development not to have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. This is a consideration for Jaywick Sands due to the density and close proximity of existing dwellings to each other in the Brooklands/Grasslands and Village areas, and the already limited amenity space that they enjoy.

Under **Policy HP 1 Improving Health And Wellbeing** all development sites delivering 50 or more dwellings will require a Health Impact Assessment and developer contributions will be sought where new development will result in a shortfall or worsening of heath provision. This policy also requires increased contact with nature and access to the District’s open spaces and offering opportunities for physical activities through the Haven Gateway Green Infrastructure and Open Space Strategies.

Under **Policy HP 2 Community Facilities** New development is required to support and enhance community facilities where appropriate according to assessed need.

Under **Policy HP 3 Green Infrastructure** all new development "must be designed to include and protect and enhance existing Green Infrastructure in the local area" and development will be managed to secure a net gain in green infrastructure and biodiversity.

Under **Policy HP 5 Open Space, Sports and Recreation Facilities** standards for the provision of open space are set including provision of accessible natural green space in accordance with Natural England's Accessible Natural Greenspace Standards.

Under **Policy LP 2 Housing Choice** developments of 11 or more (net) dwellings will be required to reflect the housing mix identified in the latest SHMAA unless there are specific mix requirements for a particular site as set out in site-specific policies, or genuine viability reasons. Innovative development proposals will be supported with regard to co-housing, custom build and other specialist housing types.

**Policy LP 4 Housing Layout** prescribes that residential development sites of 1.5 hectares and above must provide at least 10% of the gross site area as public open space.

Under **Policy LP 5 Affordable and Council Housing** at least 30% of new homes must be affordable or council housing unless a developer contribution is made.

The **Policy LP 6 Rural Exception Sites** contains the usual provisions for provision of affordable and/or council housing outside settlement boundaries in response to identified local housing need.

**Policy LP 8 Backland Residential Development** specifically mentions Jaywick Sands and restricts the form of backland development to avoid 'tandem' development and to safeguard amenity space and accessibility.

Under **Policy PPL 1 Development and Flood Risk**, new development in areas of high flood risk "must be designed to be resilient in the event of a flood and ensure that, in the case of new residential development, that there are no bedrooms at ground floor level and that a means of escape is possible from first floor level." Further detailed assessment of the constraints and requirements with regard to flood risk and resilience are given in the preceding chapter.

Jaywick Sands Design Guide Supplementary Planning Document

The Jaywick Sands Design Guide SPD was developed and adopted in 2022 following formal consultation. The Design Guide has been developed to assist applicants, agents, and planning officers in balancing design requirements with the wider regeneration aims of PPL14. It was formulated because the Council wish to encourage the replacement of poor quality homes with better quality, more

resilient homes that provide a safer and better quality environment for their residents. However within the Priority Area for Regeneration, many plot sizes are very small and a strict adherence to every standard usually applied to residential development in Tendring would prevent some owners of single plot homes from upgrading them to a better standard, as it would not be possible to design a fully compliant replacement home.

Tendring District Council recognises that proposals to replace existing homes with new, better quality homes, but which do not increase the number of people living within the area of flood risk, will increase the safety and resilience of the community even if they do not meet every design standard in full. The SPD therefore sets out which design standards can be relaxed for proposals of this nature, which include the required floor level for habitable rooms, and minimum parking requirements. It provides clear guidance and worked examples to assist applicants in preparing compliant proposals.

Proposals that will increase the number of people living in Jaywick Sands and at risk of flooding, must meet all the design standards and requirements that would apply in other locations in Tendring. The SPD also sets out worked examples to show how these standards should be applied in the context and built form pattern of Jaywick Sands, to create good quality development that contributes to the regeneration of Jaywick Sands.

The SPD was developed in close consultation with the Environment Agency and supports the Place Plan by setting out the design requirements for new development of all kinds. The overall aims of the SPD and the Place Plan are aligned.

## 6. Developing the Place Plan strategy

### 6.1 Place-based opportunities and constraints

Jaywick Sands presents real place-making opportunities to create a sustainable and resilient community with a unique offer to existing and new residents. In developing the Place Plan strategy the aim has been to build on these opportunities and the positive aspects of Jaywick Sands as a place, alongside working within the environmental and spatial constraints.

At a strategic level, these opportunities include:

- The quality and quantity of outstanding sandy, sheltered beach, easily accessible by car and reasonably accessible by other transport modes. The seafront has huge untapped potential for tourism, both of day visitors and overnight, and to be a major economic generator without losing its quality of environment.
- The rich history and unique character of Jaywick Sands' built form, which can be rejuvenated by a new generation of flood resilient homes which reinforce the distinctive character of the settlement, but which would be undermined by poor quality development.
- A substantial amount of land, both within and outside the development framework, is already in public ownership, reducing a barrier to delivery.
- Proximity to an ecologically rich rural landscape is good and can be improved, making Jaywick Sands an attractive location to live, visit and work.
- Recent improvements such as the extension of the Coastal Path and cycle route to Clacton, as well as the Sunspot commercial space, market and community garden, are already creating positive impacts and changing perceptions.
- Design guidance already in place (Jaywick Sands Design Guide Supplementary Planning Document) including clear requirements for flood resilience and incentives for betterment of existing properties.

Constraints include:

- Poor public transport connectivity with limited potential for improvement, will mean additional tourism is likely to be car-based, creating challenges for parking, congestion and carbon emissions.



Fig. 54. Diagram of place-based opportunities and constraints

- All development will be required to meet the agreed standards of flood resistance and resilience, meaning building forms are constrained. The tight plot pattern and closely spaced streets constrain the form of development that can be accommodated while also meeting flood resilience standards
- Ditches and banks form part of the flood defence and drainage network and need to be retained, or alternatives integrated in any plans
- Foul and surface water drainage infrastructure is currently inadequate and will require substantial improvement in order to support existing development as well as any increase in commercial activity.
- Local Wildlife Site designation on Tudor Fields and on the beach itself would require off-site habitat creation to mitigate development impacts. Areas within the settlement framework also have high levels of protected species which adds to the costs of development
- Geological SSSI on beach will require mitigation measures for beachfront development.



Coastline

- A wonderful and currently under-utilised beach ideally suited to watersports along with other informal recreational use
- Beach shape has substantially changed since the introduction of the groynes, leading to a much larger sand beach.
- New Coastal Path will bring increased visitor numbers, and a different visitor profile, to Jaywick Sands using sustainable forms of transport.



Fig. 55. Map and photographs of Jaywick Sands' coastline

Rural landscape

- Rural grassland and water meadow setting - close proximity to countryside although not publicly accessible - visual benefit only
- Wildlife and ecologically rich - both an opportunity and a challenge for new development



Fig. 56. Map and photographs of the rural landscape of Jaywick Sands

Character, built form and heritage

- Unique and intact pattern of development
- Characteristic, eclectic customised small homes
- An important part of British social history evidenced in built form
- A source of inspiration to architects, designers, artists and writers
- Very tight plot pattern and closely placed streets constrain the form of development that can be accommodated while also meeting flood resilience standards



Fig. 57. Map and photographs showing the unique pattern and character of buildings found in Jaywick Sands



Flood risk

- All development will be required to meet an agreed standard of flood resistance and resilience
- Ditches and banks form part of the flood defence and drainage network and need to be retained, or alternatives integrated in any plans
- Surface water drainage is inadequate in parts of the community, so infrastructure improvements are required.

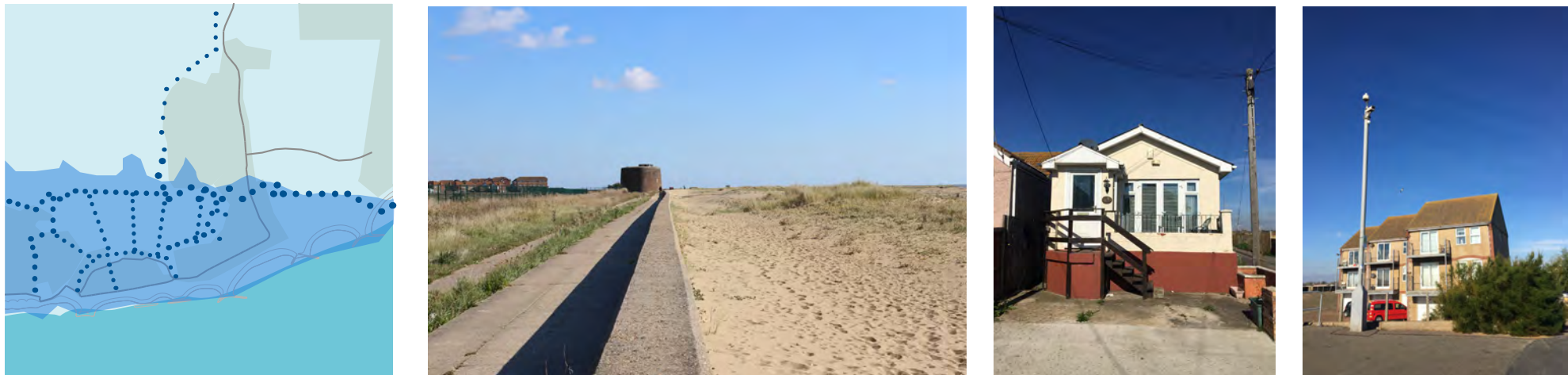


Fig. 58. Map showing the areas at risk from flooding in Jaywick Sands, photographs of the sea wall and examples of flood-resilient buildings in Jaywick Sands

Ecology

- Local Wildlife Site designation on Tudor Fields would require off-site habitat creation to mitigate development impacts
- Areas within the settlement framework also have high levels of protected species which adds to the costs of development



Fig. 59. Map and photographs showing local wildlife site in Jaywick Sands



6.2 Meeting strategic objectives and success indicators

The Place Plan will be an important tool in the wider mission to deliver on the objectives for Jaywick Sands, as set out in the Tendring Local Plan. In order to develop an effective and targeted strategy, it is important to set out the measurables that can be used to understand if each objective was being met, and how the Place Plan can directly or indirectly create change against those success indicators. This forms a coherent theory of change to guide the Place Plan strategy.

For each objective, based on the background data and local engagement, a range of suggested success indicators is set out, which have been developed by the project team. Those marked with an \* are indicators which form part of the English Indices of Deprivation 2019 (IoD2019) assessment and therefore improvements to those would directly impact on the measured deprivation of Jaywick Sands.

Creating positive change against these indicator measures will require a multi-sectoral approach and action by the full range of partners and organisations in the area. Some can be directly impacted by the Place Plan as a development framework, while others can only be improved through other programmes. The theory of change for the role of the Place Plan in meeting each objective is outlined below.

6.3 Transform housing quality and the built environment

Housing quality in Jaywick Sands is very poor and evidence for this can be found across a number of data sources - for more information refer to section 3. This is a major contributor to poor life outcomes for residents and the deprivation experienced in the community. Addressing poor housing quality intersects with a number of other objectives, in particular flood resilience and improving health & wellbeing.

- Measurable success indicators relating to the housing quality part of this objective include:
- Proportion of homes which meet the Decent Homes Standard
  - Proportion of homes with central heating\*



Fig. 60. Jaywick Sands from the air - showing the extensive beach and rural setting

- Proportion of homes which are flood resilient.
- Number of accessible and adaptable and wheelchair adapted homes (M4(2) and M4(3) homes as defined in the Approved Documents for the Building Regulations)
- Proportion of homes with an EPC rating of C or above

The built environment more broadly in Jaywick Sands is of mixed quality. While there are some aspects of the environment, and parts of the community, which are strongly positive in terms of character, layout and quality of buildings and public realm, there are other aspects which are challenging. These include the blight caused by derelict buildings and vacant plots as well as a lack of maintenance and care for both buildings and public spaces,; some poor quality public spaces which do not have a strong sense of purpose, do not support biodiversity and lack trees and other positive features; and streetscapes - in particular Brooklands - which do not all provide an accessible or safe environment for pedestrians and cyclists.

Measurable success indicators relating to the built environment more widely include:

- Reduction in vacant and/or derelict plots or buildings
- Number of streets upgraded to a safe, adoptable standard.
- Reduction in environmental crime (fly-tipping)
- Increased canopy cover from trees in the public realm
- Fewer road traffic accidents\*

Theory of change and role of the Place Plan

- The Place Plan must include a design and delivery framework for redevelopment of vacant and derelict plots, which, subject to funding, would deliver new good quality homes. This will raise the overall quality of the built environment and encourage greater pride in place among residents and property owners who will be incentivised to better maintain or upgrade their properties.



- Poor quality and unsafe homes will need to be upgraded, where possible, or taken out of the market and redeveloped, where upgrading is not viable or feasible. The Place Plan as a development framework can contribute towards this but primarily this remains an enforcement and funding challenge.
- A flood defence design framework that creates a high quality seafront public realm and minimises visual impacts on existing properties, will help raise property value and confidence in the local market, incentivising property owners to upgrade poor quality homes. As values increase, redevelopment of properties that are not flood safe, will become commercially viable, reducing the requirement for public funding to achieve this objective.
- An appropriately-designed flood defence framework will also enable Brooklands to be upgraded to a good quality, safe street for all users.
- The Place Plan public realm design framework will, subject to funding, improve the safety, functionality and biodiversity of public streets and spaces, including additional tree planting, street furniture and other improvements. This will improve the quality of the built environment and greater pride in place, resulting in less environmental crime.

6.4 Ensure long term flood resilience

The flood resilience of Jaywick Sands is very poor. The standard of protection offered by the existing flood defences is decreasing as climate change takes effect, and there is already a present day risk of flooding to depths of up to .45m in parts of the community, for the typical design flood risk event (for more information refer to section 3). Access for the emergency services in the event of a flood is very poor and the construction of homes means that they are highly vulnerable to flooding, with the majority likely to be uninhabitable after a flood event.

- Measurable success indicators relating to this objective include:
- Maintain a 0.5% AEP standard of protection from flood defences, for the foreseeable future (c. 100 years) taking into account sea level rise from climate change
  - Proportion of homes which meet a basic standard of flood resilient.
  - Improved access for emergency services in the event of a flood

Theory of change and role of the Place Plan

- The Place Plan must include a costed and feasible flood defence design framework that maintains a 0.5% AEP standard of protection for c.100 years. This is the most important component of ensuring long term flood resilience.
- A design and delivery framework for replacing poor quality homes with new, high quality and flood resilient homes will improve the proportion of homes which are flood resilient at a property level. This will also provide good quality case studies to demonstrate flood resilient design and construction approaches to other property owners who will become better informed and incentivised to maintain or upgrade their properties.
- Homes which are not flood resilient will need to be upgraded, where possible, or taken out of the market and redeveloped, where upgrading is not viable or feasible. The Place Plan as a development framework can contribute towards this but this requires further development of incentives as flood resilience, by itself, is not a statutory requirement for existing homes, unlike other housing hazards.
- A development framework that includes a new or improved emergency access and evacuation route at a safe level will increase the flood resilience of the community.

6.5 Create greater connectivity to neighbouring areas

Jaywick Sands, like many coastal towns, suffers from poor connectivity to jobs, local services, leisure and cultural activities. With one road in, no train station and very limited bus services, locations which are not far away geographically can take a long time to reach by public transport. Local services, in particular the primary school and GP surgery, are located at a considerable distance from parts of Jaywick Sands, in particular Brooklands and Grasslands. Recent initiatives have started to improve walking and cycling rates in the area but parts of the community have no safe cycling routes.

- Measurable success indicators relating to connectivity include:
- Road distance to: post office; primary school; general store or supermarket; GP surgery\*
  - Increase in quantity (km length) of segregated and well-lit cycle routes to local destinations.
  - Number of bus stops with shelters and seating

Theory of change and role of the Place Plan

- New and improved walking and wheeling routes as part of the development framework would, if delivered, create a more direct route to the primary school and GP surgery, for residents in Brooklands/Grasslands.
- Public realm and flood defence framework can be designed to include a segregated cycle route along the seafront, which would increase the feasibility of using cycling to access work and local services.
- Improvements to bus stops to include shelters and seating where these are not currently available, would increase the use of bus services by residents.

6.6 Attract commerce & new economic opportunities

Jaywick Sands has very low job density (for more detail, refer to section 3) and this, together with the poor connectivity to neighbouring areas and low car ownership in the community, contributes to high unemployment for residents. However, with a fantastic beach and a relatively large population catchment with little in the way of local shops and services, there are clear opportunities for business growth and the current workspace and market scheme under development will be part of this economic transformation.

- Success indicators for economic growth include:
- Increased job density and increased number of locally based businesses
  - Reduced vacant commercial premises
  - Lower unemployment\*
  - Increased visitor numbers and spend

Theory of change and role of the Place Plan

- The Place Plan development framework should identify sites and areas where additional commercial space should be developed and existing space safeguarded from change of use. This will ensure that commercial space continues to be available and, subject to funding, can be increased.
- A flood defence design framework that creates a high quality seafront public realm will increase the attractiveness of the beach to visitors and incentivise more tourism-based businesses to



locate or grow in Jaywick Sands.

- The redevelopment of vacant and derelict plots, alongside improved flood defences, and better quality public realm, will decrease blight and improve the reputation of Jaywick Sands as well increase confidence in the long-term flood safety of the area. This will encourage investment in commercial property improvements and incentivise more businesses to consider Jaywick Sands as a location.

6.7 Improve people's life chances, access to public services & health & wellbeing

This objective includes a wide range of factors and responds to the evidence that residents in Jaywick Sands have lower incomes, lower educational attainment, poorer physical and mental health and experience more crime than averages for either Tendring or England as a whole. While a number of these factors cannot be directly impacted by the Place Plan, the development framework can support efforts to improve these outcomes, in particular by creating space for local shops and services, employment opportunities, better quality housing, open spaces and recreational opportunities.

Success indicators for this objective include:

- Reduced household overcrowding\*
- Increased proportion of homes meeting Decent Homes Standard\*
- Reduced income deprivation (as per Indices of Deprivation Income domain indicators)\*
- Lower unemployment\*
- Improved levels of education and skills in the community (as per Indices of Deprivation Education, skills and training domain indicators)\*
- Road distance to: post office; primary school; general store or supermarket; GP surgery\*
- Increased availability and range of local shops and services within a 15 minute walking radius of each home.
- Improved health indicators (as per Indices of Deprivation Health deprivation and disability domain indicators)\*

Theory of change and role of the Place Plan

- A design and delivery framework for redevelopment of vacant and derelict plots, which, subject to funding, would deliver new

good quality homes, would reduce overcrowding and increase the proportion of good quality homes.

- Poor quality and unsafe homes will need to be upgraded, where possible, or taken out of the market and redeveloped, where upgrading is not viable or feasible. The Place Plan as a development framework can contribute towards this but primarily this remains an enforcement and funding challenge.
- Sites identified for development of additional commercial space, and safeguarding of existing commercial space, will sustain and increase locally available jobs, assisting in reducing income deprivation and unemployment
- New walking and cycling route that reduces the distance to the primary school, as well as better bus stop facilities, will assist in reducing school non-attendance and increasing educational attainment. This will also improve accessibility to other services including GP surgeries.
- Sites identified for additional retail and local services within the development framework, will lead to additional shops and services being provided within walking distance of every home.
- Improvements to active travel routes and public open spaces will encourage active lifestyles and improve health and wellbeing outcomes.

6.8 Place Plan structure

The Place Plan is structured in seven themes which together make up a comprehensive development framework that addresses the strategic objectives, opportunities and constraints set out above.

The seven themes are:

- Flood defence and seafront public realm
- Improving residential areas
- Creating space for business, tourism and local services
- Public open spaces
- Accessibility and connectivity
- Drainage infrastructure
- Community engagement and stewardship

Within each theme, a spatial framework is set out and specific strategies / development briefs outlined.

## 7. Flood defences and seafront public realm

### 7.1 Background and aims

The current flood defences along the seafront of Jaywick Sands provide less protection to the community every year, due to sea level rise as a result of climate change. A 0.5% AEP (annual Exceedance Probability, meaning the chance in any given year of defences being overtopped) is the standard of protection that is nationally the benchmark for tidal flood defences, but currently much of the frontage already offers a lower standard of protection. The existing defences are ageing and while the worst area, at Cockett Wick, is currently (2023) being upgraded with wall raising and rock reinforcement, a condition survey by the Environment Agency has established that the residual life of the defences along Brooklands, will last only until around 2038. Beyond this date, the risk of a failure or breach of the sea wall increases, which would lead to widespread flooding.

If a 0.5% AEP standard of protection is to be maintained, defences will need to be upgraded and this will involve a significant capital investment. It is important that the design of improved flood defences does not protect the area while involving other potentially negative impacts on the regeneration objectives, quality of life for residents and economic prospects.

This part of the Place Plan strategy sets out a design framework for upgrading the flood defences so that they continue to provide a 0.5% AEP standard of protection for the next 100 years, alongside creating an improved public realm, accessibility to the beach and seafront facilities. This is an expanded design approach to the option developed by the Environment Agency as the nationally preferred option in line with Treasury and DEFRA guidance and will require substantial additional funding. The seafront strategy will result in a wide range of benefits and address a number of the strategic objectives of the Place Plan. These include:

- Increasing the flood safety and flood resilience of the community as a whole
- Increase in value of property, and therefore the viability of upgrading substandard or non-flood-resilient homes due to their safety from flooding. Currently flood risk is a factor in keeping property values in Jaywick Sands abnormally low,



Table 1 – Standard of Protection provided by existing defences against wave overtopping

	DU2	DU3	DU4	DU5
Year 0 (2022)	0.5% AEP	1% AEP	1% AEP	3.3% AEP
Year 50 (2072)	2% AEP	5% AEP	5% AEP	10% AEP
Year 100 (2122)	33.3% AEP	100% AEP	100% AEP	>100% AEP

Table 2 – Residual life of seawalls at each DU i.e., the year that breach risk increases.

DU2	DU3	DU4	DU5
Year 16 (2038)	Year 76 (2098)	Year 14 (2036)	Year 62 (2084)

Fig. 61. Map and tables showing the defence units relevant to Jaywick Sands and the expected lifespan. Source: Jaywick Sands Coastal Defence Study 2023, Environment Agency.

- although it is not the sole factor.
- Increasing value of seafront properties due to better quality outlook, views and public realm/accessibility
  - Additional tourism potential due to better beach access, promenade and beachside facilities integrated into public realm
  - A safe and accessible seafront allowing more people to walk and cycle, improving access to services and jobs in the wider area and increasing road safety
  - Improved mental and physical health and wellbeing due to the increased accessibility of the beach and integration of play, recreation and leisure opportunities into the public realm.

The majority of DU1 is currently undergoing improvements and so is not considered further in this study. That scheme is improving the 330 m long Cockett Wick sea wall to provide a 0.5% AEP standard of protection (SoP). It involves wall raising and construction of a new revetment along its length. Refer to Appendix C for further details.

The background and full options assessment that has led to the identification of the preferred and recommended design option can also be found in Appendix C.



7.2 Design framework

The design framework for the seafront area involves the construction of a new sea wall along the whole frontage, approximately 10-15m on the seaward side of the existing sea wall, so that the construction of the new wall (including construction traffic loading) would not damage the existing sea wall during the works. The existing sea wall would then be demolished and the space used for other purposes, including improved public realm and accessibility to the beach.

An additional rock groyne is likely to be required in order to widen the beach at the narrowest part of the Village, along with some additional beach nourishment at that location, while for the rest of the frontage broadly the same level of beach recharge and maintenance would be required as in the baseline option.

This design framework minimises the visual impact of the raised sea wall on the views from existing homes, by integrating the sea wall into a new raised promenade and a landscaped bank on the landward side. This allows stepped and ramped access to be created, as well as the opportunity to reconfigure Brooklands as a one-way street with full pavements (footways) on both sides and a fully segregated cycle track. The additional space created between the street and the promenade also allows additional seafront facilities, including parking, play areas, space for stalls or kiosks and other amenities, to be created This will support increased visitor numbers to the beach.

The design framework also includes a new beach boardwalk along the length of the beach, usable by wheelchair users as well as buggies and enabling those who find the current distance between

the sea wall and the sea edge challenging to navigate.

The Jaywick Sands beach will, through this design framework, be the most wheelchair accessible beach in north Essex if not the whole county, giving it a unique selling point in attracting visitors and driving economic benefits.

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Fig. 62. Map of design framework for flood defences and the seafront

7.3 Design framework in detail: Brooklands

The area between the new sea wall and Brooklands offers the opportunity for substantial public realm and accessibility improvements.

The design framework creates a new raised promenade on top of the sea wall, with ramps and steps giving access to the beach, and a re-designed Brooklands road with footways on both sides and a segregated cycle track. New street lighting would be installed both at street level and on the higher level of the promenade.

On the beach side, a decked area allows visitors who find the sandy beach difficult to navigate, an accessible area to enjoy the beach, and this connects to the beachfront boardwalk which runs the length of the beach.

The space between Brooklands and the new promenade allows for a range of amenities and facilities serving both residents and visitors, such as play areas, cycle and car parking, kiosks or stalls, and landscaped garden areas. On the top level of the promenade, there is the potential to create seafront canopy shelters to allow the beach to be enjoyed in all weather.

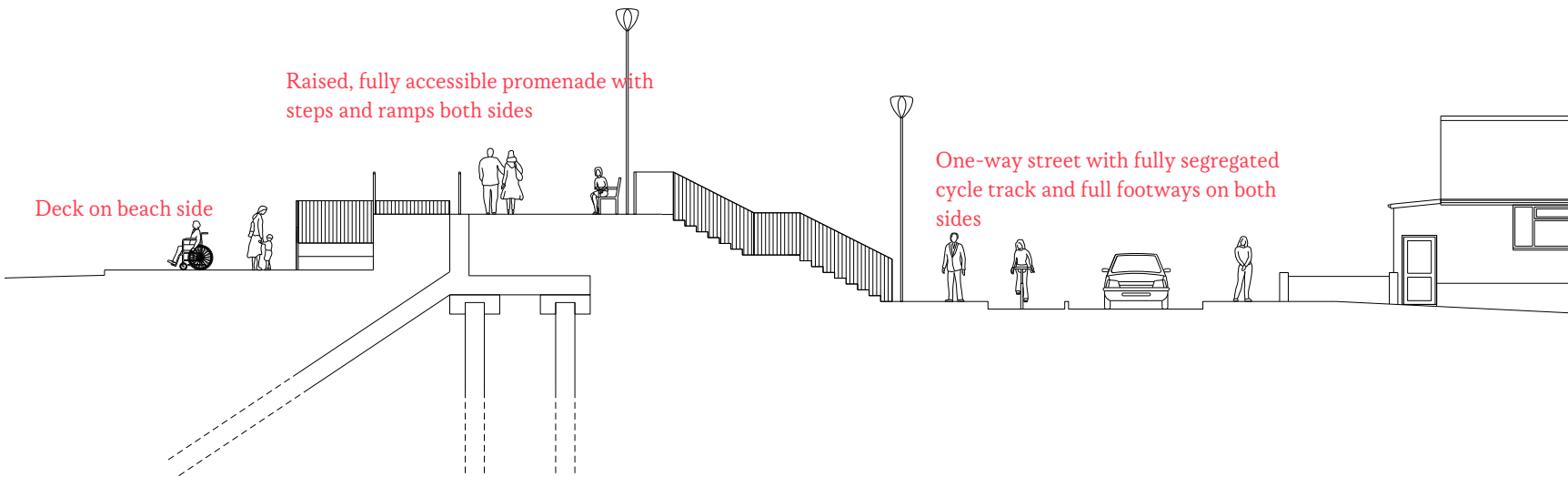


Fig. 65. Indicative cross-section showing the strategic design approach to the Brooklands seafront



Fig. 63. Sketch visualisation of the new seafront design strategy along the Brooklands seafront



Fig. 64. Isometric sketch showing the main elements of the seafront design strategy along the Brooklands seafront



7.4 Design framework in detail: Brooklands (continued from previous page)

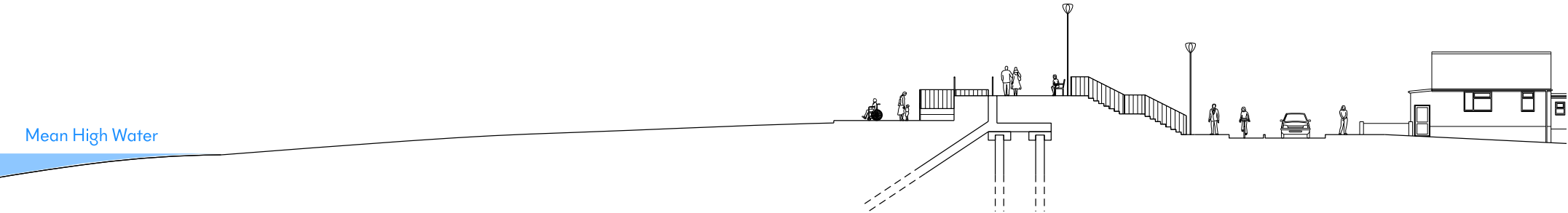


Fig. 66. Indicative cross-section showing the design framework for the Brooklands seafront and the distance to high water at the narrowest point of the beach

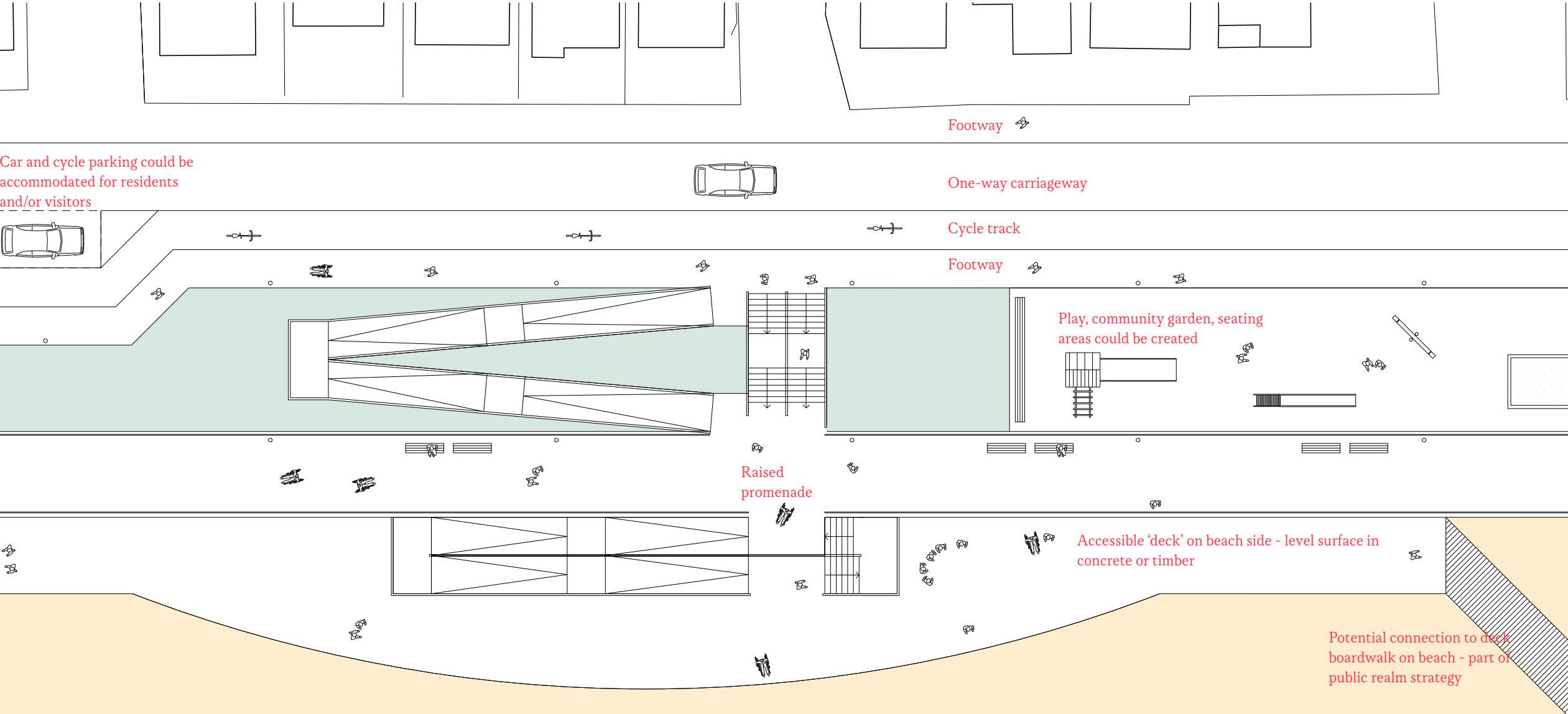


Fig. 67. Indicative plan of the design strategy for the Brooklands seafront showing integration of improved streetscape, public realm, accessibility and amenities.

7.5 Design framework in detail: The Village seafront

The new raised promenade would continue at the same level along the Village seafront although as the existing seafront path is higher than the road along Brooklands, the relative height of the new promenade would be lower. Construction would not affect existing homes or access arrangements.

The existing path can be improved and maintained as shared walking and wheeling route with the addition of street lighting to make it safe and accessible at night. As along Brooklands, stepped and ramped access would be created to the raised promenade, making the seafront fully accessible, and the beachfront deck and boardwalk would be in a similar form.

The space between the existing path and the new promenade can again be used for a range of amenities such as play, community gardens, informal seating and cycle parking.

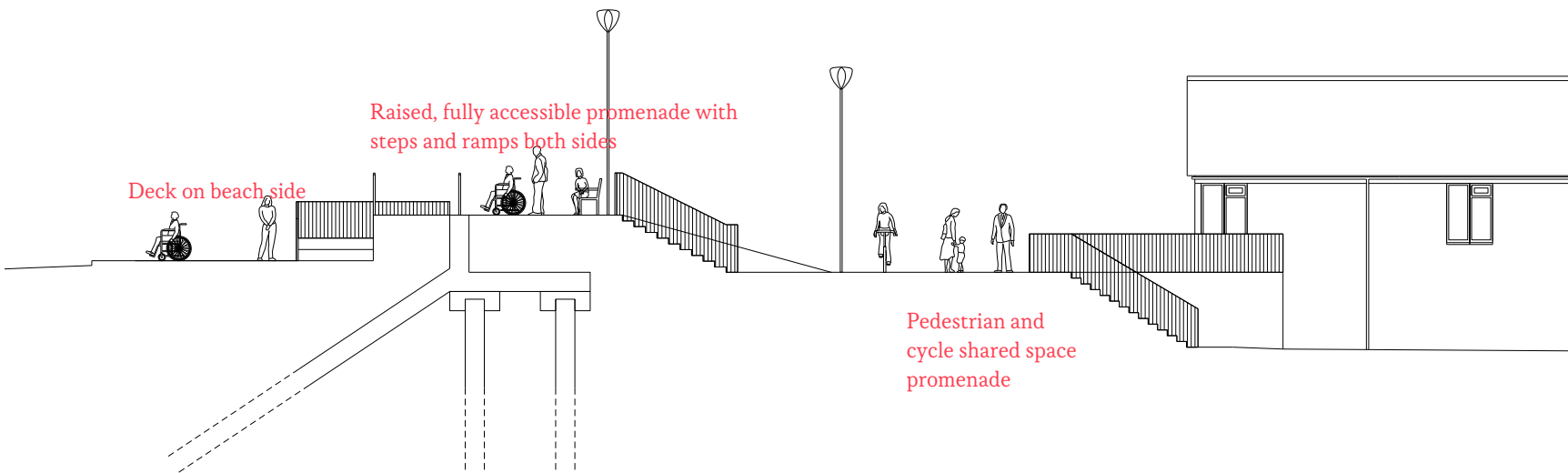


Fig. 68. Indicative cross-section showing the design approach to the Village seafront



Fig. 69. Sketch visualisation of the new seafront design strategy along the Village seafront



Fig. 70. Isometric sketch showing the main elements of the seafront design strategy along the Village seafront



7.5 Design framework in detail: The Village (continued from previous page)

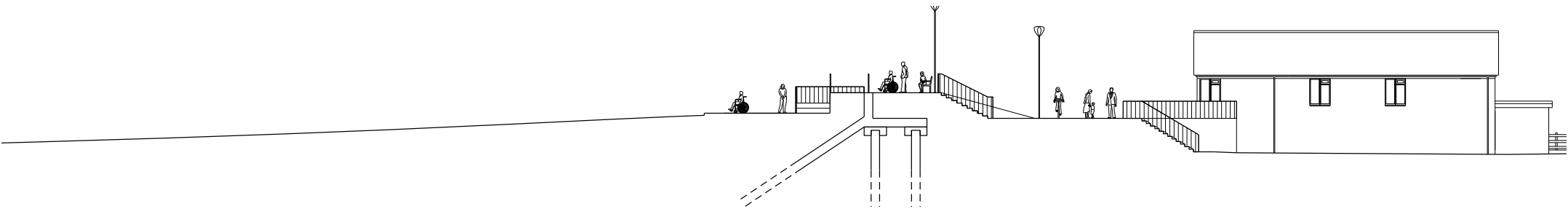


Fig. 71. Indicative cross-section showing the design framework for the Village seafront and the distance to high water at the narrowest point of the beach

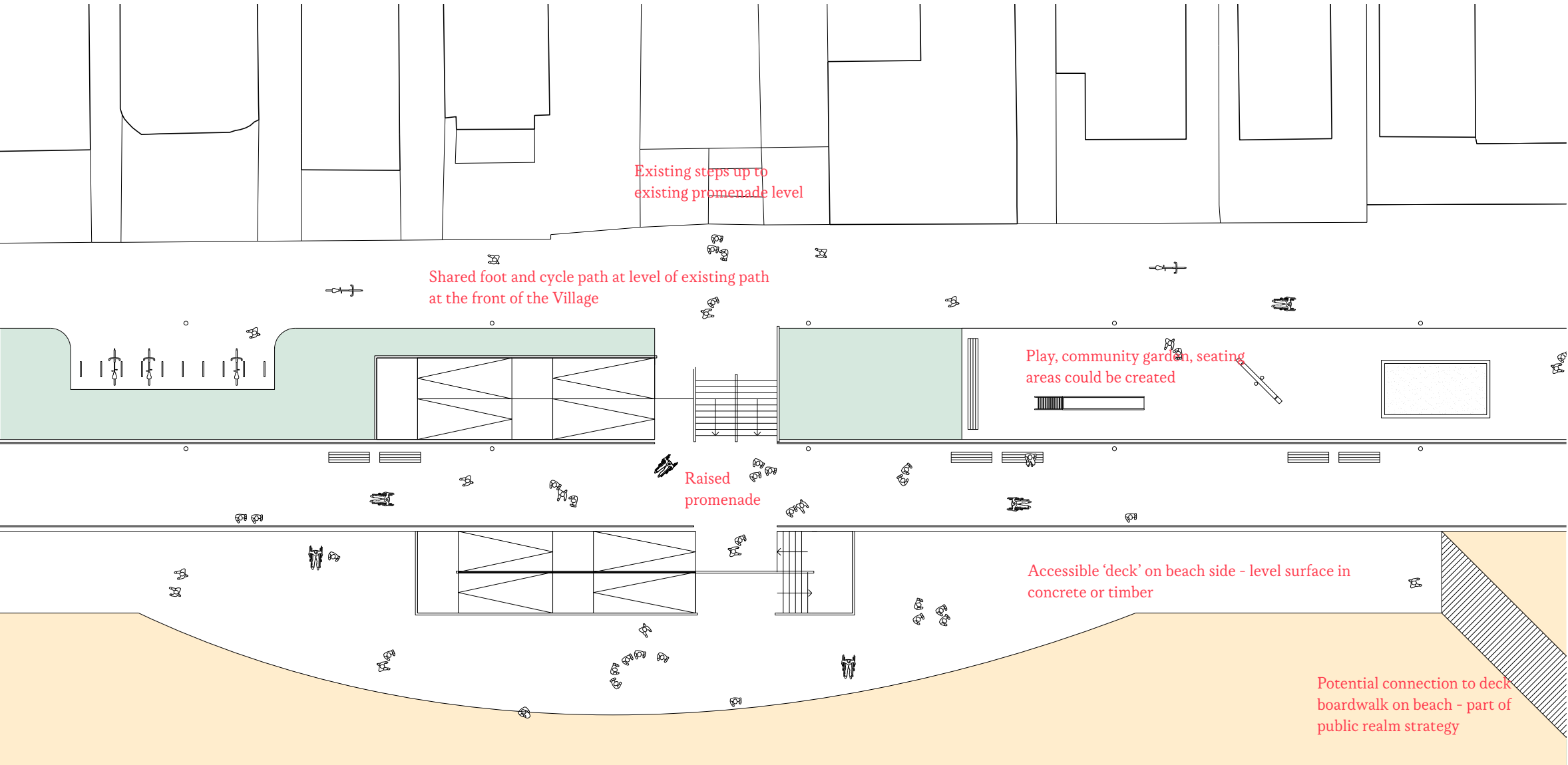


Fig. 72. Indicative plan of the design strategy for the Village seafront showing integration of improved path in front of homes, public realm, accessibility and amenities.

7.6 Design framework in detail: boardwalk

Currently access to the beach for pushchairs, wheelchair users, and other people with mobility issues is limited and impossible for many. A new boardwalk, with level access at several points along the sea wall will allow more people to access the beach and experience the seafront. This would also be a unique amenity for Essex, creating a tourism and visitor draw.

The boardwalk concept could be delivered as a 'quick win' in the early stages of the Place Plan delivery and then adapted when the wider flood defence and seafront public realm scheme was delivered.



Fig. 73. Aerial photograph of an example beach boardwalk



Fig. 74. An example of beach boardwalk with bench

7.7 Piloting the Brooklands one-way system

While the full seafront strategy is a long-term objective, the one-way system to Brooklands, which was supported at public consultation and would deliver substantial improvements to pedestrian and cycle accessibility, can be piloted as a quick win. This can be achieved through the following:

- Resurfacing Brooklands to an adoptable highways standard of construction
- Creating a segregated footway on the north side of the street (adjacent to the existing homes) with either temporary wands or bollards

This would displace the current informal use of the street for on-street parking by residents whose plots are generally not large enough to accommodate off-street parking. It would therefore be necessary to provide new off-street resident parking through use of vacant plots and further details on delivering this are outlined in section 8.



Fig. 75. Photograph of current condition of Brooklands



Fig. 76. Sketch illustration for a one-way system on Brooklands

7.8 Delivery of the flood defences and seafront public realm framework

This element of the Place Plan is both fundamental to achieving the wider regeneration objectives and the most costly and challenging aspect of the Plan to deliver. Securing protection against sea level rise is a precondition for the sustainability of Jaywick Sands as a community. The timescales for the delivery of the seafront framework will affect the wider regeneration benefits resulting and will impact on the confidence of market-led investment into Jaywick Sands. Until the long-term future of the settlement is felt to be secure in terms of flood defence, investment will be limited and short-term.

There is no option that will maintain a 0.5% AEP standard of protection to existing homes, that will not require substantial partnership funding above and beyond the Flood Defence Grant in Aid (FDGiA) that, under current funding formulas, would be available. Partnership funding means funding from the local authority or other sources, and not from the Environment Agency through the FDGiA assessment. FDGiA can only be drawn down after 2033, because that is when the probability of failure and the lowered standard of protection offered by existing sea defences starts to trigger these benefits.

The delivery of the preferred option for upgraded flood defences, which integrates this with a significant amount of new public realm, improved accessibility to the beach and new facilities, will require a very substantial total funding commitment in the region of £108m at 2023 values (further detail in appendix A). If delivery is planned for after 2033, when national FDGiA benefits can be drawn down to part-fund the scheme, the partnership funding required may be in the region of £84m at 2023 values. Drawdown of these benefits after 2033 assumes no change to the national framework for assessing and funding tidal flood defences but this cannot be guaranteed within the context of evolving climate-related policy and pressures on public funding.

If the nationally preferred option for flood defences, in accordance with the Environment Agency's recent report, were to be delivered with no additional public realm or seafront amenities, this would require additional partnership funding, on top of the FDGiA available, in the region of £20m (2023 values). Delivery would be undertaken in phases with the first phase in 2023 and the second planned for around 2058. It should be emphasised that this also assumes no change to the national framework for assessing and funding tidal flood defences.



# 8. Improving residential areas

## 8.1 Background and aims

The purpose of the strategy to improve existing residential areas is to reduce the number of vacant and derelict plots, and poor quality homes, in order to address blight and increase the proportion of homes which are of good quality and flood safe. The reuse of plots should also assist in meeting wider Place Plan objectives including improving the public realm.

The strategy is intended to inform the Council’s strategy for using the plots within its existing portfolio, and acquiring and developing further plots where this can assist with meeting the objectives of the Place Plan.

The focus is on vacant and derelict plots as these occur in substantial quantities and contribute to the overall poor quality of the environment within residential areas, particularly Brooklands. Vacant and derelict plots<sup>[1]</sup> occur singly and in pairs, and there are few instances where three or more adjoining plots are vacant. Options for redevelopment of these plots is constrained by adjoining occupied plots. Tendring District Council currently own a total of 8 single plots and 5 parcels of multiple plots, including side-by-side double plots, two plots back-to-back, and a group of plots including the former Mermaid site on Brooklands Gardens.

1 Vacant and derelict plots, as surveyed February 2023, may included plots currently used as domestic gardens, vehicle storage, sheds and other uses without a permanent and habitable buildings.



Fig. 77. Vacant plots within Brooklands (TDC in green/other vacant plots in blue)



Fig. 78. Photographs of some of the vacant plots within Brooklands

8.2 Options for reuse of vacant plots

Single vacant plots within Brooklands are undevelopable for new homes, as 'betterment' standards as per the *Jaywick Sands Design Guide SPD* would not be applied because no existing home would be replaced. Meeting the requirements for new homes in terms of flood safety, along with the standards for ensuring adequate neighbour amenity, daylight and sunlight, internal and external space standards is not possible on a single plot. Parcels comprising two or more plots can be developed to create a compliant new home.

- At high level, options for reuse of single vacant plots include:
- Sell or lease to owners of adjoining properties, to increase their garden size, allow them to redevelop their homes, or to provide off-street parking reducing the current problems of on-street parking within the very narrow streets.
  - Purchase an adjoining vacant plot and redevelop to provide a flood safe new home.
  - Purchase an adjoining occupied plot and redevelop to provide a floor safe new home

- Options for reuse of a parcel comprising two adjoining plots include:
- Sell/lease to adjoining homeowners to create expanded plots
  - Develop a single new flood safe home
  - Purchase an adjoining plot and redevelop to create two new flood safe homes

Further plots can be purchased to create larger consolidated parcels which offer greater redevelopment potential.

Vacant and derelict plots, in consolidated parcels of three or more plots depending on layout, also have the potential to be repurposed, at low cost, to provide off-street resident parking. This would help to offset the loss of informal on-street parking along Brooklands as a result of the wider public realm improvements along the seafront which will create footways and reduce the carriageway. This could also reduce informal on-street parking generally on the narrow streets of Brooklands, where plots are too small to accommodate off-street parking and the on-street parking creates accessibility and emergency access issues as well as a poor quality streetscape.

To accommodate the quantity of parking displaced by the

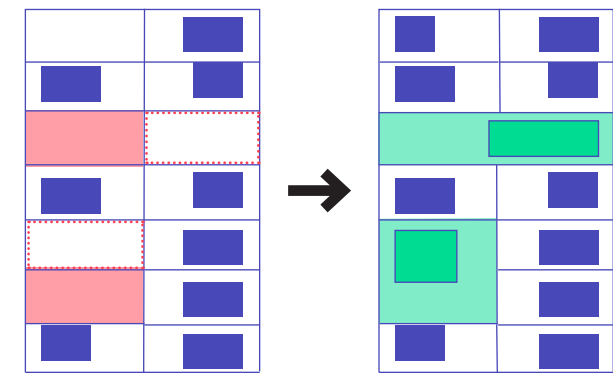


Fig. 79. Diagram of single vacant plots acquired in order to develop a single 2 bedroom flood safe home on side by side or back to back plots on typical Brooklands avenue arrangement.

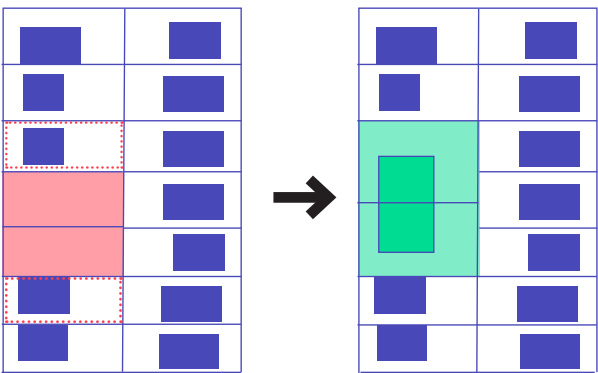


Fig. 80. Diagram showing how purchasing adjoining plots to a double vacant plot allows two new homes to be developed.

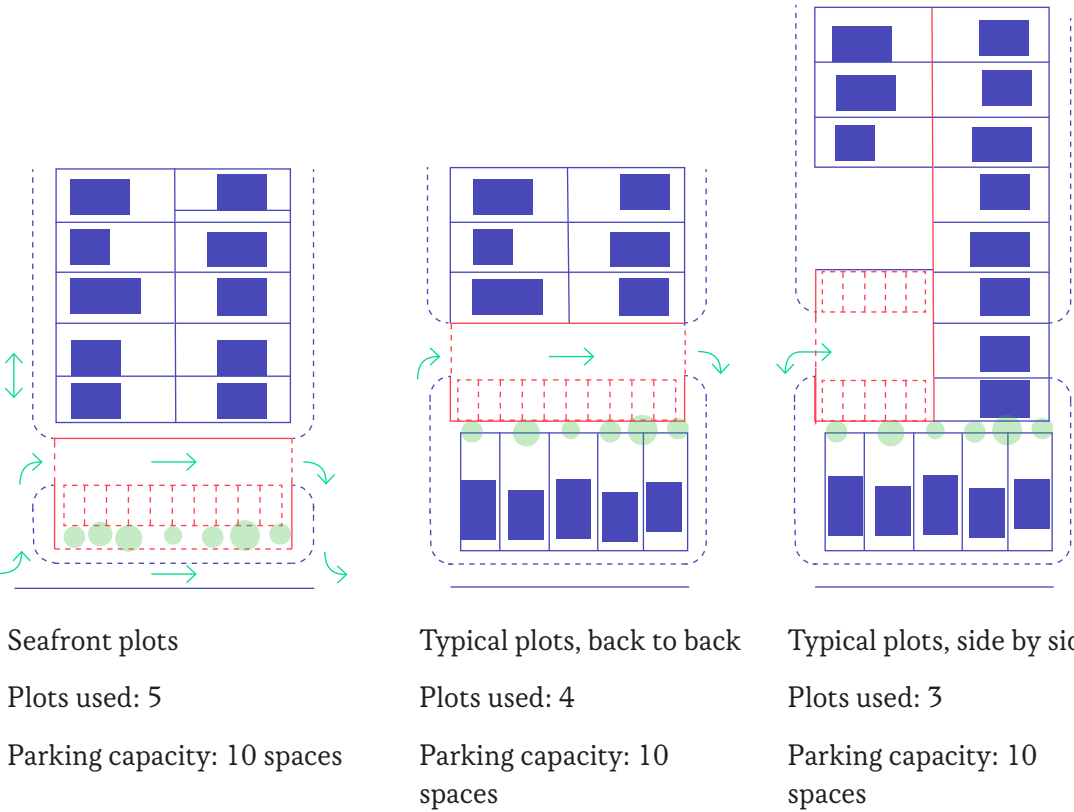


Fig. 81. Diagram showing use of Brooklands plots for parking



improvement of the Brooklands streetscape, 3-5 ‘blocks’ of parking likely to be required (dependent on ratio of provision). These parking areas should be spaced as evenly as possible along the seafront in order to be as close to users as possible.

8.3 Recommended strategy for vacant and derelict plots

The existing TDC-owned single vacant plots next to occupied homes should be sold or leased to the adjoining owners with covenants that require them to be kept in good condition, used for garden / amenity space only, and to accommodate off-street parking for the enlarged plot. This is the preferred strategy for these plots as purchase of adjoining homes, and redevelopment to create a new home, is not cost-effective.

Single vacant plots which are not owned by TDC should not be targeted for acquisition. Where these cause blight due to fly-tipping or lack of maintenance, enforcement action should be taken on the legal owners.

TDC should aim to purchase all currently vacant and derelict plots which would form parcels of two or more plots. This will allow the Council to eradicate the blight that results from the prevalence of derelict plots and to bring them back into uses that benefit the wider regeneration objectives.

These parcels should be redeveloped to create new flood safe homes. The resulting homes should be used to rehouse residents from unsafe, poor quality homes and those homes purchased and their plots redeveloped in turn.

A small number of vacant plot parcels should be used for resident parking in order to facilitate the wider improvements to the Brooklands streetscape.

Where a consolidated parcel of plots is located close to other non-residential uses or the seafront, non-residential uses, such as retail, workspace, or community facilities should be considered in line with the land use strategy in section 9.

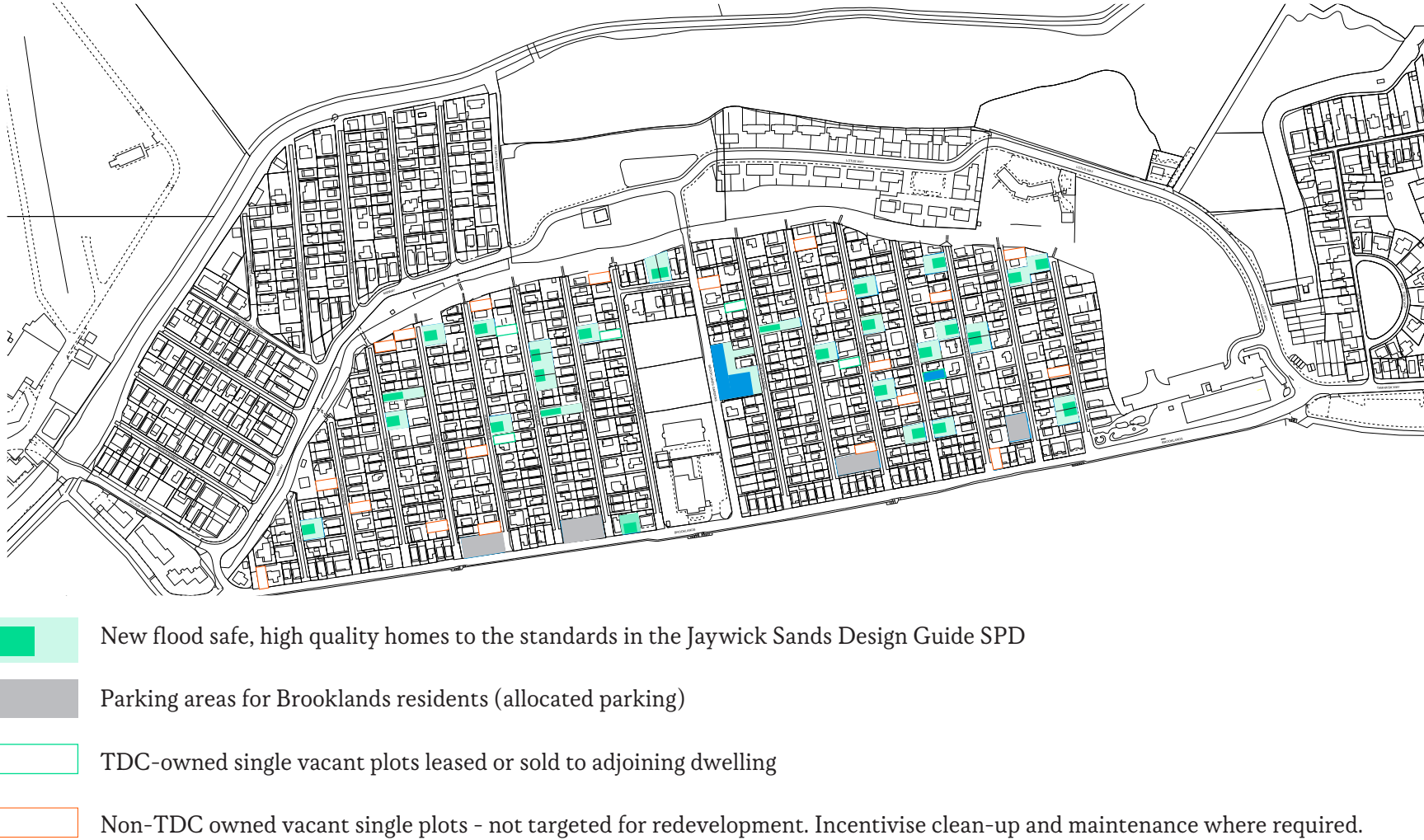


Fig. 82. Plan showing application of strategy to currently vacant and derelict plots

An illustrative application of these principles is shown above, demonstrating the outcome if all 63 vacant plots which, when combined with plots already in TDC's ownership, form parcels of 2 or more, were added to the TDC portfolio. This would enable:

- 31 new flood safe homes to be built
- 4 parcels to be used for parking, providing approximately 40 off-street resident parking spaces for Brooklands residents.
- One parcel of plots facing Brooklands Gardens - the 'Mermaid' site could be redeveloped to create workspace or community facilities, such as early years provision which has a deficit in the area.

In line with the Jaywick Sands Design Guide SPD, double plots would be developed with detached and semi-detached housing meeting the required standards for design, internal and external space standards, and parking applicable to new-build development. On-plot redevelopment also presents good opportunities for self- and custom-built homes.

8.4 Addressing substandard existing homes

While many homes with Jaywick Sands are in good condition, there is a substantial minority of private rented sector homes which are in very poor quality and well below the Decent Homes Standard, and these are generally not flood safe. The construction of new homes on vacant or derelict plots must be undertaken alongside taking these poor quality and unsafe homes out of circulation. If this is not the case, the population of Jaywick Sands will increase, running against the strategy to avoid increasing the population at risk of a flood event, and the negative impacts on the safety, life chances and health of residents in poor quality homes will not be addressed.

Taking poor quality homes out of circulation is challenging and will require the use of a range of incentives and powers. These include:

- Enforcement on rental properties which are found to have Category 1 hazards and similar non-compliant conditions
- An offer to purchase substandard homes, such as non-compliant rental homes, following which the homes can be demolished and the plots redeveloped in line with the approach to currently vacant plots as above.
- Monitoring of the market for homes that are advertised for

sale and rent to take enforcement action early, advise potential purchasers of the risks and requirements for renting property in Jaywick Sands, and to purchase plots if the opportunity arises at a sensible value and where plots will assist in meeting the aims of this strategy.

As enforcement may result in a duty to rehouse tenants, the enforcement process should be undertaken alongside the development of new homes on vacant and derelict plots that can be used for rehousing, whether permanent or temporary.

8.5 Supporting owner-occupiers to improve flood safety

The majority of homes which do not meet the Decent Homes Standard are private rented properties rather than owner-occupied. However, many owner-occupied properties are not flood safe and would present a risk to life in a flood event. The principal risks arise from the following factors:

- Lack of refuge space above the flood datum, meaning residents have no safe space to escape to in the event of a flood
- Lack of flood resilient foundation construction, presenting the risk of structural collapse

- Lack of flood resilient services, including electrical and drainage, presenting the risk of electrocution, sewage overflow and other hazards

Owner-occupiers should be supported to be made aware of the risks in their properties and options for upgrading where possible. It is recommended that this take the form of guidance, a clear methodology for assessing flood risk and a suite of technical solutions along with potential low-cost loan funding to incentivise property owners to take action. Property owners should also be supported to develop flood safety plans for personal evacuation, which is particularly relevant to the large proportion of residents who have health and/or mobility conditions which will make evacuation difficult.

8.6 Developing options for relocation

Through public consultation it has been shown that a small proportion of residents would prefer to relocate outside Jaywick Sands due to the flood risk. A relocation strategy should be developed to allow home owners who might prefer to live elsewhere in the district the opportunity to do so by establishing viable and deliverable schemes in partnership with other local developments.

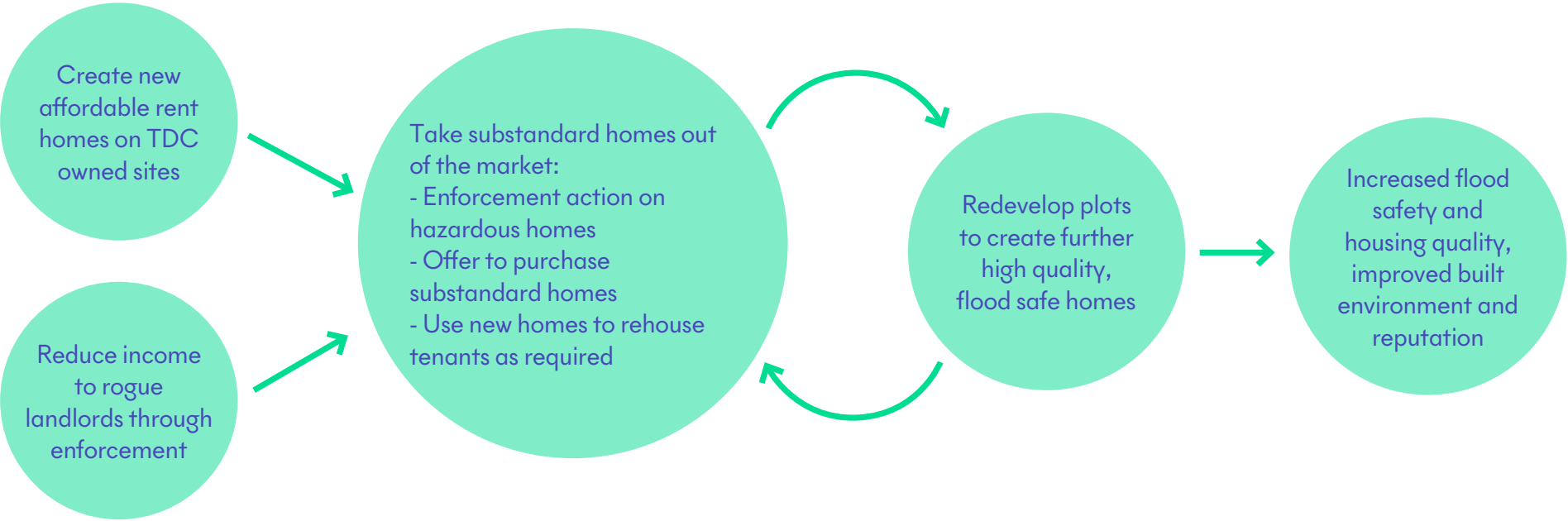


Fig. 83. Infographic showing process for replacing poor quality and non-resilient homes with good quality new homes



This strategy should be developed to support the regeneration and improvement of the existing residential areas through a part-exchange approach that would allow vacated homes to be upgraded or replaced with good quality flood resilient homes.

8.7 Delivery of improvements to residential areas

Achieving the reuse of vacant and derelict plots will require initial investment in plot acquisition and development. Due to the poor viability of market housing development in Jaywick Sands, the development model will either require full funding through the Council or through a potential sale and leaseback or rental guarantee arrangement with an institutional investor through the underlying increase in value of the properties over time, as values rise in Jaywick Sands due to the wider regeneration programme, accrues to the Council.

While values are currently net negative for developing new homes in Jaywick Sands, this will change when long-term flood defences are secured and blight and deprivation addressed. It is therefore in the interests of the Council to maintain an underlying interest in the capital value of new homes over the long term. It would therefore be preferable for new homes developed through the strategy to be rented at either affordable rents or market rents.

Development of new homes on vacant plots will be most effectively achieved using a pattern book of house types developed specifically for Jaywick Sands and potentially utilising off-site prefabricated construction. This would reduce construction costs, work with the limited site access and working areas available, and achieve a high standard of construction with regard to flood resilience and energy efficiency. Self- and custom-build homes could also be an option for later tranches of development, when values have risen to make this viable while providing a return on the initial investment into site acquisition and infrastructure.

At present day values, the purchase and development of vacant and derelict plots in line with the recommended strategy may require investment of between £8m-£10m. Further detail can be found in Appendix A.



Fig. 84. Examples of good quality, well-designed homes showing approaches relevant to the character and built form of Jaywick Sands



# 9. Creating space for business, tourism and local services

## 9.1 Background and aims

This part of the Place Plan strategy is intended to address the objectives of attracting commerce and new economic opportunities, and improving people's life chances, access to public services & health & wellbeing. Being in regular employment results in positive impacts on physical and mental health and wellbeing which outperform most other public health interventions.

Jaywick Sands has very low job density and high levels of unemployment. Encouraging economic development within the community will increase access to jobs, raise aspirations and also help to address deficits in locally available services such as shops and other amenities.

## 9.2 Growth opportunities in Jaywick Sands

In boosting the local economy the strategy needs to work with the existing characteristics of Jaywick Sands and the opportunities for growth that it lends itself to. There are a number of evidenced areas for potential growth that would support the local community as well as creating local jobs.

There are deficits in local services to meet community needs, such as food shops and basic groceries, launderette, mobile phone repair, dentist, early years provision and other services. Making space for services will both generate employment and reduce indicators of deprivation such as the distance residents need to travel to access basic services such as basic shops, which should be available within a short walk of every home.

The wider Tendring district has a shortage of start-up and grow-on space for small businesses and Jaywick Sands offers a good location to meet this need, with available land in public ownership, reasonably good vehicle access and few other development pressures. Tendring District Council has already taken positive steps towards catalysing economic growth through investing in the Sunspot workspace and covered market project which has recently been completed and the good take-up of units, particularly shopfront units, within this development demonstrates that there



Fig. 85. Map showing location of non-residential uses in and around Jaywick Sands



is a market for commercial space within jaywick Sands.

Developing the tourist and visitor services economy is an obvious and important growth area for Jaywick Sands. This should involve making space for businesses, including retail, food and drink, services and visitor accommodation, as close as possible to the beach and other local facilities.

9.3 Spatial framework for non-residential uses

A number of opportunity areas and sites have been identified with the potential to support economic growth and meet local service needs. These include areas of vacant land owned by the Council as well as areas of existing development.

Safeguarding and improving existing non-residential uses

There are existing commercial clusters on Broadway and at the junction of Tamarisk Way and Lotus Way, both of which are identified in the Local Plan as local centres and are protected by Policy PP 3. There is also a cluster of non-residential uses around Brooklands Gardens. While currently there is little pressure on redevelopment of existing non-residential uses, over time this is likely to alter and these uses should be safeguarded as important to the vitality of the community and meeting local needs.

Existing non-residential premises that do exist are in a mixed condition with many presenting a poor appearance. Existing non-residential premises should be incentivised to upgrade their appearance through, for example a shopfront grants programme.

Encouraging the growth of local commercial clusters

Development of additional shopfront units in and around existing clusters should be encouraged and areas where this would be appropriate are shown on the land use framework.

Sites along the Brooklands seafront are suitable for non-residential uses, in particular those which would support the visitor economy. Properties along the Village seafront are less suitable for non-residential uses due to their poorer accessibility for servicing. Development of non-residential uses must be carefully planned and designed to avoid disruption to neighbouring residential occupiers, including from noise, odour and deliveries. For this



Fig. 86. Plan showing land use framework for business, tourism and local services



reason small-scale uses should be preferred unless a consolidated large block of plots is assembled and proposed for more comprehensive redevelopment.

Developing additional non-residential floorspace on TDC sites

Further use of TDC-owned sites to create additional commercial space at affordable rents will help to consolidate Jaywick Sands as a business location. As the most suitable sites are within the central part of the community, care must be taken to develop commercial space that contributes to the overall streetscape and has a positive public frontage.

Site A

A prime potential site for further tourism development is the existing beachfront car park (site A) due to being sited so centrally. Providing adequate accessible car parking is essential to supporting the visitor economy but the potential exists to relocate parking to nearby sites and redevelop the car park itself for leisure and tourism uses. Any redevelopment on this site should integrate with beach access, and include good quality public realm. Suitable uses would include food and drink or retail and should be low-rise to ensure it does not dominate the townscape and does not overshadow the street and public realm.

Site B

Land on the east side of Lotus Way has the potential for commercial workspace or light manufacturing/workshop units to meet wider deficits in the area for this type of space. Alternatively this area could be used to reprovide an expanded car park provision with high quality landscaping and tree planting. The site should be masterplanned to present a high quality streetscape, ensure that the banks and drainage ditch to the rear continue to function as part of the ecological and surface water drainage network

Site C

Land to the west side of Lotus Way would be suitable for further commercial or non-residential uses, potentially including social infrastructure such as library, early years provision or healthcare as it is highly accessible to residents on both sides of the community. Masterplanning of the site should create a legible block structure and permeable routes that integrate with the existing footpaths around the site. Additional parking or servicing should use the access bell-mouth now created as part of the Sunspot development.



Fig. 87. Indicative site strategy for TDC owned development sites in the village centre

9.4 Meeting social infrastructure deficits

Through consultation and through the infrastructure deficits report (section 3) a range of local services and social infrastructure deficits have been identified. In particular, access to health services, dental care and early years childcare should be addressed. Library provision would also be beneficial particularly if combined with other services in a single hub.

Further work will be required with partners including the NEECCG in order to develop a brief for any new facilities, to ensure operational sustainability. This requires scoping and feasibility assessments but space is available within the allowances for non-residential floorspace should a requirement for physical premises be identified.

9.5 Delivering the strategy for business, tourism and local services

Delivery of this element of the Place Plan may be achieved through the following actions:

- Safeguarding land identified within the land use framework for non-residential development
- Encouraging the creation of additional space for businesses through development of existing privately owned sites
- Further feasibility studies to establish demand for additional Council-led business space development. It is recommended that this be targeted at specific sectors and could include provision of services such as early years childcare by private sector providers.
- Shopfront improvement grants programme targeted at existing commercial properties

High level costs have not been developed for any potential further Council-led commercial development as further feasibility and demand studies will need to be undertaken.



# 10. Improving public open spaces

## 10.1 Background and aims

The aim of this element of the Place Plan is to improve the functionality of public open spaces to better support active lifestyles, health and wellbeing as well as biodiversity, sustainable drainage and other Place Plan objectives. The strategy will benefit residents and will attract new economic activity by improving the visitor experience.

Jaywick Sands currently has two equipped open spaces classified as NEAPs and one informal play landscape (LAP). There are three smaller open spaces to the west of The Village. These are small greens, faced and backed onto by residential properties, with minimal trees, planting, seating and other public and environmental assets. A further green open space, along Garden Road (partially privately owned) is addressed as part of this strategy, as is the strip of land along the back of Brooklands, between the ditch and Lotus Way and the beach itself.

All the spaces above are in need of an update, to bring them in line with current standards, address deficits (see section 3) and better serve residents. <sup>[1]</sup>

## 10.2 Strategic approach

The strategy for improving the public open spaces has been developed through an assessment of current condition, opportunities and constraints and in consideration of the insights from formal and informal consultation. An outline functional brief has been drawn up for each open space, and to inform outline delivery costs, and this should be used as the starting point for further project development.

<sup>1</sup> Tudor Fields and land behind Lotus Way is not included here, however improvements to access to these areas is covered in section 11.

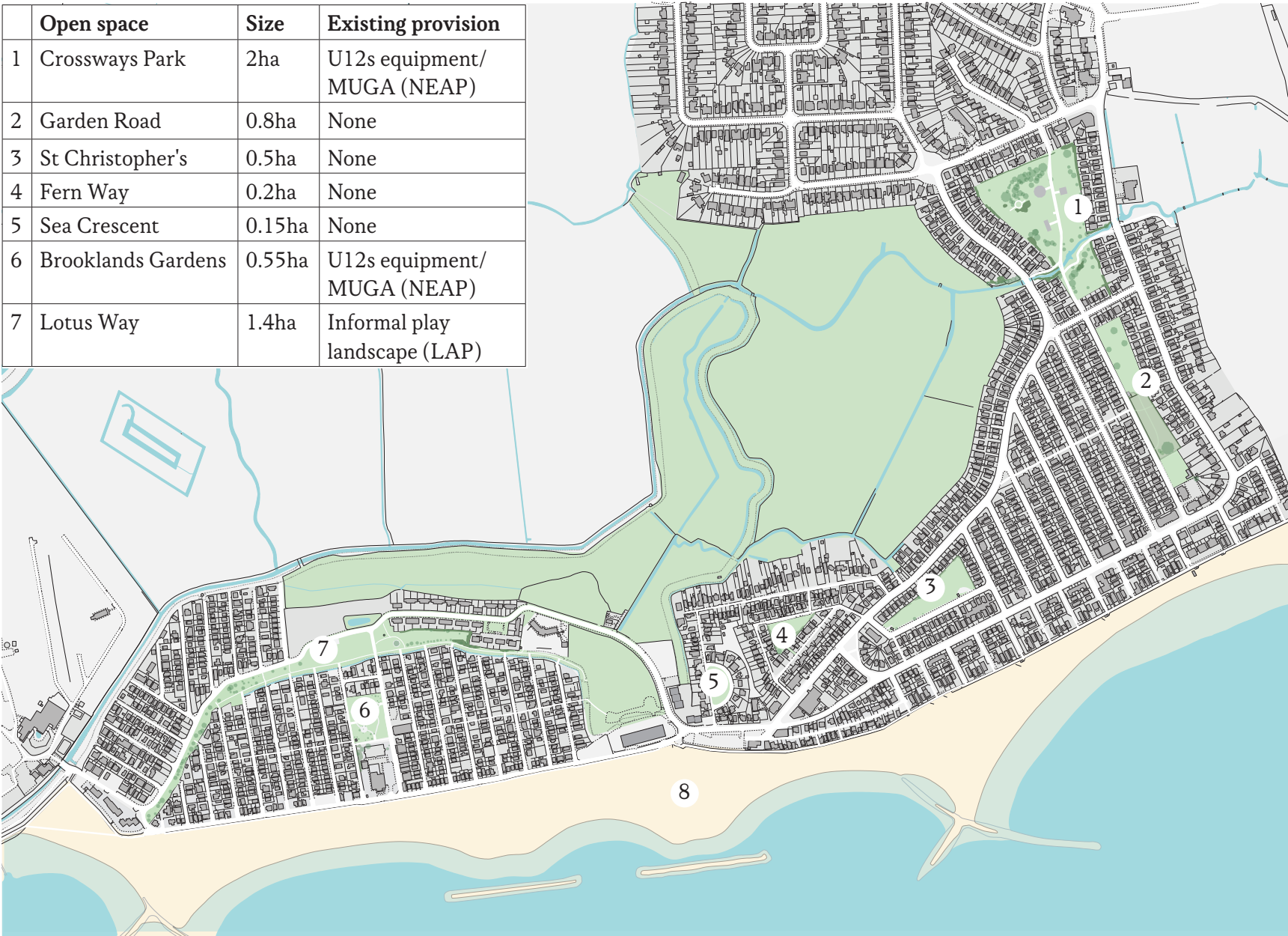


Fig. 88. Map of existing public open spaces in Jaywick Sands



10.3.1 Crossways Park (2ha)

Existing condition:

- Well-used space including several play areas fulfils basic characteristics of a NEAP (for play) and doorstep accessible green space (for GI)
- Waterway is attractive and benefits wildlife, and has been recently cleared (Essex Wildlife Trust and community partners)
- Rest of the space is mown grassland and somewhat sterile
- Surrounded by ‘backs’ of tandem plots which could become more attractive and well-used ‘fronts’.

Proposed improvements:

1. Renewal of existing paths and accesses
2. Create perimeter path to improve access to surrounding homes/gardens.
3. Add more trees, planting and natural landscape features (meadow grass areas, etc) to improve habitat, create more visual interest and allow for more varied uses
4. Add more seating / picnic tables and upgrades to play equipment
5. Site for additional MUGA (to meet deficit identified in infrastructure report)

10.3.2 Garden Road (0.8ha)

Existing condition:

- Long linear green space
- Central part is not owned by TDC and has been subject to speculative unsuccessful planning applications. This part could be purchased by TDC to connect their existing assets.
- Tandem and single plots back onto the space - some use the space as primary access.

Proposed improvements:

1. Renewal of existing paths and accesses
2. Create perimeter path and better footway along street
3. Extend current beekeeping operation to create larger community garden
4. Natural dog agility course
5. Benches and picnic tables
6. Tree planting and potential
7. SuDS along street

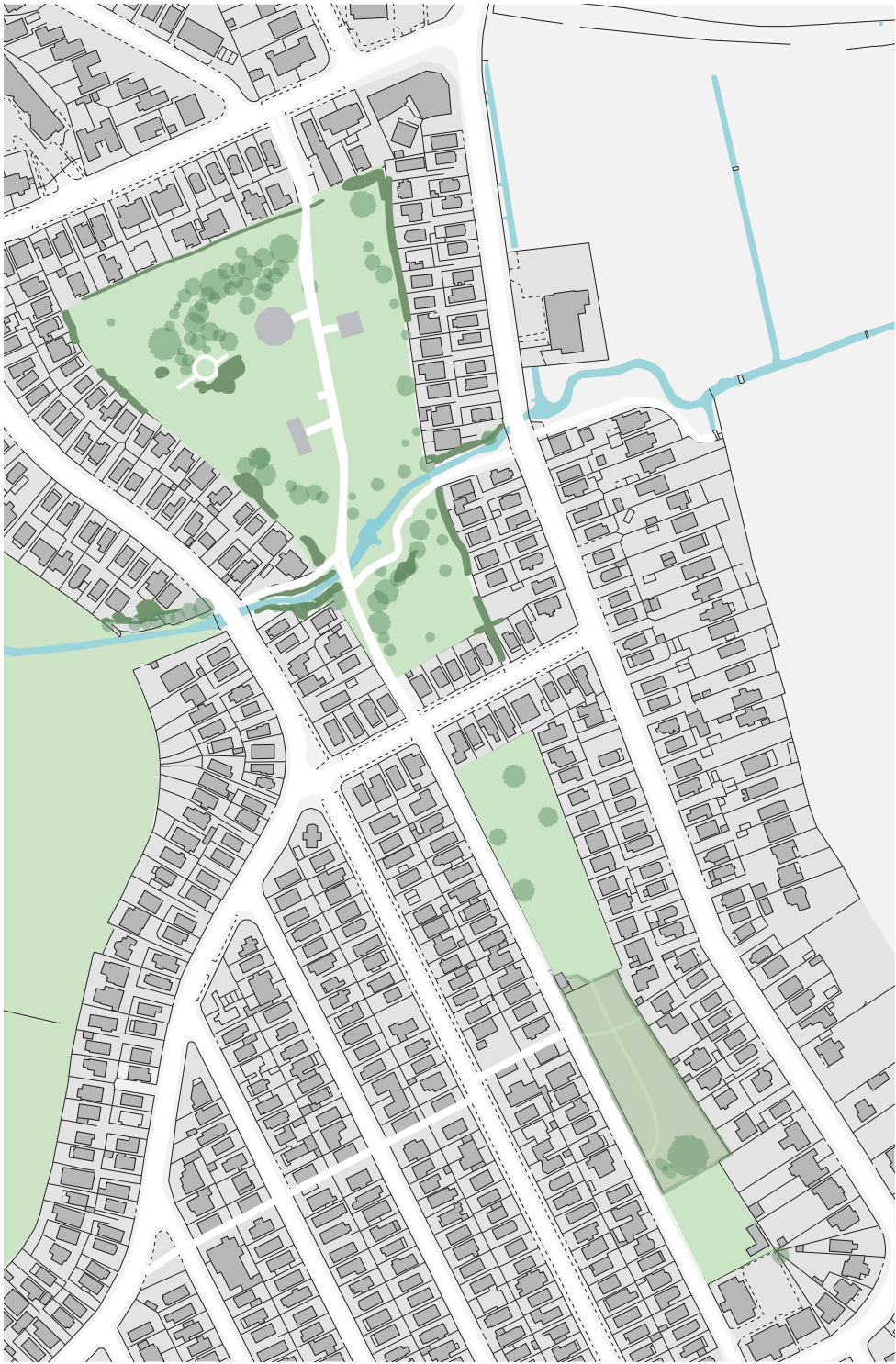


Fig. 89. Map of existing condition for Crossways Park (top) and green space on Garden Road (bottom)

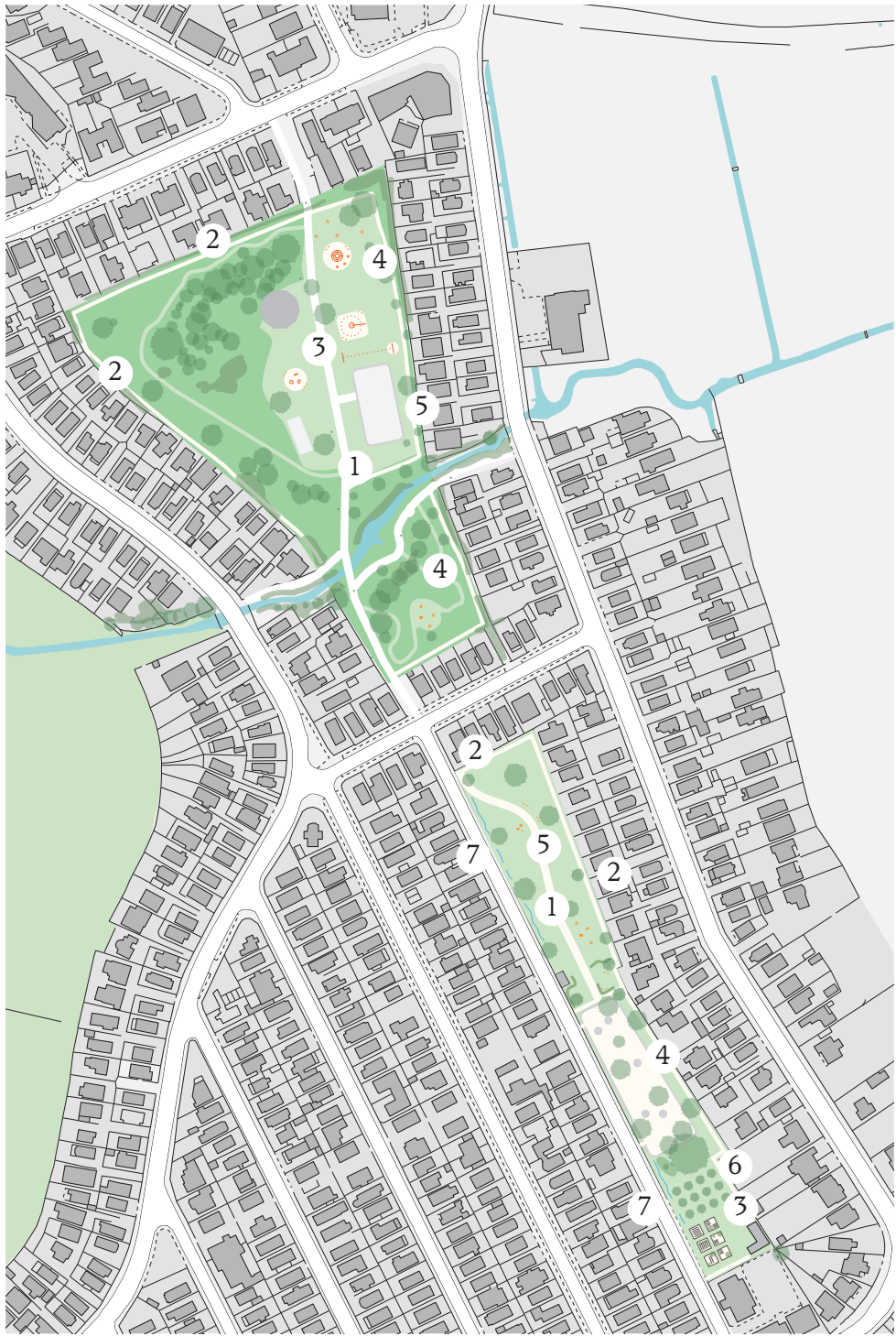


Fig. 90. Map showing proposed improvements for Crossways Park (top) and green space on Garden Road (bottom)



10.3.3 St Christopher's Way (0.5ha)

- Existing condition:**
- Triangular space, only one side is fronted by homes, others homes back onto to space.
  - Currently used for parking but unsurfaced and no marked bays
  - Lightly used for parking - never full
  - Near St Christopher’s church (blue circle)
  - Surrounded by very small plots

- Proposed improvements:**
1. Provide limited parking in marked-out on-street bays as part of landscaping scheme, alternating with street trees.
  2. Provide bollard lighting along street
  3. Create path around edge of space to improve informal access from back gardens.
  4. Play for younger children/toddlers near church
  5. Play for older children at the wider end of the space
  6. Tree planting



Fig. 91. Map of existing condition of St Christopher's Way



Fig. 92. Map of proposed improvements to St Christopher's Way

10.3.4 Fern Way (0.2ha)

- Existing condition:**
- Triangular space, only one side is fronted by homes - rest are backs
  - Surrounded by some of the most cramped and poor quality plots in Jaywick Sands with virtually no gardens
  - On-street parking on one side due to lack of on-plot parking
  - Grassed with no play / equipment
  - Lack of street lighting, at either end of street only

- Proposed improvements:**
1. Formalise on-street parking as part of landscaped approach alternated with trees
  2. Provide bollard lighting along street
  3. Tree planting
  4. Static and natural play features (low maintenance) to provide resident amenity
  5. Benches and picnic tables.



Fig. 93. Maps of existing condition and proposed improvements to Fern Way

10.3.5 Sea Crescent (0.15 ha)

- Existing condition:**
- Fronted and well overlooked by homes to all sides
  - No footways
  - Grass and one single tree
  - Overhead cables pass along the straight edge, on the green space
  - No seating or encouragement for active use

- Proposed improvements:**
1. Natural play and benches for informal use
  2. Tree planting for shade/environmental/ecological benefit
  3. New footway along Sea Way
  4. Potential for pond/blue SuDS feature



Fig. 94. Maps of existing condition and proposed improvements to Sea Crescent



10.3.6 Brooklands Gardens (0.55ha)

- Existing condition**
- The only open space in Brooklands (pop. c. 1500) which has
  - The smallest plots and private yards/ gardens
  - Includes MUGA and other play equipment but not in good condition
  - Little shade or seating

- Proposed improvements:**
- Substantial improvement to be extremely well used and meet the NEAP standard for play and equipment covering all ages and maximise amenity:
1. New play (including some bespoke play equipment) for young and older children including boundary fencing, bins, planting, seating for supervision etc)
  2. New boundary, surface, lighting and increase size to (38x18m MUGA)
  3. Include outdoor gym equipment for adults
  4. Add more seating and picnic tables
  5. Add trees for canopy cover and shade
  6. New paths

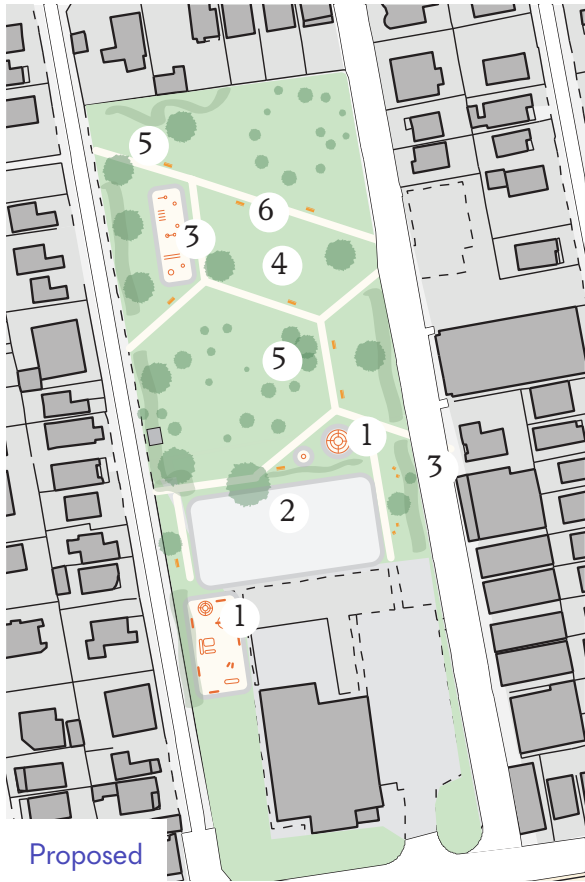
10.3.7 Lotus Way green space (1.4ha)

- Existing condition**
- Small informal play area (without equipment) near Lotus Way
  - (Guinness Trust) homes
  - Mix of informal green space and small community gardens
  - Linear route with unsurfaced footpath along top of bank - good potential route for walking/running
  - Not all the links into the rear of Brooklands are easily accessible
  - Biodiversity is good due to presence of watercourse but further
  - Habitat could be created

- Proposed improvements:**
1. Surface footpath to provide all-weather path (cost in active travel)
  2. Improve access points from Brooklands (cost in active travel)
  3. Landscape clean up new & biodiverse planting around the watercourse & maintain natural green space character
  4. Revitalize existing informal play and seating area



Existing



Proposed

Fig. 95. Map of existing condition of Brooklands Gardens

Fig. 96. Map of proposed improvements to Brooklands Gardens



Existing



Proposed

Fig. 97. Map of existing condition of Lotus Way

Fig. 98. Map of proposed improvements to Lotus Way

10.4 Delivery of public open space improvements

Delivery of the identified public open space improvements can be achieved as a series of standalone projects and could be considered as potential 'quick wins' as they do not have significant dependencies on other aspects of the Place Plan framework.

Delivery and funding partners could include community groups, Active Essex/Essex County Council, as well as other grant funding schemes aimed at improving health and wellbeing, biodiversity, climate resilience or sustainable drainage.

To deliver all the identified public open space improvements would require capital funding in the order of £3-3.5m at 2023 costs. Further information and breakdowns can be found in Appendix A.

	Open space	Size	Existing provision
1	Crossways Park	2ha	U12s equipment/ MUGA (NEAP)
2	Garden Road	0.8ha	None
3	St Christopher's	0.5ha	None
4	Fern Way	0.2ha	None
5	Sea Crescent	0.15ha	None
6	Brooklands Gardens	0.55ha	U12s equipment/ MUGA (NEAP)
7	Lotus Way	1.4ha	Informal play landscape (LAP)



Fig. 99. Map of existing public open spaces in Jaywick Sands



# 11. Accessibility and connectivity

## 11.1 Background and aims

Connectivity within and around Jaywick Sands presents a number of challenges and these impact the access for residents to basic services as well as jobs, family and friends. Some routes, such as Brooklands, are also unsafe for vulnerable users due to insufficient footways, and others, such as the alleyways that could provide good direct through routes, feel unsafe at night. Emergency access and evacuation in a flood event is also limited and a concern to the emergency services.

More broadly although Jaywick Sands benefits from being in a beautiful coastal location and with nature-rich rural areas to the north, public access to these areas is limited and this impacts on residents' ability to connect with nature and improve their health and wellbeing through exercise and regular time outdoors. Increasing the network of routes and access points to both the beach and the rural hinterland will improve accessibility and bring health benefits.

While wider infrastructure improvements, for example to public transport, are beyond the scope of the Place Plan, improvements to existing walking and cycling routes, and creation of new routes, will create a positive impact on a number of indicators which are relevant to the Place Plan objectives.

## 11.2 Strategic approach

The accessibility and connectivity strategy aims to improve existing routes, where they exist, and to create new connections in strategic locations. Accessibility and connectivity to the beach, and improvements to Brooklands, are addressed through the flood defence and seafront public realm strategy as they are integrally linked to the delivery of flood defences. This section sets out the additional improvements to the movement network that are recommended as part of the Place Plan.

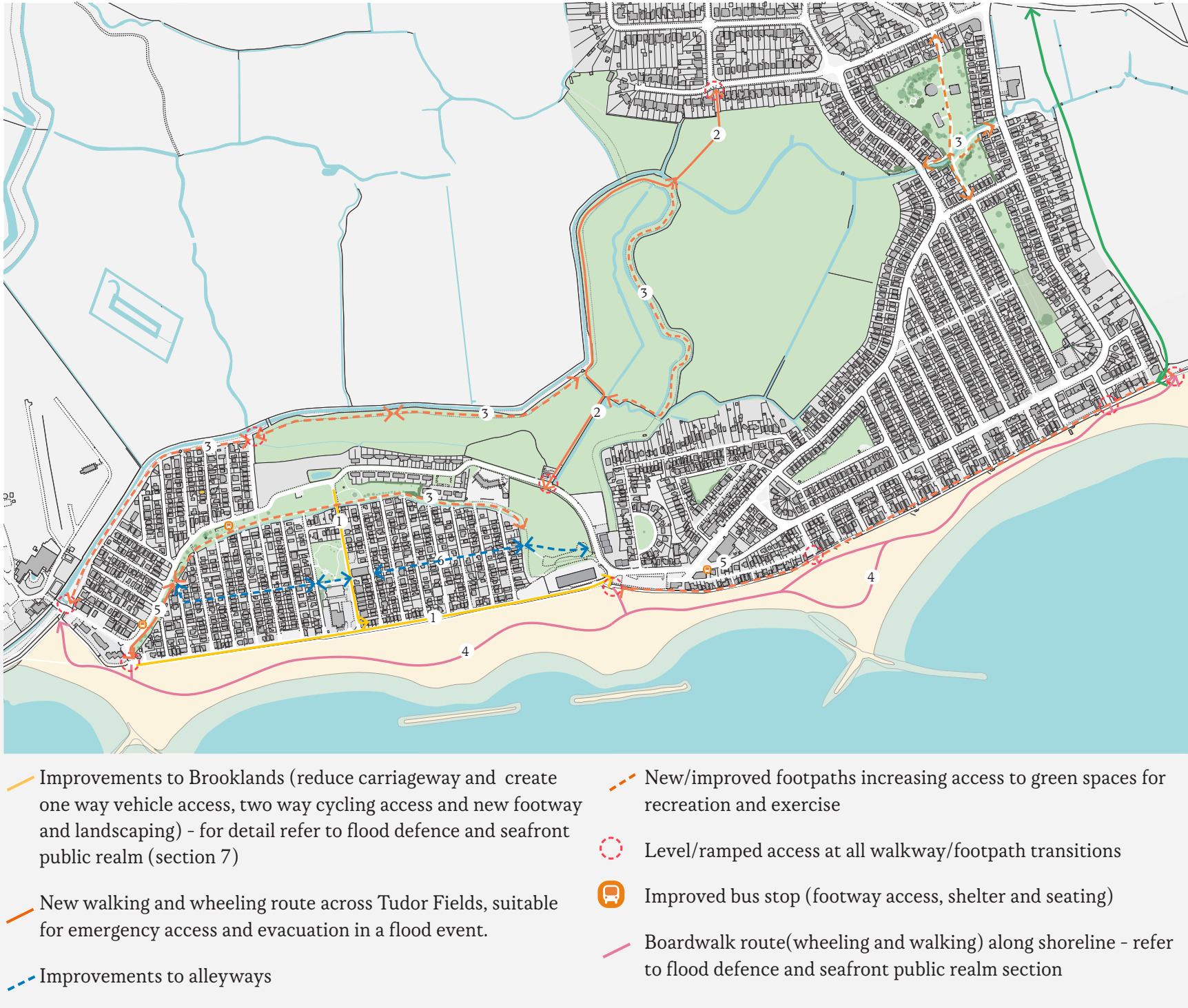


Fig. 100. Map of proposed accessibility and connectivity improvements



11.3 New route across Tudor Fields

A new route is proposed across Tudor Fields which will both substantially improve connectivity from Brooklands and Grasslands to the primary school and GP surgery in the Tudor Estate, and can also provide much-needed emergency access and evacuation route in a flood events. This addresses the concerns highlighted in the consultation by emergency services and the Environment Agency about the lack of a flood safe emergency route. While it may not be feasible to raise the route to above the worst future flood scenarios, the route can be set at a level that would be safe in an extreme current day flood event and more regular / high probability future flood risk events. A turning head area should be provided at the southern end.

A new route from Lotus Way to Crossways for walking and cycling would reduce the travel distance to the primary school by as much as ten minutes walking time for families within Brooklands and Grasslands, where we know there are more families with young children. Currently many children need to take the bus to school as families do not own cars. A safe off-road route that can be used by cycles will also encourage more families to cycle to school, reducing travel time substantially.

A further benefit of the new proposed route will be allowing access to natural green space, benefitting health and wellbeing and helping meet the identified deficit in accessible natural greenspace for residents in the most deprived parts of Jaywick Sands. The new route would work with further footpath improvements (see following section) to increase access while keeping access controlled to ensure that impacts on wildlife and biodiversity are minimised.

Safeguarding potential alternative emergency route

An alternative emergency egress/access route was suggested for consideration within the Place Plan as part of the Environment Agency’s initial options assessment. This route, along the back of the golf course, connects high ground in the Village to high ground West Road. Records show the high point in the village has been historically safe from flooding however, it would currently be cut off from other safe areas in a flood event. An additional route here would allow emergency services further into Jaywick Sands in a flood event, however the land required to achieve this route is not within TDC's control.

It is recommended that the option of developing this route in the



Fig. 101. Map showing proposed new route and alternative emergency access route to be safeguarded.

future should be explored with landowners, and development which would prevent the delivery of this route should be resisted as this provides a long-term flood safe route which would be outside the area affected by flooding in 100 year climate change scenarios.



11.3 New route across Tudor Fields (continued)

The design of the new route would involve widening and raising the height of the existing raised bank, which is too narrow to currently accommodate vehicles. The following outline design requirements should be incorporated:

- Surfacing suitable for emergency vehicle access and day-to-day walking and cycling - typically a minimum width of 3.5m but with passing places at regular intervals.
- Include suitable access control measures at either end to prevent unauthorised vehicle access while not preventing authorised walking, wheeling and cycling.
- Include boundary treatment such as post and rail fence with wildlife friendly wire mesh or similar, to prevent users going off-route and disturbing wildlife on either side
- Bridges over watercourses to be designed to allow passage of wildlife and not to impede surface water drainage.
- Include benches at regular intervals to provide rest stops
- No lighting in order to minimise disturbance to wildlife and discourage antisocial night-time use.



Fig. 103. Aerial view of proposed access/evacuation route (solid) and footpath (dashed)



Fig. 104. Existing raised bank toward Tudor Fields

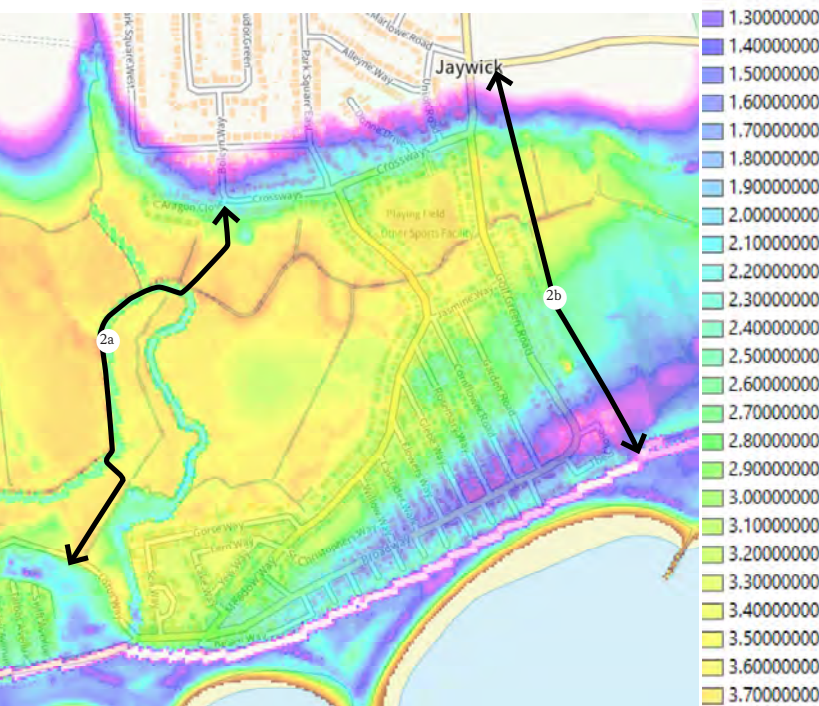


Fig. 102. Proposed routes for emergency access/egress and 0.5% AEP + Climate Change (100 years) flood event depths map, depths given in metres from existing ground level (EA, 2022)

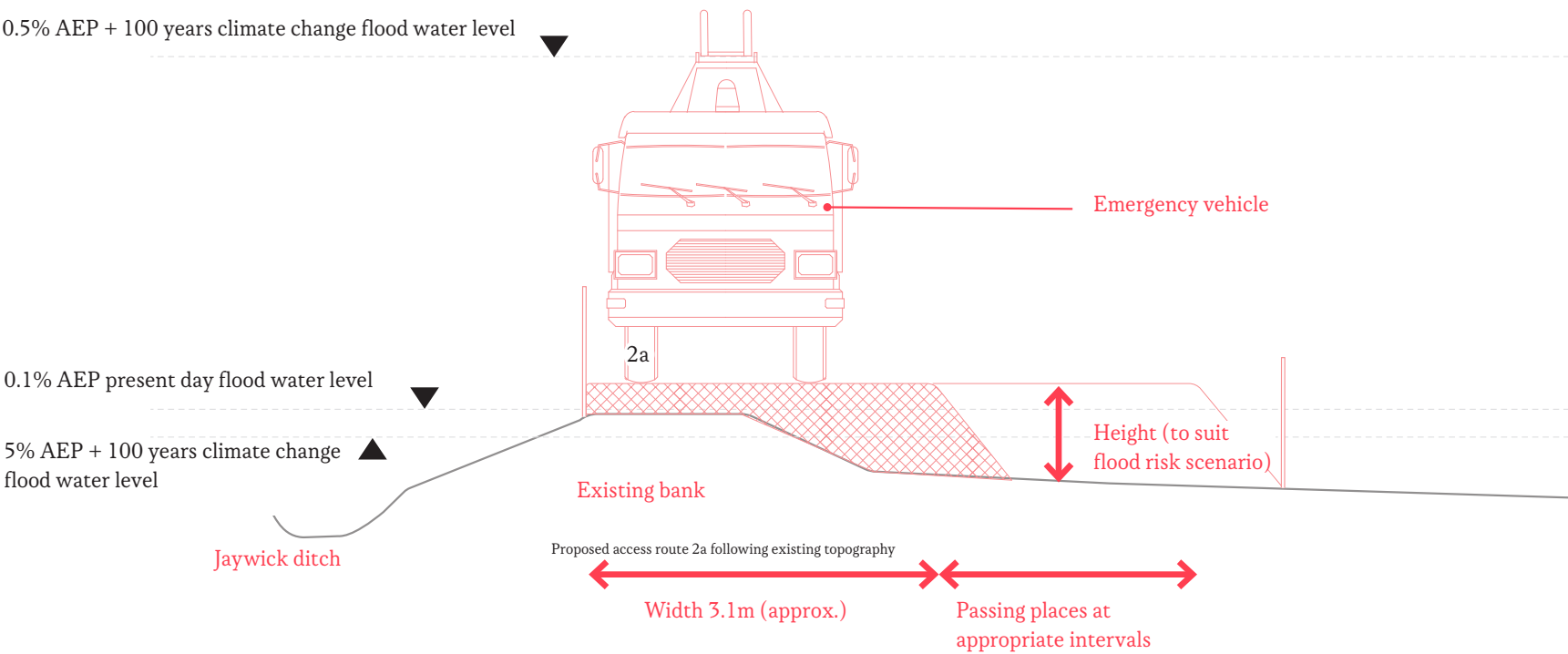


Fig. 105. Typical section through raised bank



11.4 Improvements to existing footpaths

The walking only routes around Tudor Fields and the perimeter of Brooklands/Grasslands should be made suitable for walkers and wheelchair users as far as possible, over the marsh landscape, with points to pass, rest and enjoy nature along the way, and link up with existing pathways and make the existing route more pleasant and accessible.

In places, residents have taken on the maintenance of these routes, and some are planted and well cared for. In other areas, residents have blocked off access with fences and gates. It will be critical to engage with residents to understand their concerns about safety, security and maintenance expectations for improvements to these routes however, the interventions themselves should be simple and achievable as stand alone projects.

Further scoping and engagement will be required and design must ensure that works will not negatively impact existing environment and ecology. Recommended improvements include:

- Stabilisation and widening of banks where required
- Surfacing with hardcore wearing course to rural footpath standard
- Stepped and ramped connections at level changes



Fig. 106. Hard to access footpath behind Brooklands



Fig. 107. Cared for access to footpath behind Grasslands

11.5 Alleyways

The street grid of Brooklands and Grasslands includes cross-routes known as the alleyways, which are currently poorly maintained, unlit and feel unsafe. Typically home owners are responsible for repairing the boundary fences and walls to the alleyways but costs mean that most are in poor condition and some are unsafe.

Their poor condition thus prevents the alleyways being used as an integral part of the movement network, meaning residents take longer routes in order to avoid them.

Improvements would be a relatively low cost high impact intervention and should include the following:

- Resurfacing to an adoptable pedestrian standard
- Repairs to boundary walls/fences
- New lighting - due to narrow width, should be ground-set lighting within the path surface

Like the roads in Brooklands, Grasslands and parts of the Village, the alleyways are not part of a maintained network, and ongoing maintenance should be included as part of highway/infrastructure responsibility/ownership decision.



Fig. 108. Existing alley between Brooklands plots



11.6 Bus stops and shelters

Bus stops form an important part of the infrastructure serving the community due to the low rate of car ownership in Jaywick Sands and reliance on public transport as a means of accessing services and employment. Improving the public transport experience is also important as part of supporting increased visitor numbers coming to Jaywick Sand by sustainable travel modes.

The physical bus infrastructure in parts of Jaywick Sands is limited. There are several key bus stops without paved footway access, seating or shelters, meaning they do not meet user needs and are particularly unsuitable for residents with health and mobility difficulties. We have identified three stops where there is sufficient space to include shelters, lighting, seating and paving, which would greatly improve the experience at these frequently used stops.

The stops identified for improvement are within Essex Highways maintenance responsibility and will require coordination and agreement on provision, design and maintenance of any shelters. However at the Sunspot site this has been achieved with ease and this provides a useful benchmark for the deliverability of improvements to this aspect of the movement network.

11.7 Delivery of accessibility and connectivity improvements

Accessibility and connectivity improvements identified as part of this element of the Place Plan are easily achievable and have few dependencies on other parts of the strategy.

They can therefore be seen as 'quick wins' that can be brought forward as soon as funding becomes available and in order to take advantage of potential funding sources, the projects should be further scoped with additional technical design and feasibility work to ensure a robust basis for funding bids.

High level costs have been developed which suggest that implementation of the full suite of improvements identified may require funding of £5-£5.5m (2023 values).



Fig. 109. Proposed bus shelter locations (existing stops named)



Fig. 110. Beach Way existing bus stop



## 12. Drainage infrastructure

### 12.1 Background and aims

Jaywick Sands experiences regular issues with foul and surface water drainage, along with a lack of maintenance of many streets within the village. This arises due to the historic development of the village and the confusion around responsibilities for maintaining and improving the streets and the drainage network. It is worsened by the increasing intensity of rainfall due to climate change, leading to an increased frequency of surface water flooding.

Most of the streets in the regeneration area are not adopted or maintained by the Highways Authority (Essex Highways) and are technically private roads. However the original Freeholders Association which was intended to be responsible for the private roads is no longer in existence, leaving a vacuum regarding maintenance responsibility. While Essex County Council funded some improvements to the north-south streets in Brooklands in 2015, it did not take on the maintenance responsibility for the streets or their drainage, and as a result no maintenance has taken place since that date. Patch repairs to Brooklands itself were completed in 2022 by Essex County Council but no full-scale improvement to either the carriageway or the drainage.

Mains foul drainage and surface water drainage should, in theory, be separate systems though in many parts of the country they are combined into a single combined drainage (sewerage) network. Typically mains drainage – foul and surface water – is adopted by the local statutory undertaker for drainage (e.g. Anglian Water) which is the successor to the former system of Water Boards.

Within Jaywick Sands, Anglian Water maintain the foul drainage network, though it is understood that they do not have an active maintenance schedule for all the runs. Drains are not regularly maintained, instead they are unblocked as and when issues are reported to Anglian Water.

The surface water drainage network is more complex, see Fig 111:

- Along Lotus Way surface water sewers are maintained by Anglian Water.

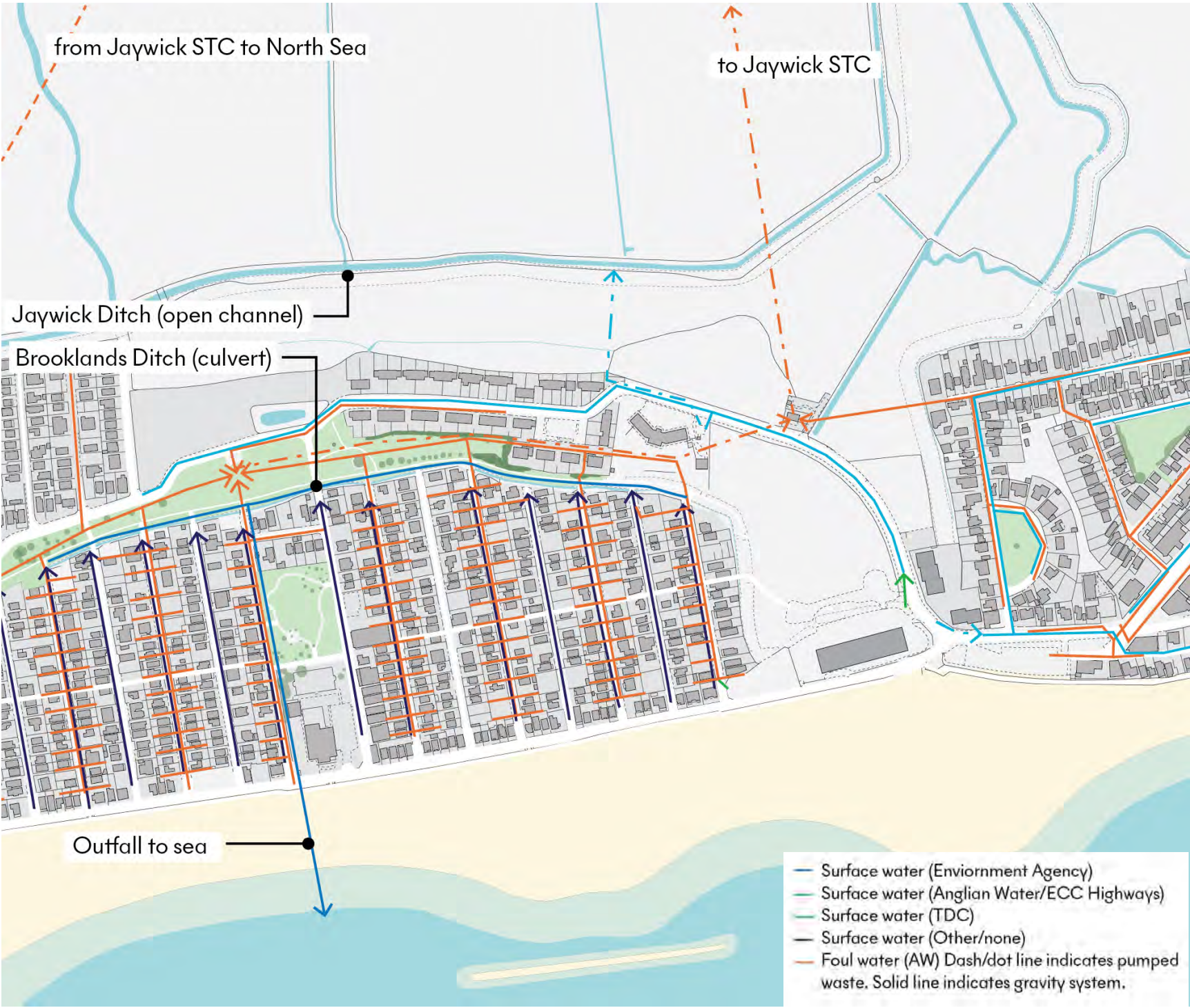


Fig. 111. Map showing the location and ownership drainage infrastructure in Jaywick Sands



- In Brooklands surface water from the north-south roads historically had no formal drainage. Since improvements to these streets in 2015 surface water drains towards Brooklands ditch, no statutory body takes maintenance responsibility for this street drainage.
- The surface water from Brooklands drains into a culvert system which outfalls into the sea. The Environment Agency is responsible and maintains these assets

There are areas of the settlement where there is no surface water drainage system in place, including the seafront road of Brooklands itself, and other unimproved streets in the Village. There are other parts of the surface water drainage network, including sections of culvert and the Jaywick Ditch, which are not adopted or maintained by any known authority. In addition, within Brooklands, the surface water drainage installed in 2015 was intended to drain the streets only and there is no provision for surface water drainage from homes. As a result it appears that many properties have connected their rainwater drainage from roofs, etc, into the mains foul drainage, adding flows for which this network does not have capacity, leading to backing up and overflowing of drains.

In order to support the wider Place Plan objectives and strategy, addressing the deficits in the physical drainage infrastructure, and putting in place a sustainable management and maintenance strategy, will be required. Without an authority taking on responsibility for maintenance and improvement of the surface water drainage network in areas where there is currently no adopted/maintained drainage, the issues experienced by residents – including overflows and backing up of the foul drainage network; frequent surface water flooding on the streets; and seawater flooding onto Brooklands at high tide; will continue and worsen with climate change.

12.2 Strategic approach

Addressing the issues with the surface water and foul drainage network will require partnership working with a number of statutory providers and bodies. It is recommended that adoption and improvement of the drainage network forms part of agreeing a wider approach to adoption and maintenance of the currently unadopted (and therefore unmaintained) streets. While the position of Essex Highways has historically been that they will not

adopt the streets due to their non-compliance with contemporary design standards (too narrow), many narrow streets and paths in other locations are already maintained by Essex Highways. It is unlikely that Anglian Water will adopt a surface water drainage network which takes water flows from the street network, without there being a statutory body that has agreed to maintain the highway drains themselves.

It is therefore recommended that Essex Highways formally adopt all the streets which remain unadopted. Adoption of streets is usually subject to a payment of a commuted sum to the adopting authority, and this will need to be negotiated and funding agreed.

The surface water drainage network will also require investment in its improvement as the network is not designed to accommodate residential surface water flows and below ground drains may not be sufficient to take those flows, even at greenfield runoff rates. It is unlikely that any statutory undertaker will agree to adopt and maintain the surface water drainage network without these improvements having been made, and usually a commuted sum is also required for adoption of currently unadopted assets. The amount of investment required is not known and would need a more detailed study to be undertaken.

Funding could be sought for the improvement work as part of wider regeneration plans for Jaywick Sands, on condition that an appropriate authority (which may most appropriately be the Lead Local Flood Authority with the wider national changes to the adoption regime for sustainable drainage systems) would then adopt and maintain the network going forward.

The Environment Agency’s responsibilities will also need to be clarified, both in relation to drainage through the sea wall and as the authority responsible for the main rivers network (ditches) that form part of the surface water network. It is also recommended that TDC’s and the Environment Agency’s asset maintenance responsibilities with regard to watercourses within or adjacent to TDC owned land is clarified and any discrepancies or oversights are resolved as part of ongoing liaison with the Environment Agency.

12.3 Delivery

Works to improve the network up to current standards, and to

make it resilient to future increased stormwater flows as a result of climate change, will be costly and disruptive and will require phasing. Commuted sums or a funding agreement for ongoing maintenance will also need to be established.

The scale of funding required cannot be established without further engagement with statutory undertakers, including Anglian Water and the Environment Agency, and more detailed technical studies. Funding should be sought to progress this technical work as a priority.



### 13. Community engagement and stewardship

Achieving the objectives of the Place Plan will require sustained and meaningful involvement of existing residents and businesses within the regeneration area. The history of community engagement in Jaywick Sands is mixed and has been complicated by the wide range of local community organisations that have developed over time with differing priorities and perspectives. Residents in Jaywick Sands also come from a range of backgrounds and include relatively new residents as well as some who have lived in the community for a long time. Jaywick Sands is not a parished area so has no elected parish councillors or formal community governance.

Community engagement requires a sustained and consistent approach over time which builds trust. Engagement should take place at all levels – from doorstep conversations with residents through to joint working with community organisations, formal consultations, regular online and offline communications, drop-in sessions, workshops and other in-person activity. The Place Plan objectives address complex and interconnected issues which are challenging, often emotive, and link local and global concerns. Engaging the community with these questions and ensuring that residents have enough information to make informed decisions, is resource-intensive but vital – as the Council has stated within the Local Plan, only with the support of the local community will any proposals for change be deliverable.

A community governance and stewardship model should be developed which has legitimacy through involving a representative range of community members with a rotating and refreshed membership over time. The right model will need to be developed with the local community and could take the form of an elected parish or town council, a residents association with defined status and remit, or another structure which also enables local businesses and existing community organisations to have a defined role. Developing this model will take time and to assist with this, a funded programme of capacity building for local community leaders should be considered.

In the interim, a statement of community involvement should be developed which sets out how Tendring District Council, as the

regeneration lead for Jaywick Sands, will work with the community until such time as a longer-term governance model is agreed. This should set out a clear process and expectations for how decisions will be made and communicated, with and on behalf of the community. It is also recommended that a dedicated community liaison officer responsible for local engagement in Jaywick Sands, should be provided until an agreed milestone in the delivery of the Place Plan.

## 14. Delivery and action plan

Delivering the Place Plan vision will require coordinated work by a range of partners and with the full involvement of the community. It must be emphasized that while the Place Plan sets out a vision and an accompanying framework for guiding change in Jaywick Sands, achieving this will require substantial investment and is currently unfunded. Delivering the strategy set out in the Place Plan in full may, subject to decisions around funding and phasing, require a 20 year timeframe.

Expanding on the high level delivery comments within section 3.4, this section of the report outlines potential timescales and recommended next actions for each element of the Place Plan. It should be emphasised that this is subject to the outcome from public consultation, further feedback from statutory authorities and the decision-making processes of the Council as the regeneration lead.

### 14.1 Flood defences and seafront public realm

This element of the Place Plan is both fundamental to achieving the wider regeneration objectives and the most costly and challenging aspect of the Plan to deliver. Securing protection against sea level rise is a precondition for the sustainability of Jaywick Sands as a community. The timescales for the delivery of the seafront framework will affect the wider regeneration benefits resulting and will impact on the confidence of market-led investment into Jaywick Sands. Until the long-term future of the settlement is felt to be secure in terms of flood defence, investment will be limited and short-term.

The delivery of the preferred option for upgraded flood defences, which integrates this with a significant amount of new public realm, improved accessibility to the beach and new facilities, will require a very substantial total funding commitment in the region of £108m at 2023 values (further detail in appendix A). If delivery is planned for after 2033, when national Flood Defence Grant in Aid (FDGiA) benefits can be drawn down to part-fund the scheme, the partnership funding required may be in the region of £84m at 2023 values. Drawdown of these benefits after 2033 assumes no change to the national framework for assessing and funding tidal

flood defences but this cannot be guaranteed within the context of evolving climate-related policy and pressures on public funding.

If the nationally preferred option for flood defences alone, with no additional public realm or seafront amenities, were to be implemented in accordance with the Environment Agency’s recent report, this would require partnership funding in the region of £20m (2023 values). Delivery would be undertaken in phases with the first phase in 2023 and the second planned for around 2058. It should be emphasised that this also assumes no change to the national framework for assessing and funding tidal flood defences.

Next steps for this element of the Place Plan should include:

- Further technical studies to develop the design approach, in consultation with the Environment Agency, and to provide additional basis for cost estimates
- Impact assessments including economic impact appraisal to evaluate benefit-cost ratio for the preferred option
- Exploration of partnership funding options

Some elements of the seafront strategy are suitable for ‘quick wins’ should funding be available, and these would secure more immediate benefits to the community. These include:

- Implement pilot scheme converting Brooklands to a one-way system and introducing footway segregated from the carriageway
- Delivery of the beach boardwalk connected to existing ramped access points to the beach.

### 14.2 Improvements to residential areas

Achieving the reuse of vacant and derelict plots will require initial investment in plot acquisition and development. Due to the poor viability of market housing development in Jaywick Sands, the development model will either require full funding through the Council or through a potential sale and leaseback or rental guarantee arrangement with an institutional investor through the underlying increase in value of the properties over time, as values rise in Jaywick Sands due to the wider regeneration programme, accrues to the Council.

While values are currently net negative for developing new homes in Jaywick Sands, this will change when long-term flood defences are secured and blight and deprivation addressed. It is therefore in the interests of the Council to maintain an underlying interest in the capital value of new homes over the long term. It would therefore be preferable for new homes developed through the strategy to be rented at either affordable rents or market rents.

Development of new homes on vacant plots will be most effectively achieved using a pattern book of house types developed specifically for Jaywick Sands and potentially utilising off-site prefabricated construction. This would reduce construction costs, work with the limited site access and working areas available, and achieve a high standard of construction with regard to flood resilience and energy efficiency. Self- and custom-build homes could also be an option for later tranches of development, when values have risen to make this viable while providing a return on the initial investment into site acquisition and infrastructure.

At present day values, the purchase and development of vacant and derelict plots in line with the recommended strategy may require investment of between £8m-£10m. Further detail can be found in Appendix A.

Next steps for this element of the Place Plan should include:

- Establish funding requirement for the acquisition of vacant and derelict plots through market valuation
- Develop outline pattern book designs for plot redevelopment and market test to establish development costs
- Secure funding for acquisition and development of vacant and derelict plots
- Explore potential funding options to incentivise owner-occupiers to improve flood resilience of their properties
- Explore relocation options in partnership with developments in the wider district, including Homes England at Hartley Gardens.

In addition the following ‘quick win’ can be delivered in the short term:

- Develop technical guidance for property owners for assessing the flood resilience of their properties, implementing



improvements and preparing flood safety plans

14.3 Creating space for business, tourism and local services

This element of the Place Plan primarily comprises a land use and safeguarding framework rather than direct delivery of physical regeneration projects. The primary delivery mechanism will therefore be through the planning process, however addressing deficits in local services and social infrastructure requires further joint working with partners, and may require capital funding depending on the agreed approach. Further development of commercial space on TDC-owned sites should also be scoped.

High level costs have not been developed for the potential capital projects which may emerge from these next steps, as this will be dependent on the outcomes from the further feasibility and scoping studies.

- Next steps for this element of the Place Plan should include:
- Establish a working group with local healthcare providers to scope potential models for local service delivery to meet identified needs
  - Further feasibility studies to establish demand for additional Council-led business space development. It is recommended that this be targeted at specific sectors and could include provision of services such as early years childcare by private sector providers.
  - Shopfront improvement grants programme targeted at existing commercial properties

14.4 Public open spaces

Delivery of the identified public open space improvements can be achieved as a series of standalone projects and could be considered as potential 'quick wins' as they do not have significant dependencies with other aspects of the Place Plan framework. Subject to funding the identified improvements could be delivered within a 2-3 year timeframe.

Delivery and funding partners could include community groups, Active Essex/Essex County Council, as well as other grant funding schemes aimed at improving health and wellbeing, biodiversity, climate resilience or sustainable drainage.

To deliver all the identified public open space improvements would require capital funding in the order of £3-3.5m at 2023 costs. Further information and breakdowns can be found in Appendix A.

- Next steps for this element of the Place Plan should include:
- Further project development including design and feasibility studies to establish more detailed costs and delivery timescales
  - Funding sources for implementation should then be sought and secured.

14.5 Accessibility and connectivity

Accessibility and connectivity improvements identified as part of this element of the Place Plan are easily achievable and have few dependencies on other parts of the strategy.

They can therefore be seen as 'quick wins' that can be brought forward as soon as funding becomes available and in order to take advantage of potential funding sources, the projects should be further scoped with additional technical design and feasibility work to ensure a robust basis for funding bids. Subject to funding the new route across Tudor Fields could be delivered within a 3 year timeframe and other improvements could be achieved more quickly.

High level costs have been developed which suggest that implementation of the full suite of improvements identified may require funding of £5-£5.5m (2023 values).

- Next steps for this element of the Place Plan should include:
- Secure funding for further project development including design and feasibility studies to establish more detailed costs and delivery timescales
  - Funding sources for implementation should then be sought and secured.

14.6 Drainage infrastructure

Addressing the issues with the surface water and foul drainage network will require partnership working with a number of statutory providers and bodies. Once an agreed approach has been established, the physical works to improve the network up to current standards, and to make it resilient to future increased stormwater flows as a result of climate change, will be costly and disruptive and will require phasing. Commuted sums or a funding agreement for ongoing maintenance will also need to be established.

The scale of funding required cannot be established without further engagement with statutory undertakers, including Anglian Water and the Environment Agency, and more detailed technical studies.

- Next steps for this element of the Place Plan should include:
- Establish working group with Anglian Water, Essex Highways/Essex County Council and the Environment Agency to develop an agreed approach and responsibilities matrix
  - Undertake technical studies to establish the physical upgrades required and associated costs
  - Secure funding for implementation and future maintenance

14.7 Community engagement / stewardship

This aspect of the Place Plan is fundamental to the delivery of the wider objectives and must be implemented alongside the next steps for the other parts of the strategy. Delivery should be undertaken by the Council through funding a dedicated community liaison officer.

- Next steps for this element of the Place Plan should include:
- Develop interim statement of community involvement and appoint community liaison officer
  - Capacity building for community leaders as a first step towards development of longer term governance / stewardship model.



# Appendices

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## Appendix A: High level delivery costs

### A1. Flood defences and seafront public realm framework

The following costs are high level estimates at 2022/2023 costs and with an approximately 60% optimism bias applied to account for the early stage of development and to cover currently unpriced risk factors. Risk factors in delivering the seafront framework will include:

- Mitigation costs with regard to parts of the beach being designated a geological SSSI and a Local Wildlife Site
- Impact of sea level rise on wider beach profile

Item	Outline cost (2023)
Baseline cost of flood defences (nationally preferred option prepared and costed by the Environment Agency)	£50.3m
Additional cost of c. 1km length of new sea wall (c. 1km of new sea wall is already costed into the nationally preferred option) - EA informal estimate	£25m
Additional rock groyne and beach nourishment (cost at upper end of EA informal estimate)	£10m
Promenade and associated public realm works, seafront amenities, street lighting (construction cost)	£13.6m
Reconfiguration of Brooklands road to include footways and cycle way along with resurfacing of carriageway (construction cost)	£2.4m
Boardwalk construction costs	£2.6m
Project costs, fees and the like - budget estimate	£3.7m
<b>Total (Present Day Value, 2022/23)</b>	<b>£107.6m</b>

Assuming the FDGiA benefits available in 2033 were used to part-fund the strategy, these may comprise approximately £24m so the additional partnership funding required would be approximately £84m at present day values.

Consideration of future maintenance costs will also be required as the Environment Agency's remit is for maintenance of defence assets only and would not extend to the maintenance of the wider public realm.

### A2. Improving residential areas

The following costs are based on high level assumptions regarding the purchase and redevelopment of currently vacant and derelict plots along with those plots already in the TDC portfolio.

Item	Outline cost (2023)
[REDACTED]	£3m
[REDACTED]	£5m
[REDACTED]	£0.3m
[REDACTED]	£1.7m
<b>Total (Present Day Value, 2022/23)</b>	<b>£10m</b>

### A3. Creating space for business, tourism and local services

High level costs have not been developed for any potential further Council-led commercial development as further feasibility and demand studies will need to be undertaken.

### A4. Public open spaces

Delivery of the identified public open space improvements can be achieved as a series of standalone projects and could be considered as potential 'quick wins' as they do not have significant dependencies on other aspects of the Place Plan framework. Initial high level budget estimates have been prepared and are

summarised below. Funding could be sought through active lifestyles initiatives, grant funding and other sources.

	Open space	Outline cost (2023)
1	Crossways Park	£1.1m
2	Garden Road	£1m
3	St Christopher's	£0.25m
4	Fern Way	£0.2m
5	Sea Crescent	£0.1m
6	Brooklands Gardens	£0.4m
7	Lotus Way	£0.2m
	<b>Total (Present Day Value, 2023)</b>	<b>£3.25m</b>

### A5. Accessibility and connectivity

Delivery of the identified improvements can be achieved as a series of standalone projects and could be considered as potential 'quick wins' as they do not have significant dependencies on other aspects of the Place Plan framework. Initial high level budget estimates have been prepared and are summarised below. Funding could be sought through active lifestyles initiatives, grant funding and other sources.

	Project	Outline cost (2023)
1	New access/evacuation and walking route	£2.5m
2	Footpath improvements	£2m
3	Alleyway improvements	£0.5m
4	Bus stop improvements	£0.2m
	<b>Total (Present Day Value, 2023)</b>	<b>£5.2m</b>

### A6. Drainage infrastructure

The scale of funding required cannot be established without further engagement with statutory providers including Anglian Water and the Environment Agency.

## Appendix B: Application of the Sequential and the Exception Tests

The National Planning Policy Framework (paragraph 159) states that:  
“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

The sequential test is a method to test if a suitable alternative location for the development is available. The exception test is a method to test if a proposal will provide wider sustainability benefits to the community that outweigh the flood risk; and be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both tests may need to be passed in order for the proposal to comply with the NPPF. The Government's Planning Practice Guidance (PPG) sets out the process for applying the sequential and exception tests, in order to comply with the National Planning Policy Framework position. The project team have undertaken extensive engagement with the Environment Agency to develop a shared approach to designing for flood resilience and enabling the viable replacement of existing substandard homes with more flood resilient dwellings. This has resulted in an agreed approach to the application of the sequential and exception test in Jaywick Sands which is described below.

While the standard of protection that may be provided by flood defence upgrades in the future is not known, development that comes forward in the mean time must assume no upgrades will be delivered. This results in considerable cost and viability issues for new-build development.

### B1. Applying the sequential test and the first part of the exception test

Jaywick Sands is identified as a Priority Area for Regeneration under Policy PP14 of the adopted Tendring Local Plan. Policy PP14 states that Priority Areas for Regeneration will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social

inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure, and that the Council will support proposals for new development which are consistent with achieving its regeneration aims.

Jaywick Sands has a high proportion of poor quality homes which are also at risk of flooding, now and in the future. Actual flood risk today includes flood depths of 500mm (0.5m) for some homes along the seafront in the design (0.5% AEP) flood event, and rises to depths of 3m and above over the next 100 years. Therefore, improving the safety of residents in a flood event, and the flood resistance and resilience of homes, is an important part of meeting the aims of Policy PP14.

All of the Priority Area for Regeneration, as shown on the adopted Policies Map, falls within Flood Zone 3. For proposals which can demonstrate that they meet the regeneration aims of PP14, sites outside the identified policy area boundary are unlikely to provide reasonable alternatives, so the sequential search area would reasonably be set as the boundary of the policy area. Although the whole of this area is in Flood Zone 3, some areas within Jaywick are at greater risk due to increased depths, velocities and other factors. The sequential approach should be applied to consider whether there are suitable lower risk alternative sites within the policy area. This reflects the approach to the sequential test identified in Diagram 2 in paras 020 and 021 of the Flood Risk and Coastal Change section of the PPG as well as the advice given in para 033. If the sequential test was passed, the first part of the Exception Test would also be passed as wider sustainability benefits would be demonstrated.

However, for development proposals which would not be consistent with achieving the regeneration aims of PP 14, the sequential search area may need to be set wider and applicants will need to demonstrate wider sustainability benefits to the community which outweigh flood risk. In practice, if proposals are not consistent with achieving the regeneration aims of PP14, demonstrating these sustainability benefits, and demonstrating that there are no available sites at lower flood risk, may be challenging.

### B2. Applying the second part of the exception test

In order to satisfy the second part of the Exception Test, applicants

must provide evidence to show that the proposed development would be safe and that any residual flood risk can be overcome to the satisfaction of the local planning authority, taking account of any advice from the Environment Agency.

Jaywick Sands benefits from flood defences but there is a present day flood risk for a 0.5% AEP event in seafront areas, with inundation depths of up to 0.5m. The Shoreline Management Plan has a ‘Hold the Line’ policy position for the coastal defences protecting Jaywick Sands, which states that an appropriate flood defence for the community will be maintained into the future, although the standard of protection is not defined. This is an unfunded aspiration for the future flood management of the frontage, and its delivery will require continued partnership working, and significant partnership funding. While uncertainties regarding funding and viability exist, it is important that any new development is designed to be both resilient to flooding (should there be any delay to the delivery of improved coastal flood defences) as well as being safe for the future occupants.

To meet the NPPF requirement for 'safe development', the Environment Agency typically look to ensure that internal habitable space for ‘more vulnerable’ development (which includes residential uses) should have floor levels set above the design flood level, plus the appropriate ‘freeboard’ allowance. This is to ensure that future residents are not placed in danger from flood hazards and the development is appropriately flood resistant and resilient in the event of a flood (reflecting aims of para 167 of the NPPF). The design flood level for tidal flooding is typically the level of inundation for an 0.5% AEP event plus an allowance for climate change over the lifetime of the property (which for residential is typically set at 100 years). It may be considered acceptable for ‘more vulnerable’ development types, which include residential development, to flood on the ground floor in a residual risk scenario, provided there is refuge above the flood level, and the development is protected by flood defences for the lifetime of the development.

It is the preferred approach of TDC and the Environment Agency for new properties not to flood internally in a design flood event, given that it may be many years before the defences are renewed and raised. However, it is recognised that, due to the unusual plot pattern and land ownership in Jaywick Sands, that replacing a single dwelling on-plot is highly challenging to



achieve, without detrimental impacts on future residents and neighbouring occupiers, as demonstrated in the Jaywick Sands Design Guide SPD. In effect this means that replacing existing individual dwellings on the smallest plots, if required to have all habitable space above the design flood level, would not be possible without consolidating multiple plots into a single property holding. This could act as a barrier to improving housing quality and flood resilience in Jaywick Sands and would therefore work against the aims of Policy PP14 of the Tendring Local Plan, and NPPF paragraphs 152, 153 and 161c.

The Environment Agency have indicated that a holding objection will not be raised for proposals in the areas of Jaywick Sands which lie within Flood Zone 3, which are for on-plot replacement dwellings and involve no net increase in bedspaces, if the following criteria are met in full by the applicant:

- Floor levels for habitable space must be higher than the floor levels of the property being replaced;
- Floor levels for habitable space should be set, if possible, above the present day 0.5% AEP flood level. If this is not possible without contravening the other design guidance within the SPD regarding parking, internal and external space standards, amenity, daylight, sunlight and overlooking, floor levels should be set so that internal flooding in a 0.5% AEP present day event would be no greater than 0.3m (the FD2320 matrix threshold for 'danger to some').
- Flood resistant and/or flood resilient construction measures

- (as appropriate) are used to minimise damage to the property in a flood event, and to allow the re-occupancy of the building quickly;
- A secure and accessible area of refuge is provided above the flood level of a 0.1% AEP event, plus the appropriate climate change allowance and freeboard;
  - Buildings and their foundations are designed to withstand the hydrostatic and hydrodynamic pressures of flood water so that they will remain standing during flood conditions when refuge is relied on.
  - An escape window or hatch is provided from the refuge level to facilitate communication with neighbours and emergency response authorities and to provide options for rescue should this become necessary.

A full site-specific flood risk assessment will be required for all applications and this must cover the approach to other related matters, including but not limited to flood warning and evacuation, access and egress, and resident awareness.

For proposals which would result in a net increase in the number of bedspaces on the site, and therefore increase the number of people living within Flood Zone 3, the Environment Agency will raise a holding objection unless the normal requirements for 'safe development' are followed in full and all habitable floorspace is raised above the design flood level, with the appropriate climate change and freeboard allowances.

It is important to note that while the Environment Agency provides comment, which can include a holding objection, to proposals, it is for the Local Planning Authority to weigh the planning balance and reach a decision on whether the response to flood risk within the design represents a safe and appropriate response to site specific circumstances, and therefore the second part of the exception test will be passed.

B3. Impact of flood risk on values and viability

A further consideration is the insurability and the mortgageability of properties in Jaywick Sands. Currently the flood risk is not a factor for insurance (due to Flood Re) or mortgage providers, due to the low values and the relatively good flood protection in the present day. The Place Plan team are engaging with Flood Re to understand how the industry understanding of flood risk may evolve as it is critical for any successful regeneration, that new homes and commercial premises created are mortgageable and insurable in the long term, and hold value for potential purchasers.

The Association of British Insurers (ABI) advises no new development in areas that will flood in a 1% AEP for 100yrs climate change scenario - which is different from Environment Agency advice - and also use different commercial available modelling tools to inform their assessment of flood risk.

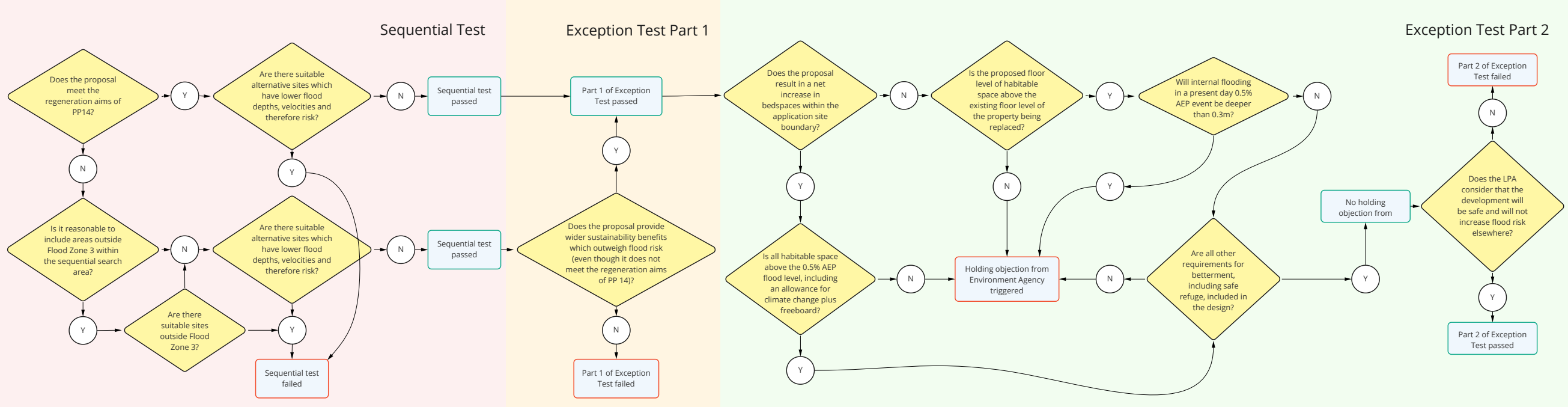


Fig. B1. Diagram showing sequential test approach

## Appendix C: Assessment of options for flood defences

### C1. The need for flood defence improvements

The current flood defences along the seafront of Jaywick Sands provide less protection to the community every year, due to sea level rise as a result of climate change. A 0.5% AEP (annual Exceedance Probability, meaning the chance in any given year of defences being overtopped) is the standard of protection that is nationally the benchmark for tidal flood defences, but currently much of the frontage already offers a lower standard of protection. In addition, the existing defences are ageing and a condition survey by the Environment Agency has established that the residual life of the defences along Brooklands, will last only until around 2038. Beyond this date, the risk of a failure or breach of the sea wall increases, which would lead to widespread flooding.

The Environment Agency recently completed a comprehensive study into the West Clacton and Jaywick Sands defences. The study area is around 3.5 km long and is shown in Figure C1. The frontage covers the coastline from the western end of the Cockett Wick sea wall to the eastern boundary at West Clacton town. It is divided into five Defence Units (DU1-5):

- Defence Unit 1: Cockett Wick
- Defence Unit 2: Brooklands
- Defence Unit 3: Brooklands to the Close
- Defence Unit 4: The Golf Course Frontage
- Defence Unit 5: West Clacton

The majority of DU1 is covered by another project currently developing a capital scheme and so is not considered further in this study. That scheme is improving the 330 m long Cockett Wick sea wall to provide a 0.5% AEP standard of protection (SoP). It involves wall raising and construction of a new revetment along its length. The design allows for further raising of the wall and revetment in year 50. The Cockett Wick scheme uses benefits for this frontage that extend into DU2 and DU3 but only for the next 15 years when they can again be claimed for future schemes in the area.

The primary concern on this stretch of coast would be failure and subsequent breach of a seawall. This would lead to widespread flooding in the area as much of it is below mean high water spring tide level. Table 2 shows the year in which this is expected to occur for each DU.



Fig. C1. Map of West Clacton and Jaywick Sands Defensive Units, as designated by the Environment Agency.

Table 1 – Standard of Protection provided by existing defences against wave overtopping

	DU2	DU3	DU4	DU5
Year 0 (2022)	0.5% AEP	1% AEP	1% AEP	3.3% AEP
Year 50 (2072)	2% AEP	5% AEP	5% AEP	10% AEP
Year 100 (2122)	33.3% AEP	100% AEP	100% AEP	>100% AEP

Table 2 – Residual life of seawalls at each DU i.e., the year that breach risk increases.

DU2	DU3	DU4	DU5
Year 16 (2038)	Year 76 (2098)	Year 14 (2036)	Year 62 (2084)



C2. Site constraints affecting options for flood defences

The nearshore area fronting DU1 and DU2 forms part of the Essex Estuaries Special Area of Conservation (SAC) as designated under the Conservation of Habitats and Species Regulations 2017 (as amended).

The Blackwater, Crouch, Roach and Colne Estuaries Marine Conservation Zone is also located immediately offshore along the whole frontage as designated under the Marine and Coastal Access Act (2009). The Clacton Cliffs and Foreshore are geological features of international importance, extending from the land into the subtidal area. The area has been identified as one of the best Ice Age sites in Britain and contains an abundance of molluscan and mammalian fossil remains.

Clacton Cliffs and Foreshore is a designated SSSI (Site of Special Scientific Interest) split over three sites, all of which are in favourable condition. The SSSI is designated for one of the most important Pleistocene interglacial deposits in Britain.

There are four Scheduled Monuments in the tidal flood risk area that benefits from the sea defences. The first is Lion Point Decoy located around 500 m inland of DU1/2 and is an elongated decoy, constructed around 1860 for trapping pochard. There are also three Napoleonic Martello Towers along the shoreline. The one at the western end of the study area, sited just behind the Cockett Wick sea wall is the Jaywick Martello Tower and is an important recreational asset that houses a visitor centre and art gallery.

The frontage is used by many for commuting and recreational activities such as dog walking. For defences to be effective, the seawalls must be a certain height. To avoid disrupting coastal views, it is important to keep future wall raising to a minimum and to investigation options that reduce the need for wall raising or mitigate its impacts e.g., footpath raising.

Additional to the above constraints identified by the Environment Agency, the beach is also identified as a Local Wildlife Site within the Tendring Local Plan



Fig. C2. Maps of area designations. Source: DEFRA



C3. Current sea wall - advantages and disadvantages

The sea wall currently varies in height relative to streets and paths alongside it on the landward side. Along Brooklands the wall is between 1.5-1.9m high relative to the street while along the Village seafront it varies greatly, between 400mm and 1100mm high relative to the path that runs along the seafront. At the eastern end, between the Village and the Clacton Martello Tower, the sea wall is very low and can be stepped over with ease.

There are 4no points of ramped vehicle access to the beach (controlled and permitted for Environment Agency/emergency access only) and a number of steps that cross the sea wall allowing for pedestrian access but only for people who can use steps. This means that access for disabled people and for people with pushchairs is very limited, as they can only access the beach using

the vehicle ramps. Once on the beach itself it is difficult for these users to move across it without a beach suitable wheelchair or pushchair as there are no boardwalks or surfaced paths to the water's edge and the beach itself is uneven with dunes, gravel and vegetation.



Fig. C3. Map of access points located along the current sea wall



C4. Accessibility and visibility of beach



Brooklands seafront - sea wall varies between approx. 1.5-1.9m above the road level.

Village seafront - relatively low sea wall height.



Fig. C4. Map of access points located along the current sea wall, with photographs showing the visibility of the beach from the land side

C5. Width of beach

The beach width varies greatly along the frontage due to the buildup of sand and gravel that has occurred since the rock groynes were constructed. These created a series of shallow bays and at some points the beach is nearly 100m wide as a result while at its narrowest, at the Village, it is around 35m wide at high tide.

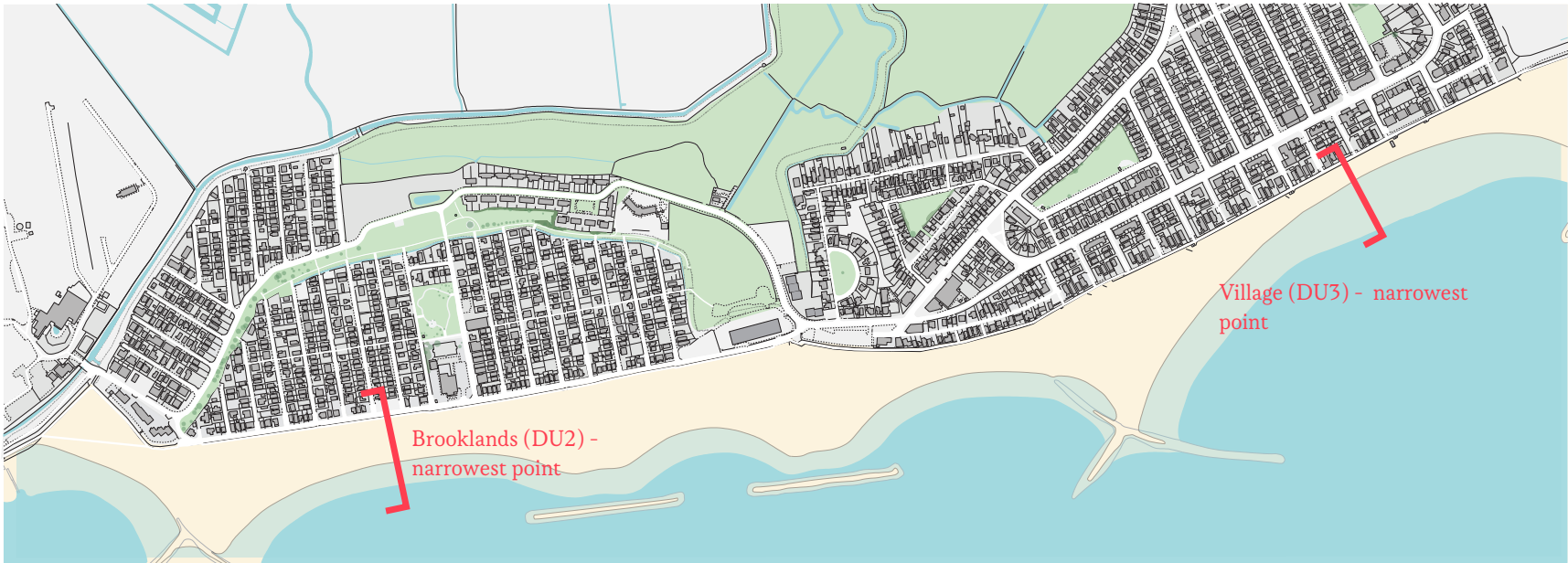


Fig. C7. Map with key of cross-sections illustrated below.

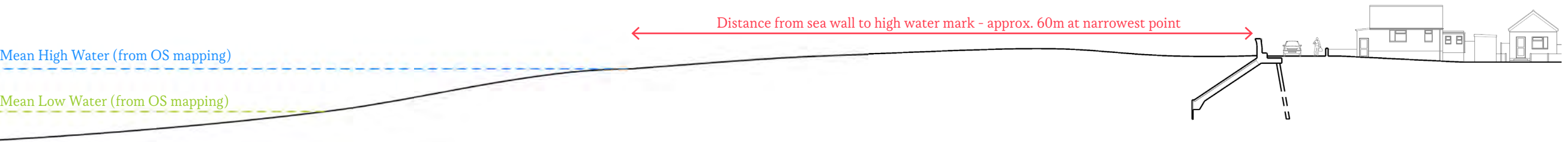


Fig. C5. Brooklands (DU2) - cross-section at narrowest point

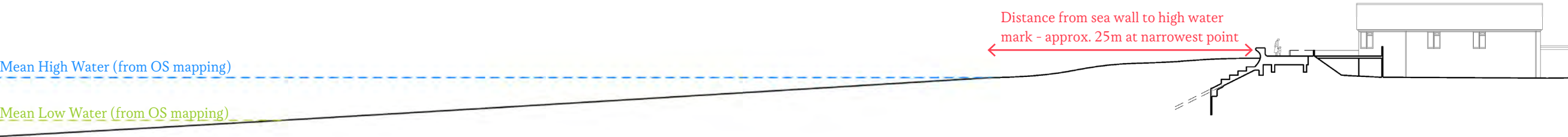


Fig. C6. Village (DU3) - cross-section at narrowest point



C6. Current typical section through the sea wall

AOD=Above Ordnance Datum

Section through Brooklands (Defence Unit 2)

Top of wall currently varies between 4.93-5.38m AOD<sup>[1]</sup>

The level of the road is currently around 3.5m AOD (from topographic survey data) although it slopes downwards at the very east end to the Lotus Way roundabout which is at approx. 2.3m AOD.

For the purposes of this report and comparisons we have illustrated the road at 3.5m AOD (the level for the majority of the seafront) and the current top of the sea wall at 5.16m AOD (the average of the height variance along the wall). This means the top of wall is illustrated at 1.66m above road level.

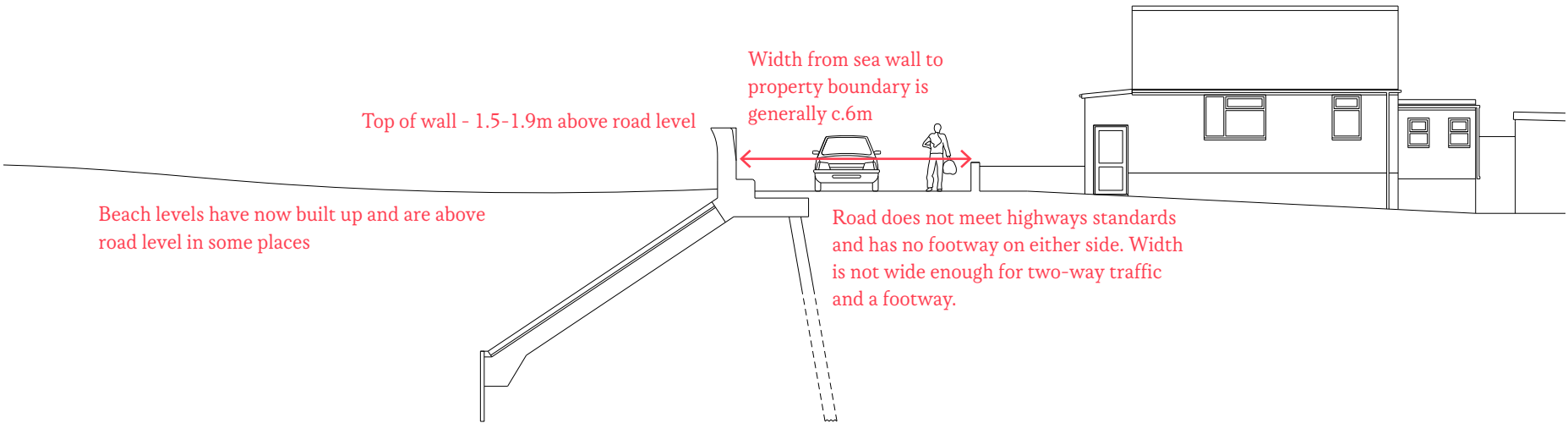


Fig. C8. Current typical section through Brooklands

Section through the Village (Defence Unit 3)

Top of wall currently varies between 4.78-5.48m AOD.

The level of the promenade also varies. A full topographic survey along the promenade is not available, but from a review of historic drawings of the sea wall improvements in the 1970s, and from survey information provided as part of planning applications, the majority of the promenade level appears to be at around 4.35m AOD.

For the purposes of this report and comparisons we have illustrated the promenade at 4.35m AOD (the approximate level for the majority of the seafront)) and the current top of the sea wall at 5.13m AOD (the average of the height variance along the wall). This means the top of wall is illustrated at 0.78m above road level.

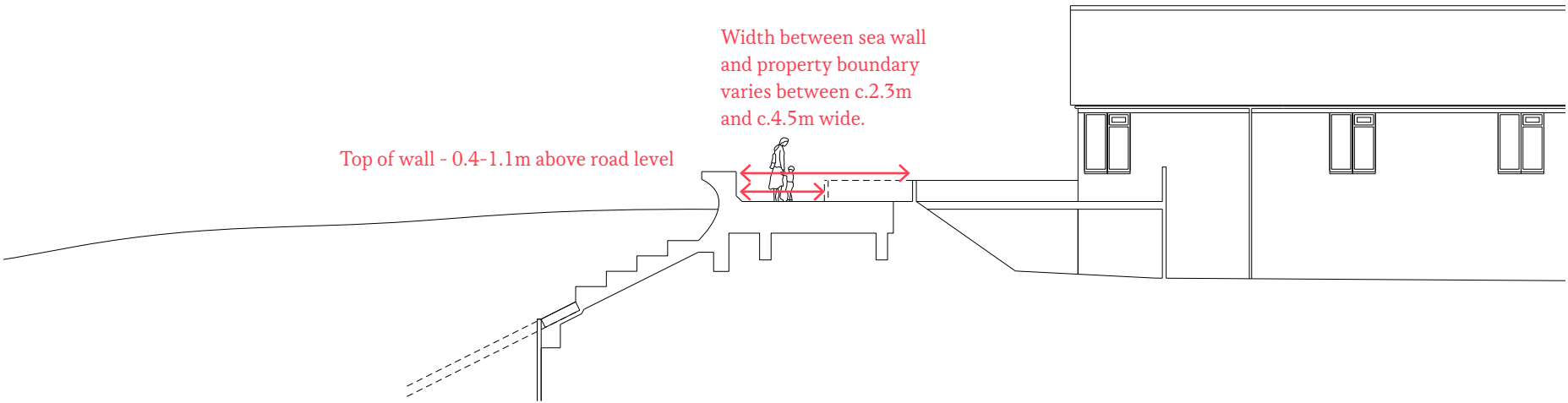


Fig. C9. Current typical section through the Village

1 Email from Environment Agency, 11.07.2023

C7.1 Option A - Nationally preferred design option developed by the Environment Agency in line with Treasury and DEFRA guidance

Any flood defence option will have to include a combination of maintenance and replacement of existing defences or defence elements as required; wall raising; and beach recharge. This is to avoid failure and breach of the seawall by managing the risk of wave overtopping to within tolerable limits and reducing the risk that extreme tide levels exceed the wall crest.

The Environment Agency has assessed a longlist of 22 options, and a shortlist of 5 options, covering baseline options (do nothing, do minimum, maintain existing), and two other options - raising the seawall and maintaining existing beach levels (option 4); and raising seawall in conjunction with raising beach levels (option 5). Both options 4 and 5 had variants, which would provide different standards of protection (SoP) using the same basic strategy.

The most economically advantageous option, from this shortlist, was option 4b - this would increase the seawall crest height to maintain a 1% AEP standard of protection. Because this is lower

than the 0.5% AEP SoP that is the level of protection that is usually required for new development, the Environment Agency considered that the 'locally preferred option', based on wider regeneration impacts, would be option 4c. This would provide the 0.5% AEP SoP. It should be noted that 'locally preferred' is an assessment by the Environment Agency and was not identified through local consultation or engagement with stakeholders.

Discussions with the Environment Agency clarified that the locally preferred option 4c was costed on the basis that approximately 50% of the existing sea wall could be raised (i.e. had foundations strong enough to take extra height) and 50% would need to be new sea wall constructed on the existing line. It was noted that the assumption was that new sea wall would be constructed similarly to the work being undertaken at Cockett Wick, i.e. on the line of the existing wall but not reliant on the existing wall for structural support.

The sea wall would be raised in two phases - a first phase in the 2033-2057 epoch and the second phase in the subsequent epoch. This is to maximise the use of Flood Grant in Aid (FGiA) to fund the works.

Due to the constrained access and proximity of homes, the new sea wall would be constructed using a site compound on the seaward side. Vehicle access points for construction would be created or widened from existing access points and these would be later adapted for ongoing pedestrian and vehicle access, with flood gates as required. The site compound would need to be protected from flooding during the construction period. This would involve locally raising the beach levels to create a bund.



Fig. C10. Map showing line of sea of wall to be raised for Option A



C7.2 Option A - cross-sections showing construction phase (indicative - developed by Place Plan team)

Section through Brooklands (DU2)

The new crest level of the wall would be 5.77m AOD in two phases with the final phase being completed post 2058. This is between 0.5-0.77m higher than the existing sea wall.

It is likely that the majority of the construction along Brooklands would be wall raising on top of the existing wall, which has piled foundations for most of the length.

Construction would be undertaken from the seaward side due to needing to maintain access along Brooklands for residents and for emergency vehicles.

A hoarding would be needed on the landward side to secure the construction zone.

Section through the Village (DU3)

The new crest level of the wall at the completion of the final phase post-2058 would be 5.84m AOD. This is between 0.4-1m higher than the existing sea wall.

It is likely that the majority of the construction along this defence unit would be a new wall, constructed similarly to the wall currently in process at Cockett Wick. This would replace the old wall and create a new walkway at the same time. The walkway is likely to need to be at the same height as the existing one, due to the need to maintain access to the existing homes.

Construction would be undertaken from the seaward side due to limited space, but it is not clear how constructing a new wall and walkway can be achieved while maintaining access to properties. It is likely that access to homes will need to be from the rear for at least a period of time, and that construction would temporarily impinge on private front garden space. This could have implications for the stability of existing homes.

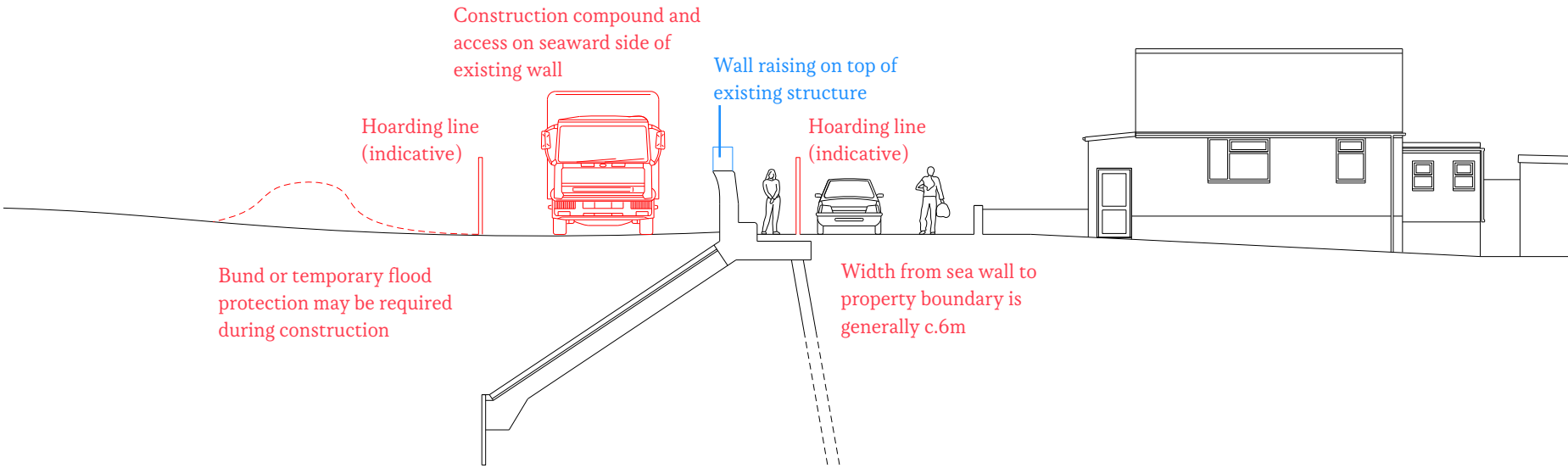


Fig. C11. Option A - cross-section through Brooklands during construction

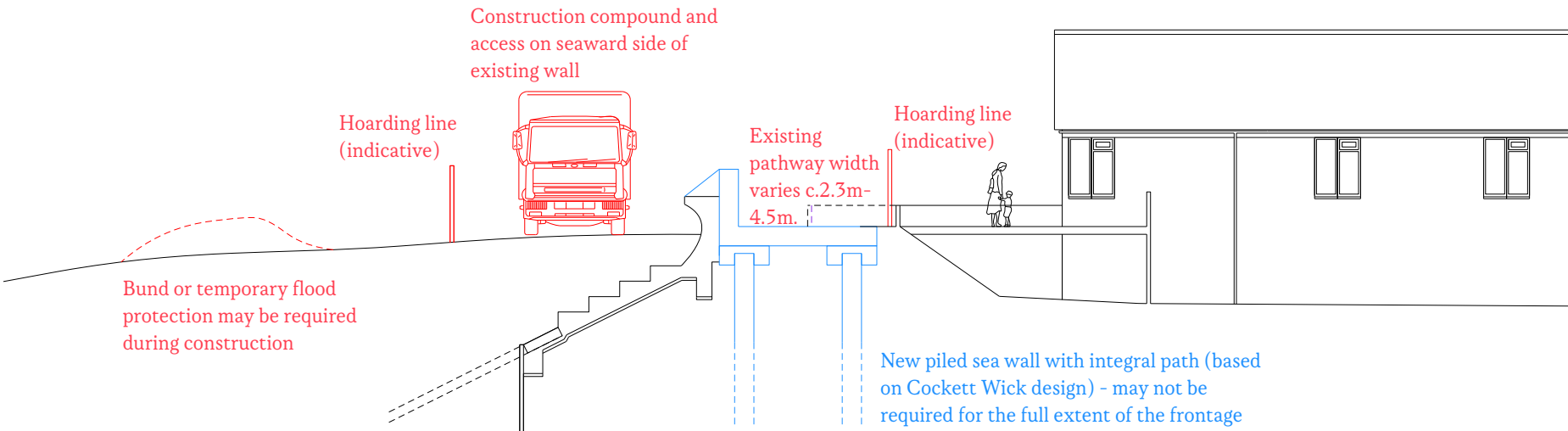


Fig. C12. Option A - cross-section through the Village during construction



Fig. C13. Photographs of current works at Cockett Wick showing extent of plant and storage required for wall raising and defence reinforcement works.

C7.3 Option A - cross-sections after completion

These sections show the wall raising after both phases of construction - noting that the nationally preferred option in line with Treasury and DEFRA guidance involves undertaking the wall raising works in two phases, one to start in 2033 and the second to start in 2057.

Section through Brooklands (DU2)

The wall would be around 2.3m above the road level - too high to see over. (Eye level is around 1.5m for a standing person).

The existing narrow road width would remain. The potential would still exist to relandscape Brooklands into a one-way street, which would allow for a footway on the landward side, adjacent to homes.

No improvements to disabled access to the beach would be possible, as there would not be sufficient space to introduce compliant low-gradient ramps.

Section through the Village (DU3)

The new wall would be around 1.5m above the level of the promenade walkway. This is similar to the height of the existing sea wall along Brooklands.

It is possible that flood gates could be installed in a wall of this height in order to permit full access to the beach in normal circumstances, including for wheelchair users and visitors and residents using buggies and prams.

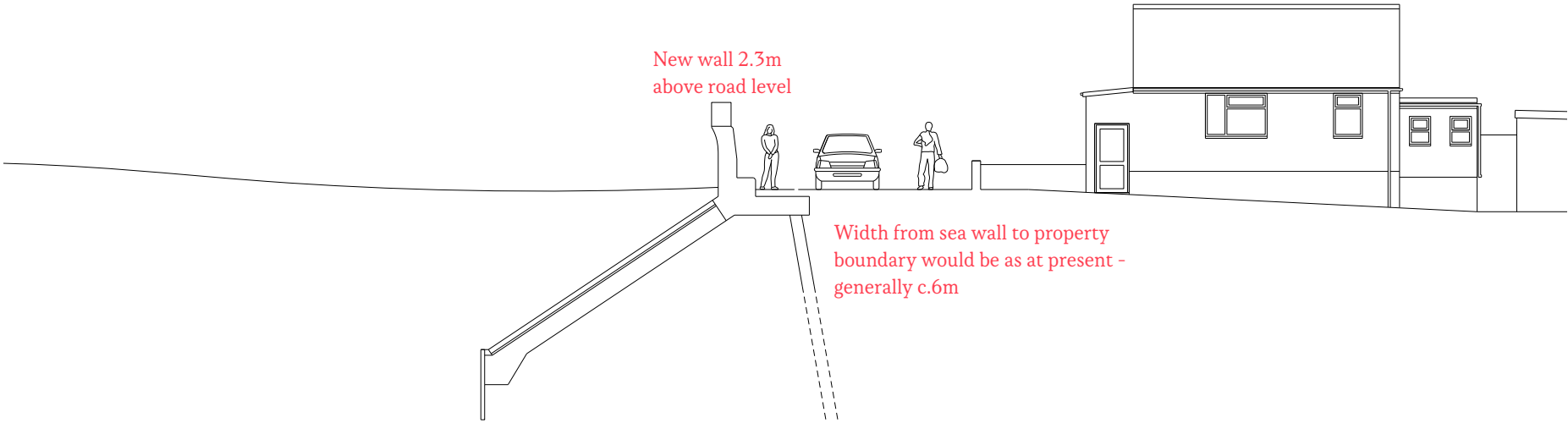


Fig. C14. Option A - cross-section through Brooklands after construction

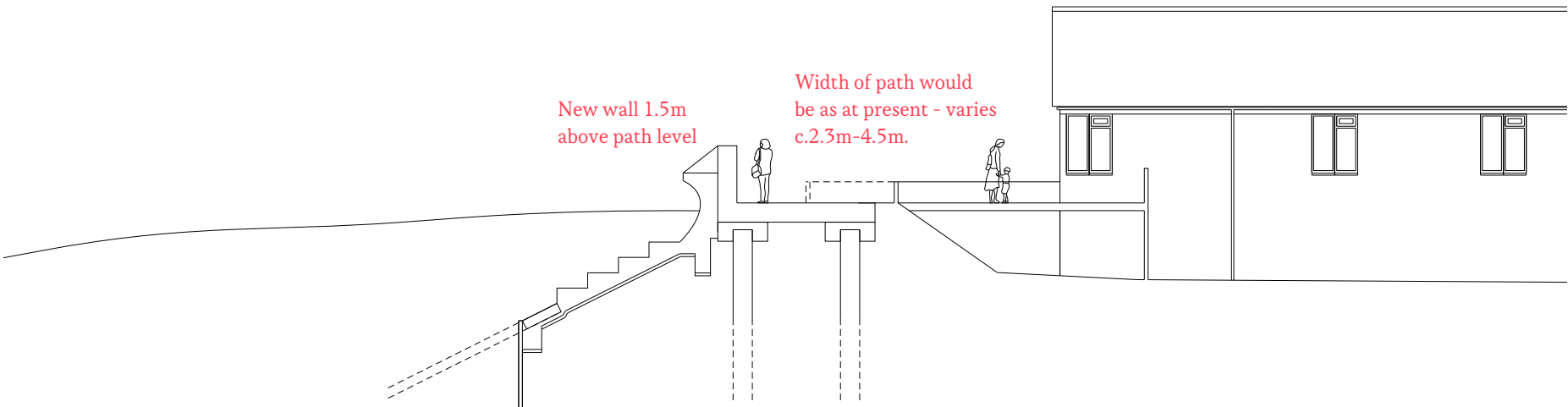


Fig. C15. Option A - cross-section through the Village after construction



C7.4 Option A - before and after comparison

These visualisations show the wall raising after both phases of construction - noting that the likely Nationally preferred option based on cost benefit and in accordance with the Treasury guidelines, means undertaking the wall raising works in two phases, one to start in 2033 and the second to start in 2058.



Fig. C16. View of Brooklands seafront (DU2) - current condition



Fig. C17. Visualisation of Brooklands seafront (DU2) after full wall raising (both phases)



Fig. C18. View of Village seafront (DU3) - current condition



Fig. C19. Visualisation of Village seafront (DU3) after full wall raising (both phases)



C7.5 Option A - cost-benefit and impact on wider Place Plan objectives



Fig. C20. Visualisation of Brooklands seafront (DU2) after full wall raising (both phases)



Fig. C21. Visualisation of Village seafront (DU3) after full wall raising (both phases)

The costs of option A (Present Value costs) have been estimated by the Environment Agency as follows (base date 2022)

Time period	Cost (present value at the start of each phase)	Grant in aid that would be available (FDGiA)	Required partnership funding (present value at the start of each phase))
2033-2057	£61.3m	£37m	£24.4m
2058-2087	£46m	£40.1m	£5.9m
2088-2121	£7.2m	£40.1m	0

The total Present Value (2022) cost of this option is £50.3m and the total Present Value (2022) partnership funding required is approx. £20m. As the scheme would not commence until the mid 2030s, and would be undertaken in phases, the Environment Agency’s estimate is that partnership funding of roughly £1m/year should be set aside each year for the next two decades.

The Environment Agency’s Benefit:Cost Ratio analysis shows an average BCR of 2.6 and an incremental BCR of 2.3. This is based on total Present Value costs of £50.3m and total Present Value benefits of £131.9m.

The benefits included in this analysis are solely the monetised value of flood damages avoided, based on the currently assessed value of homes and businesses available. No assessment has been made of wider benefits or disbenefits resulting from this option.

- A range of wider impacts could be anticipated as a result of this option. Positive impacts could include:
- Increase in value of homes due to their safety from flooding. Currently flood risk is a factor in keeping property values in Jaywick Sands abnormally low, although it is not the sole factor.
  - Increase in community safety and resilience and a consequent benefit to mental health and wellbeing resulting from maintaining a good standard of protection from flooding.

- Negative impacts could include:
- Public realm improvements to Brooklands road and to the beach could not be undertaken until these wall raising works were complete, unless it was accepted that abortive costs would be incurred.
  - The effect of the raised sea wall directly in front of existing properties could be anticipated to have a negative impact on their value.
  - Reduced access to the beach would have a negative impact on the potential to develop the beach as an economic driver for the community (tourism, watersports etc)
  - Wider disbenefits could be felt in terms of the desirability of Jaywick Sands as a place to live, which could impact on property values in the whole community and offset any potential increase in values resulting from properties having a lower risk of flooding
  - Wider impacts on the tourism economy of the area including the caravan parks as the beach would be less attractive and accessible.



C8.1 Option B - advance the line

This alternative option has been developed to explore the potential to design a flood defence approach that mitigates some of the challenges and disadvantages of the nationally preferred option, while using a broadly similar approach of constructing a higher sea wall and maintaining the same new crest levels.

This option would involve the construction of a new sea wall along the whole frontage, approximately 10-15m on the seaward side of the existing sea wall, so that the construction of the new wall (including construction traffic loading) would not damage the existing sea wall during the works. The existing sea wall could then be demolished and the space used for other purposes, such as improved public realm and accessibility to the beach.

An additional rock groyne might be required in order to widen the beach at the narrowest part of the Village, along with some additional beach nourishment at that location, while for the rest of the frontage broadly the same level of beach recharge and maintenance would be required as in option A.

The costs of this option would be higher than Option A, as the whole sea wall will be replaced, and there will also be the costs of demolishing and relandscaping the existing sea wall area.

This option would be more preferably completed in a single phase, rather than the two phases anticipated by the Environment Agency for option A. This would require more partnership funding than option A, as the same amount of Flood Grant in Aid would not be available.



Fig. C22. Map showing line of new sea of wall proposed under Option B, and location of potential additional rock groyne

C8.2 Option B - cross-sections showing construction phase

Section through Brooklands (DU2)

The new crest level of the wall would be 5.77m AOD. This is between 0.5-0.77m higher than the existing sea wall.

The new wall would be constructed on the seaward side of the existing sea wall. The existing sea wall would remain in place until the new wall was complete, following which it would be demolished.

Construction would not affect existing homes or access along Brooklands.

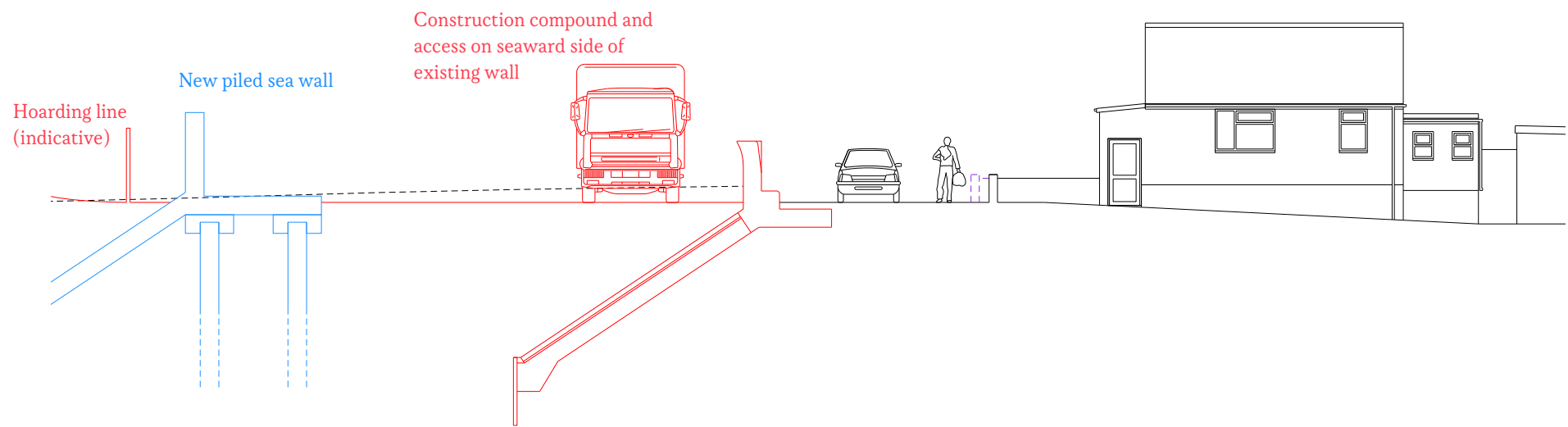


Fig. C23. Option B - cross-section through Brooklands during construction

Section through the Village (DU3)

The new crest level of the wall would be 5.84m AOD. This is between 0.4-1m higher than the existing sea wall.

The new wall would be constructed on the seaward side of the existing sea wall. The existing sea wall would remain in place until the new wall was complete, following which it would be demolished.

Construction would not affect existing homes or access arrangements.

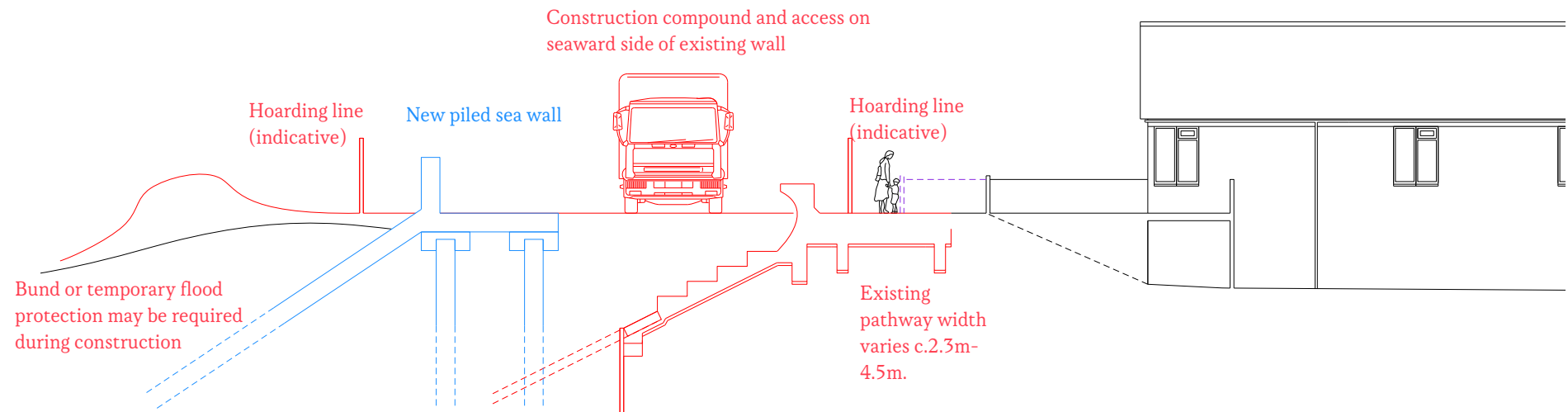


Fig. C24. Option B - cross-section through the Village during construction



C8.3 Option B - cross-sections showing potential integration with public realm and beach access

Section through Brooklands (DU2)

The area between the new sea wall and Brooklands offers the opportunity for substantial public realm and accessibility improvements. This diagram shows a potential promenade on top of the sea wall, with ramps and steps giving access to the beach, and a re-designed Brooklands road with footways on both sides and a segregated cycle track.

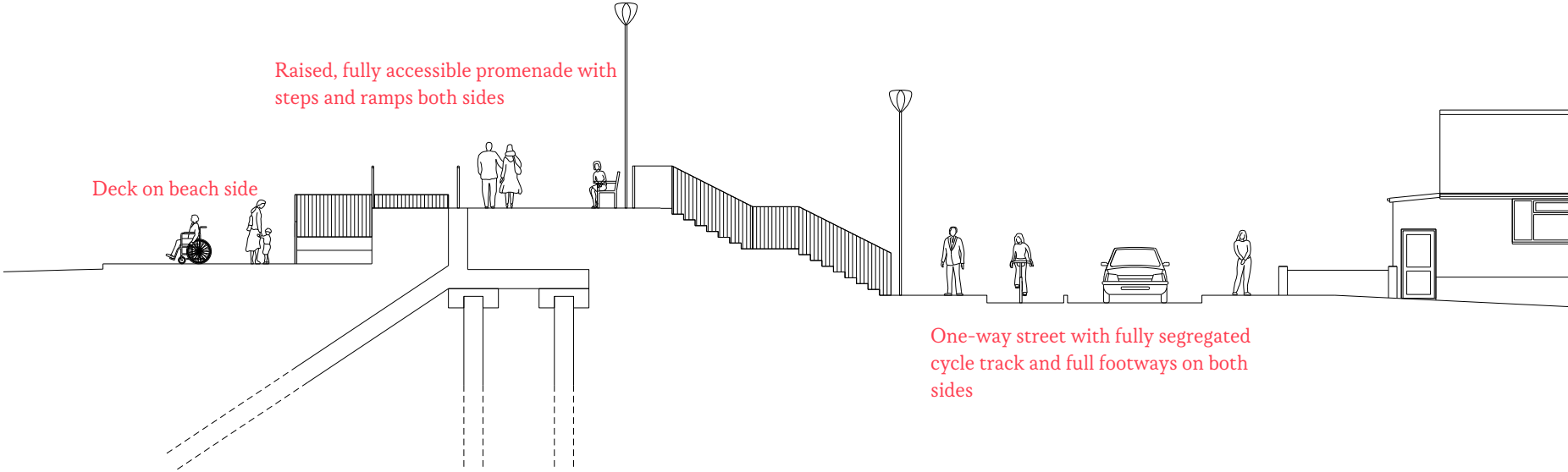


Fig. C25. Option B - cross-section through Brooklands after construction

Section through the Village (DU3)

The new crest level of the wall would be 5.84m AOD. This is between 0.4-1m higher than the existing sea wall. The new wall would be constructed on the seaward side of the existing sea wall. The existing sea wall would remain in place until the new wall was complete, following which it would be demolished. Construction would not affect existing homes or access arrangements.

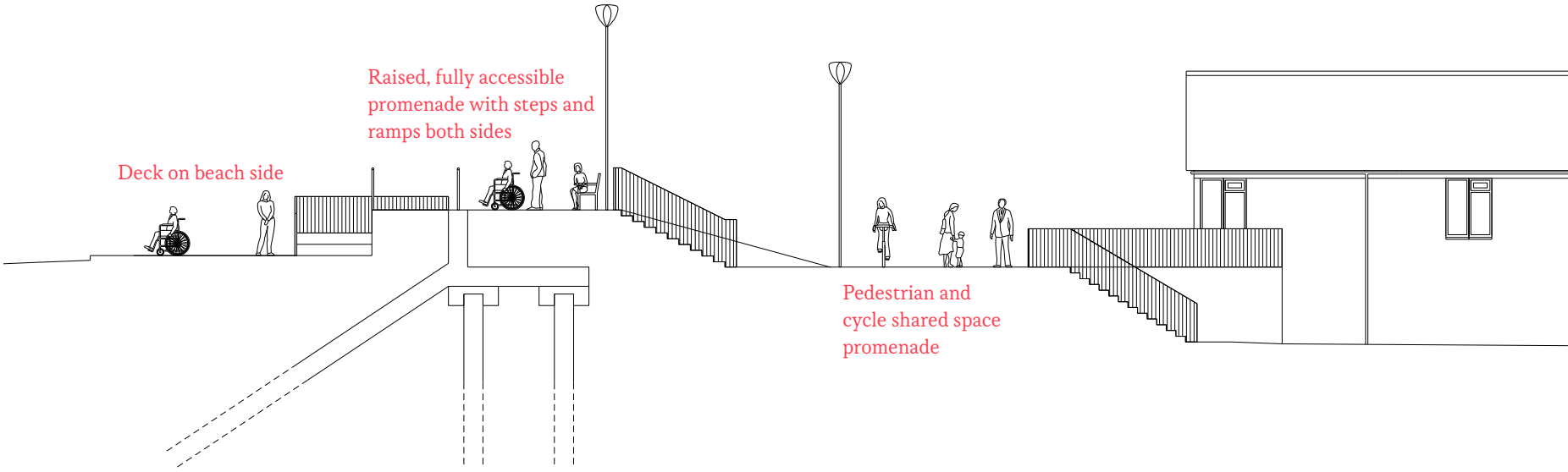


Fig. C26. Option B - cross-section through the Village after construction

C8.4 Option B - Brooklands indicative section and plan

Moving the sea wall to the seaward side is relatively minimal in overall terms as the beach is very wide.

The opportunity would be created for a wide range of potential activities to be designed in between the street and the promenade including car/cycle parking; play; market stalls.

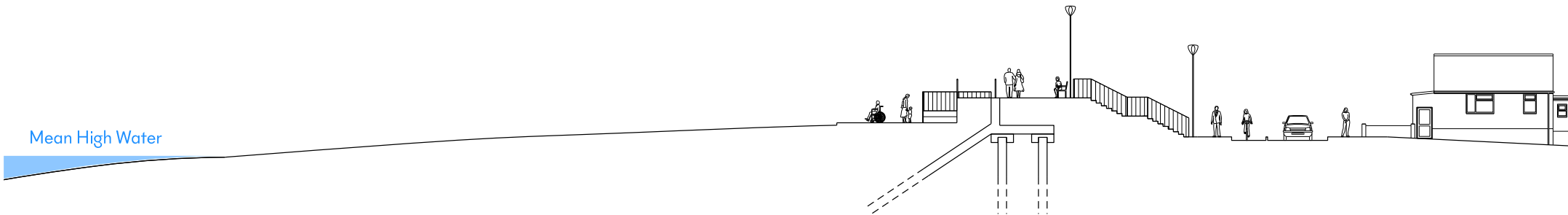


Fig. C27. Option B - indicative section through beach and sea wall at Brooklands

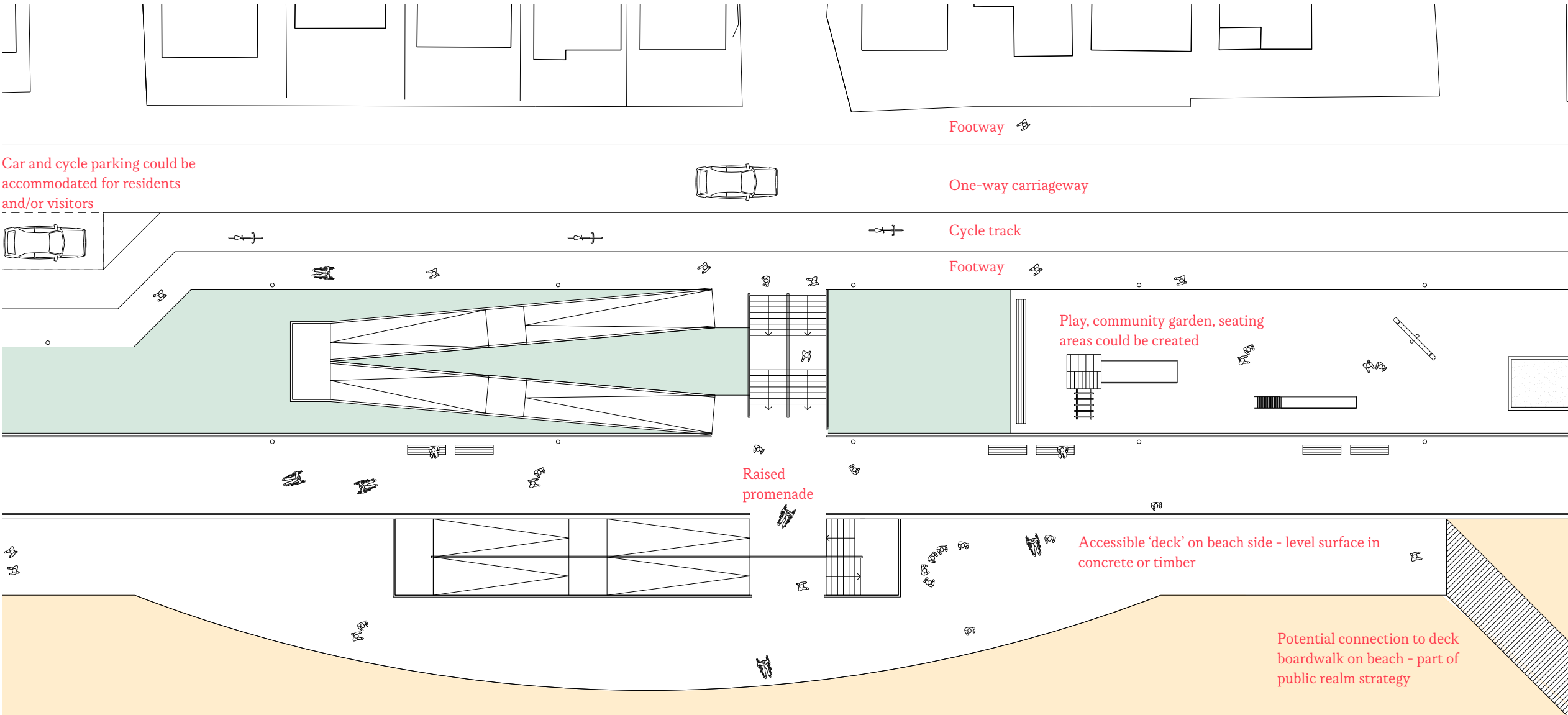


Fig. C28. Option B - indicative plan of proposed new sea wall at Brooklands



C8.6 Option B - Village indicative section and plan

As at Brooklands, the opportunity created by moving the sea wall forwards slightly, would create space that could be used for a range of different functions.

An additional rock groyne would be required to extend the beach at the narrowest point, along with additional localised beach recharge.

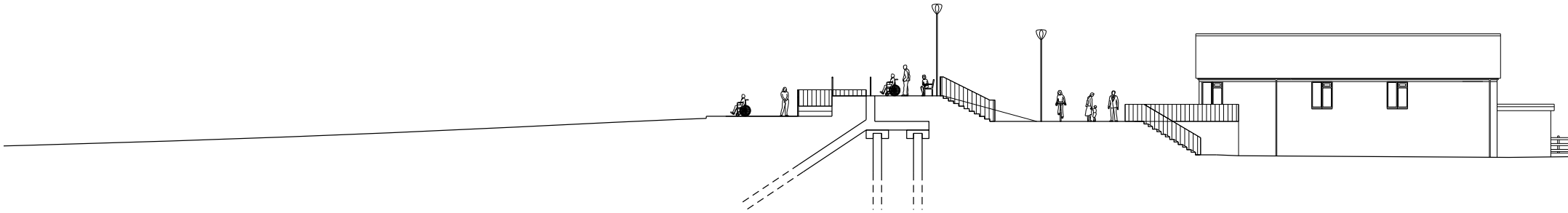


Fig. C29. Option B - indicative section through beach and sea wall at the Village

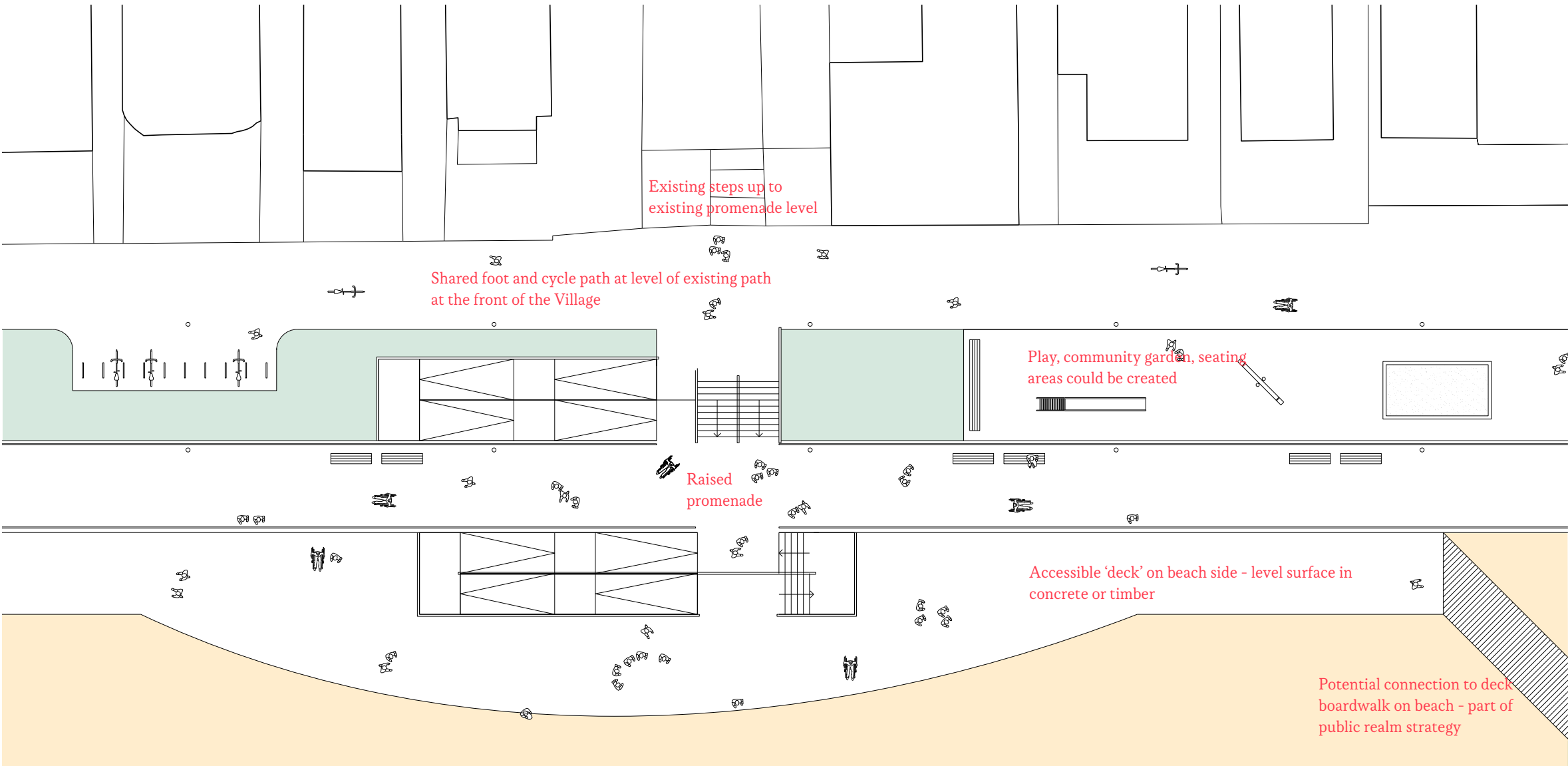


Fig. C30. Option B - indicative plan of proposed new sea wall at the Village

C8.7 Option B - before and after comparison

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Fig. C31. View of Brooklands seafront (DU2) - current condition



Fig. C33. View of Village seafront (DU3) - current condition



Fig. C32. Visualisation of Brooklands seafront (DU2) after line of sea-wall is advanced



Fig. C34. Visualisation of Village seafront (DU3) after line of sea-wall is advanced



C8.8 Option B - cost-benefit and impact on wider Place Plan objectives



Fig. C35. Visualisation of Brooklands seafront (DU2) after line of sea-wall is advanced



Fig. C36. Visualisation of Village seafront (DU3) after line of sea-wall is advanced

The following costs are high level estimates prepared by the Place Plan team, at 2022/2023 costs and with an approximately 60% optimism bias applied to account for the early stage of development and to cover currently unpriced risk factors. Risk factors in delivering the seafront framework will include:

- Mitigation costs with regard to parts of the beach being designated a geological SSSI and a Local Wildlife Site
- Impact of sea level rise on wider beach profile

Item	Outline cost (2023)
Baseline cost of flood defences (nationally preferred option prepared and costed by the Environment Agency)	£50.3m
Additional cost of c. 1km length of new sea wall (c.1km of new sea wall is already costed into the nationally preferred option) - EA informal estimate	£25m

Additional rock groyne and beach nourishment (cost at upper end of EA informal estimate)	£10m
Promenade and associated public realm works, seafront amenities, street lighting (construction cost)	£13.6m
Reconfiguration of Brooklands road to include footways and cycle way along with resurfacing of carriageway (construction cost)	£2.4m
Boardwalk construction costs	£2.6m
Project costs, fees and the like - budget estimate	£3.7m
<b>Total (Present Day Value, 2022/23)</b>	<b>£107.6m</b>

Assuming the FDGiA benefits available in 2033 were used to part-fund the strategy, these may comprise approximately £24m so the additional partnership funding required would be approximately £84m at present day values.

Consideration of future maintenance costs will also be required as the Environment Agency's remit is for maintenance of defence

assets only and would not extend to the maintenance of the wider public realm.

Additional positive impacts above and beyond the positive impacts of Option A would include:

- Increasing value of seafront properties due to better quality outlook, views and public realm/accessibility
- Additional tourism potential due to better beach access, promenade and beachside facilities integrated into public realm
- Wider catalytic regeneration impacts for the economy of Jaywick Sands

Financialising these benefits would require further detailed modelling.



C8.9 Option B - Isometric diagrams

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Fig. C38. Isometric diagram of Option B proposal for Brooklands seafront (DU2)



Fig. C37. Isometric diagram of Option B proposal for the Village seafront (DU3)



C9. Option C - beach reshaping

The second alternative option is to reshape the beach with increased deposits of sand and gravel which would absorb more wave energy and therefore, while wall raising would still be required, this would not be as high as in option A. This option was looked at, in outline, by the Environment Agency and discounted due to the much higher estimated costs.

The Environment Agency’s description of this option was:

- Raise existing seawall where conditions permit to achieve specified SoP in combination with raised beach levels.
- Where existing seawall not suitable for raising, construct new wall on same alignment to provide consistent SoP.
- Initial beach recharge to increase existing volume and subsequent recharges as required to maintain.
- Extend groynes to accommodate larger beach.
- Additional offshore breakwaters.

The cost of this option was estimated to be £ 117.4 at 2022 costs. This was more than double the cost of option A at £50.3m. This option was therefore not taken forward. As a result it is not known what height the sea wall would need to be raised to, nor more detail about the location of additional breakwaters and the extent of the increased beach. The diagram below therefore shows this option purely indicatively and should not be taken to represent an actual design.



Fig. C39. Map indicatively showing Option C, with reshaped beach and potential locations of new rock groynes (dotted)

C10. Options comparison

Option A - nationally preferred option in line with Treasury and DEFRA guidance

- Cost (2022 values) - £50.3m according to Environment Agency's high level estimates
- Partnership funding required (2022 values) - approx £20m
- Baseline scheme - still requires substantial partnership funding
- Will not be fully complete until after 2058
- High sea wall in front of homes cuts off views and will have value impact
- Little opportunity for public realm enhancement between homes and sea wall
- Little opportunity for increased public access to beach
- Little opportunity to increase tourism economy
- Most cost effective solution to provide a good standard of flood risk protection to Jaywick Sands

Option B - Advance the line including public realm improvements

- Cost (2022 values) - a high level estimate prepared by the Place Plan team is £107.6m.
- Partnership funding required (2022 values) - a high level estimate is in the region of £84m, depending on drawdown of FDGiA benefits which will be affected by phasing and timescales
- Costs above assume completion after 2033. Bringing the defence improvements forward in time will increase the funding required because the availability of FDGiA will reduce.
- Increased public realm between homes and new sea wall - less impact on views
- Likely positive impact on value of homes
- Opportunities to increase tourism to the beach with additional facilities
- Opportunity for greater accessibility to beach for all users - could be a substantial USP for Jaywick beach as a destination

Option C - Beach reshaping with wall raising

- Cost (2022 values) - £117.4m according to Environment Agency's high level estimates
- Partnership funding required (2022 values) - approx £87m
- Will not be fully complete until after 2058
- Raised sea wall in front of homes but may not be quite as high as option A - less impact on views
- Little opportunity for public realm enhancement between homes and sea wall
- Little opportunity for increased public access to beach
- Little opportunity to increase tourism economy



Fig. C40. Map showing line of sea of wall to be raised for Option A



Fig. C41. Map showing line of new sea of wall proposed under Option B, and location of potential additional rock groyne



Fig. C42. Map indicatively showing Option C, with reshaped beach and potential locations of new rock groynes (dotted)



## Appendix D. Initial strategic options appraisal

A range of initial strategic options were assessed for their high level feasibility and their fit against the objectives of the Place Plan. These options deliberately included extreme scenarios in order to ensure all approaches had been robustly tested.

A central aim of the Jaywick Sands regeneration is that substandard housing is removed from the market through either demolition, or upgrading/redevelopment. In most cases upgrading will not be possible therefore redevelopment or demolition are the options to be tested. In order to enable this, residents of substandard homes will need to be re-housed, but mechanisms - outside of the brief of the Place Plan team - are required to ensure that rehousing is conditional on the sale of the existing substandard home to TDC, or the demolition or redevelopment of the plot by the landowner. Previous initiatives of this kind have resulted in 'backfilling' of the vacated property without improvements being made. Enforcement and purchase powers therefore need to be fully integrated into the delivery of the Place Plan.

The options assessed consider a range of approaches to rehousing residents of substandard homes, and assume that the powers to enforce on substandard homes are available and put to use. Detailed timescales have not been considered, but the team note that enforcement may become substantially more effective if and when the proposed changes, proposed in the Levelling Up White Paper, to landlord licensing and the EPC requirements for private rented accommodation come into effect.

The strategic approaches considered included:

1. Full decant and demolition of Jaywick Sands with residents rehoused in other areas
2. Comprehensive redevelopment of Brooklands and parts of the Village into new flood resilient housing and other uses
3. New mixed tenure development on all land owned by Tendring District Council including land either side of Lotus Way and Tudor Fields, including land outside the settlement framework, enabling decant and redevelopment of existing substandard homes and additional market housing
4. New affordable and social housing development on land owned by Tendring District Council inside the settlement framework

only, enabling decant and redevelopment of existing substandard homes

5. Development on individual (vacant) plots owned by Tendring District Council within Brooklands
6. Purchase and redevelopment of consolidated parcels of adjoining plots in Brooklands and the Village, to redevelopment alongside Tendring owned plots
7. Public realm, environmental improvements and standalone projects to boost the local economy and address infrastructure deficits within Brooklands and the Village only (no new or replacement homes)

### D1. Full decant and demolition, no rebuild

This scenario would involve the phased decant and demolition of all existing homes and property within Flood Zone 3. Alternative housing would be provided to residents and it is likely that compensation would need to be offered. It is possible that Jaywick Sands could continue to be accessed and used for leisure and recreation, for example as a country park and beach with biodiversity and greening benefits.

Positive:

- Number of residents within Flood Zone 3 would be significantly decreased.
- Flood defence upgrades would not be required to protect homes or property (although protection of existing holiday parks may need to be considered)

Negative:

- Works against community wishes - would not achieve the stated aim of having community support for the proposals
- High cost of decant and replacement housing.
- Lengthy process of compulsory purchase required, during which the existing community would experience worsening outcomes due to lack of investment and increased blight.

### D2. Comprehensive redevelopment of Brooklands and parts of the Village

This scenario would involve the phased compulsory purchase of all homes within Brooklands and the majority of the Village, focusing on the areas with poorest housing quality and flood resilience. Following CPO these areas would be redeveloped into new flood resilient housing and other uses, and a new street layout could be developed. Residents of existing homes would need to be offered rehousing elsewhere in the district before having the option to return to new homes (similar to an estate regeneration model).

Positive:

- Flexibility to redevelop in a street pattern, building form and use/tenure mix that is not constrained by the existing street layout
- More economically viable than redevelopment of individual plots or small consolidated holdings
- All homes would meet flood resilient standards and current building regulations regarding energy efficiency

Negative:

- Works against community wishes - would not achieve the stated aim of having community support for the proposals
- High cost of decant and temporary housing for residents before they can move back into new homes
- Lengthy process of compulsory purchase required, during which the existing community would experience worsening outcomes due to lack of investment and increased blight.

### D3. New development on all land owned by Tendring District Council including Tudor Fields, enabling decant and redevelopment of existing substandard homes

This scenario would use TDC owned land to create a substantial amount of new mixed-tenure housing and associated local services, potentially up to 1000 homes over a number of phases. New homes could be used to rehouse residents from existing substandard homes which could then be purchased and demolished or redeveloped in phases. An outline indicative masterplan and viability assessment for this option was developed to test this

scenario and can be found in Appendix E.

Positive:

- Significant development area could provide a wide range of homes
- Once residents had been rehoused, there would be a range of options for the redevelopment of existing plots, which could involve altering the street pattern and layout to better suit viable development.
- All homes would meet flood resilient standards and current building regulations regarding energy efficiency
- Including market housing could improve viability although the market is untested and this may not prove correct.

Negative:

- Increased number of residents would be living in Flood Zone 3, which would increase the complexity of evacuation in a flood event and would be contrary to Environment Agency preferences. Sequential and Exception tests would need to be met and this could be challenging as Tudor Fields lies outside the Priority Area for Regeneration.
- Viability concerns as evidence base for the Local Plan did not demonstrate a market for new homes in this location. Substantial development in this location could result in an oversupply of new homes in this part of Tendring, negatively impacting the deliverability of other housing developments outside Flood Zone 3 which are allocated in the Local Plan.
- Tudor Fields is a Local Wildlife Site so significant ecological mitigation would be required, adding to the costs of development.
- New development would need to be strongly linked to removing existing substandard homes from the market. Risk that this might not occur and therefore the primary aim of the Place Plan would not be met.

D4. New development on land owned by Tendring District Council inside settlement boundary only, enabling decant and redevelopment of existing substandard homes

This scenario would see new, mainly affordable and social rent, homes built within the settlement boundary defined in the Local Plan and the policy area for the Priority Area for Regeneration.

Approximately 200 homes could be developed along with related local services and facilities to meet existing infrastructure deficits. New homes would be used to rehouse residents from existing substandard homes, which would be purchased and redeveloped.

Positive:

- Limited new development unlikely to result in a substantial increase in the number of people living within Flood Zone 3. Environment Agency likely to be more supportive as development is within the identified Priority Area for Regeneration and therefore the Sequential and Exception test would be likely to be satisfied.
- Policy compliant with Local Plan
- Unlikely to impact deliverability of housing on other allocated sites in the Local Plan due to being affordable-led housing
- Prioritising meeting existing community needs and deficits in infrastructure is more likely to meet with community approval.

Negative:

- Likely to have a significant funding / viability gap as housing would be mainly affordable or social rent and substantial infrastructure would be included
- New development would need to be strongly linked to removing existing substandard homes from the market. Risk that this might not occur and therefore the primary aim of the Place Plan might not be met
- While not a Local Wildlife site, land either side of Lotus Way has a high number of protected species and therefore ecological mitigation would be required.

D5. Redevelop single / double plots owned by Tendring District Council, enabling gradual decant and redevelopment of existing substandard homes

This scenario would see new homes built on plots currently owned by Tendring District Council , which have a capacity of 8 new homes in total across all plots, because a large number are undevelopable under the emerging Design Guide SPD. New homes would be used to rehouse residents from existing substandard homes, which would be purchased and redeveloped.

Positive:

- No increase in the number of people living within Flood Zone

3. Environment Agency likely to be supportive as development is within the identified Priority Area for Regeneration and therefore the Sequential and Exception test is would be likely to be satisfied.

- Gradual redevelopment with no large scale CPO or rehousing costs
- No impact on protected species or wildlife - little ecological mitigation required.

Negative:

- Very few new homes can be built on plots currently owned by TDC - only 7no in total at this time.
- Rehousing residents would therefore happen extremely slowly and regeneration would take longer
- Building on small disconnected plots is economically inefficient and proportionally higher build costs would therefore be expected
- As TDC owned plots are currently vacant, new homes would be required to have non-habitable ground floors which adds to costs and limits capacity of plots in order to comply with overlooking and daylighting standards.

D6. Purchase consolidated holdings of several adjacent plots, for redevelopment alongside TDC owned plots

This scenario would see additional plots purchased, in particular holdings comprising several adjacent plots consolidated into a single parcel. New homes would be used to rehouse residents from existing substandard homes, which would be purchased and redeveloped.

Positive:

- No increase in the number of people living within Flood Zone 3. Environment Agency likely to be supportive as development is within the identified Priority Area for Regeneration and therefore the Sequential and Exception test is would be likely to be satisfied.
- Gradual redevelopment with no large scale CPO or rehousing costs
- No impact on protected species or wildlife - little ecological mitigation required.



Negative:

- Capacity of the parcels identified is still low - if developed in line with the emerging Jaywick Sands Design Guide SPD, the parcels would have a total capacity of 10 new homes, which in combination with plots already owned by the Council, would yield 18 homes in total.
- Rehousing residents would therefore happen extremely slowly and regeneration would take longer
- Building on small parcels is economically inefficient and proportionally higher build costs would therefore be expected
- As parcels are currently vacant, new homes would be required to have non-habitable ground floors which adds to costs and limits capacity of plots in order to comply with overlooking and daylighting standards.

D7. Public realm, environmental improvements and standalone projects to boost the local economy and address local infrastructure deficits only (no new or replacement homes)

In this scenario, housing replacement or development would not be undertaken by TDC and the focus of regeneration would be environmental, social and economic projects only. These could include:

- Upgrading Brooklands to be a one-way street, allowing full pavements to be created on each side and including traffic calming measures and cycleway provision as well as access to the beach
- Improvements to existing green and public spaces to increase functionality, ecological value and visual appeal, including tree planting, play and recreation facilities, allotment provision and similar
- Meanwhile projects or purchase and re-letting of vacant commercial units including those on Broadway, for social enterprise, local startups and converted to uses that would meet social infrastructure deficits e.g. healthcare, early years provision, etc
- Landscaping of Lotus Way including tree planting, cycling provision, SuDS (sustainable drainage solutions) and traffic calming to improve the environment and encourage walking and cycling.

These projects can of course be delivered as part of or alongside other options considered above - they are included here as a stand-alone 'option' to provide a baseline for comparison in terms of costs and benefits.

Positive:

- Relatively inexpensive and quick to deliver projects which do not have dependencies on large-scale land acquisition or the improvement of flood defences
- Quick wins which can have a high visual impact and tackle blight, improving community wellbeing and pride in place
- Could improve property values and incentivise property owners to upgrade or improve their properties incrementally

Negative:

- Do not directly address housing quality or take substandard homes out of the market - relies on property owners themselves to achieve this

D8. Preferred options

The options taken forward for further development and appraisal, and for public consultation are:

- D4.New affordable and social housing development on land owned by Tendring District Council inside the settlement framework only, enabling decant and redevelopment of existing substandard homes
- D5.Development on individual (vacant) plots owned by Tendring District Council within Brooklands
- D6.Purchase and redevelopment of existing substandard homes within Brooklands and the Village, either as individual plots or as consolidated parcels of adjoining plots
- D7.Public realm, environmental improvements and standalone projects to boost the local economy and address infrastructure deficits within Brooklands and the Village only (no new or replacement homes)

The following sections in this report develop each of these scenarios in more detail to explore their potential impact, costs and viability.

These options could be combined into a composite preferred option which could incorporate both development on undeveloped land within the settlement boundary, development of TDC or other

currently vacant plots, and public realm and other 'quick win' projects and this is shown as a 'composite' option in section 12.

## Appendix E: Early options explored and rejected for development across all TDC owned land

**Note: the options for development across all TDC owned land were developed in 2019 and appraised financially at that date. Viability has not been updated as this option has not been selected as a preferred option for further development.**

The approach to new development on the currently undeveloped sites is heavily dependent on the approach to flood resistance and resilience, as well as the flood datum for planning purposes that is agreed with the Environment Agency. Two options were considered at a very early stage for appraisal:

- Fully defended masterplan - assumes a planning application would be submitted after flood defences were upgraded to a 0.5% AEP plus climate change allowance, allowing new development to be designed as 'normal' with limited flood resilience features.
- Undefended masterplan - assumes a planning application would be submitted before any upgraded defences had been committed to and therefore the development would need to have all habitable space above the 0.5% AEP plus climate change flood datum. This would add cost and complexity to the scheme.

Aside from the approach to flooding, the main challenges for developing the undeveloped greenfield sites would be:

- Retaining the existing drainage network of ditches, which is key to the flood drainage of the site and surrounding area. Drainage ditches may possibly be realigned to better suit a new layout of development.

- Ensuring development did not increase the risk of flooding elsewhere by reducing the permeability of the site and pushing floodwater elsewhere.
- Addressing the fluvial flood risk on the site
- Mitigating habitat loss of what is currently a Local Wildlife Site alongside creating biodiversity net gain
- The soil and ground conditions are challenging and require non-standard foundation design. Highways design may also require additional engineering.
- Limited access points currently into the site and with limited width. Additional site acquisition would be required to enable adequate vehicle, bus and emergency access and a network of pedestrian and cycle connections.
- Creating a successful edge to existing homes, particularly the 'tandem' plots behind Meadow Way, that is respectful of the views and privacy of existing residents yet does not create a barrier between communities
- Utilities infrastructure requirements
- Social infrastructure requirements to support new homes - a new primary school and GP facilities are identified in the Jaywick Sands Infrastructure Assessment. Play and open space will be required to meet usual standards.

These issues impact the likely net developable area on the site but also the opportunity to create a distinctive sense of place linked to the landscape character of the site.



E1.1. Fully defended scenario: outline masterplan

The fully defended masterplan assumes all new development can be built as 'normal' design and construction, with habitable space at ground and no allowance for flood resilience in design or construction. It also assumes that streets and roads do not need to be raised or flood defended in order to create safe emergency routes.

Fluvial flooding is mitigated through a landscape-led design which retains the existing ditch network, creating a 'green chain' in and around the development. In this scenario, a green buffer is shown between the 'tandem' existing plots behind Meadow Way, and the back of new homes on Tudor Fields. This would assume that the 'tandem' plots continue to be accessed from Meadow Way.

The block layout on the masterplan drawing is indicative only and does not show the variety of typologies which would be employed to reach a c. 40dph net density on the site. As in both scenarios, a new 'village centre' is created between Brooklands and the Village as a catalyst for economic regeneration and tourism. No allowance within the costs is made for flood defence infrastructure.

Homes

- c. 860 homes assuming around 40dph net density
- Assuming 30% affordable homes, this creates 258 affordable homes.

Other

- c. 3000 m<sup>2</sup> of non-residential uses (retail, leisure, workspace) included.
- 0.44ha site area for school allowed for but no cost allowance made for build.

Viability (at 2019 costs and values)

- Total costs: £278m
- GDV: £244m
- Residual land value (without allowance for developer profit): **-£33m**
- Developer profit: £42m (based on 15% of total costs i.e. industry norm)
- Residual land value (including allowance for developer profit) **-£75m**

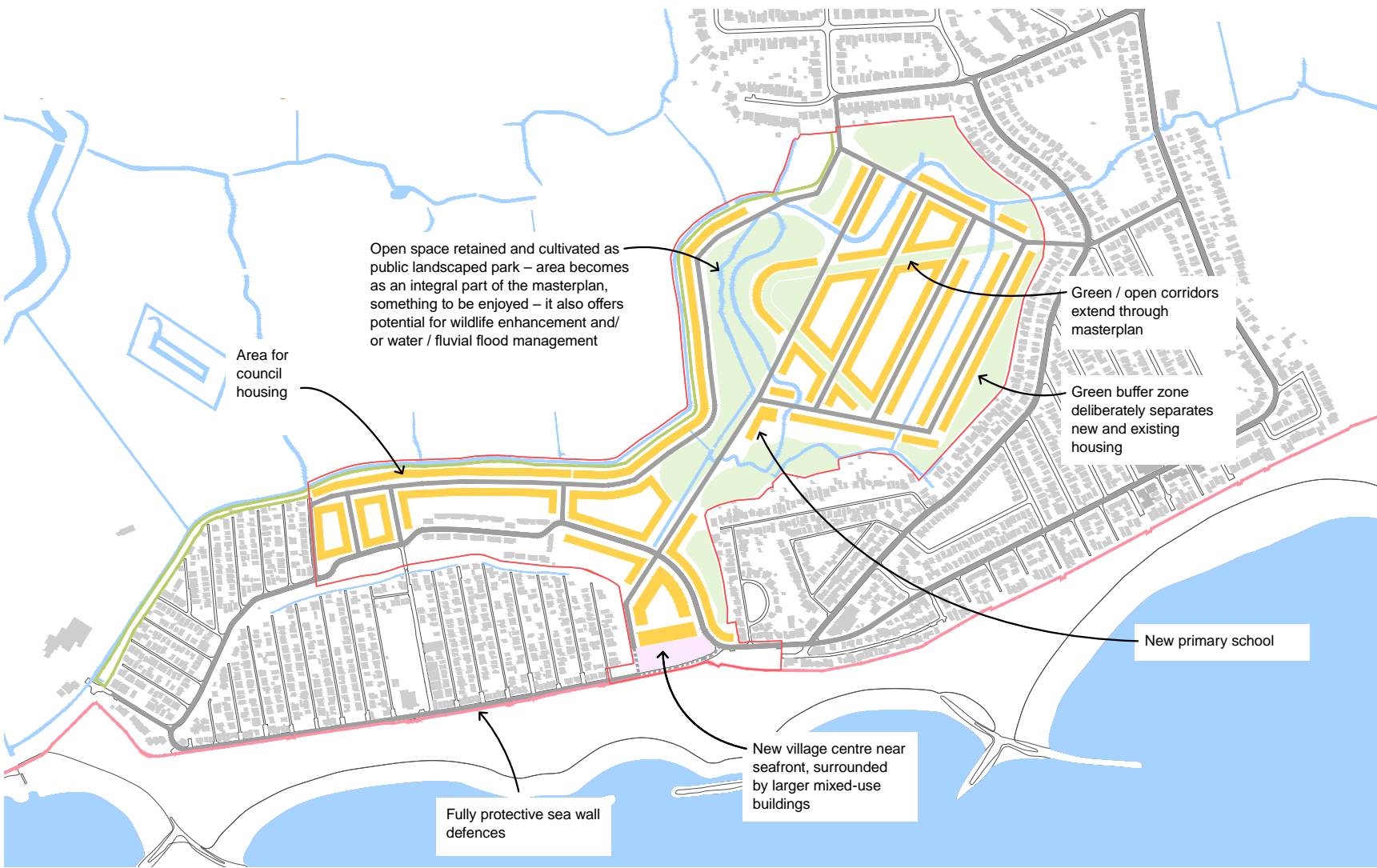


Fig. E1. Map diagram of fully defended masterplan

Notes on development appraisal

- Appraisal excludes all costs mentioned previously (off-site ecological mitigation, s106, flood defence infrastructure)
- The land has no value/cost.
- Policy compliant mix including 30% Affordable Housing (value based on ratio from Rouse Farm values)
- Houses are c. 100 sqm GEA on average
- On costs at 20% including finance are included
- Contingency at 10% is included
- Development Management costs are included at 3%

Assumed values

- Residential - £3,330 (sqm) (based on Tudor Estate values)
- Leisure rent (sqm) £75 (8% yield) (based on Clacton values with an adjustment)
- Retail rent (sqm) £250 (8% yield)
- Workspace rent (sqm) £80 (10% yield)

E1.2. Fully defended scenario - use mix and housing design

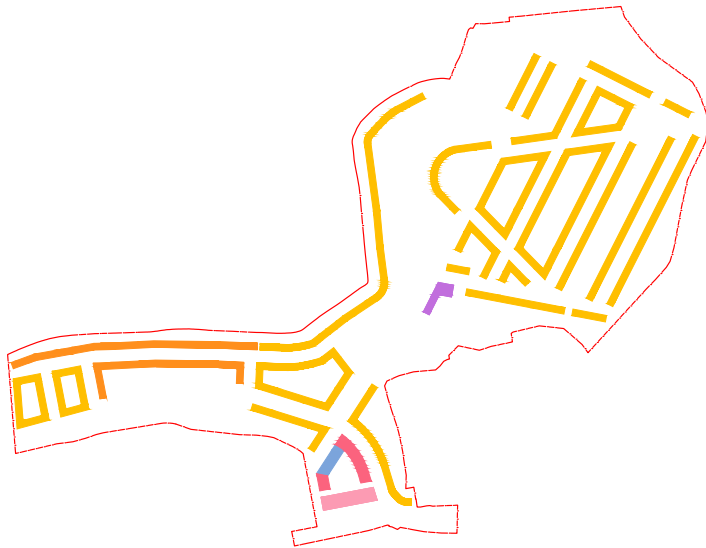
Primarily two storey homes are envisaged, with a higher density core of four storey buildings in the village centre comprising mixed use buildings with a non-residential ground floor and residential units above, overlooking the beach.



Typology	Semi-Detached	Short-Terrace (max 5 dwellin terrace)
Density	> 30	30 -50
Street Typology	Tertiary	Secondary / Tertiary
Car Parking	In-Curtilage Side Parking	In-Curtilage / On Street
Amenity/Private Open Space	Front and Rear Garden	Front and Rear Garden
Defensible Zone Typology	Soft	Soft
Cycle parking	Rear Garden - Secure and Covered	Rear Garden - Secure and Co

Fig. E2. Map diagram of fully defended masterplan

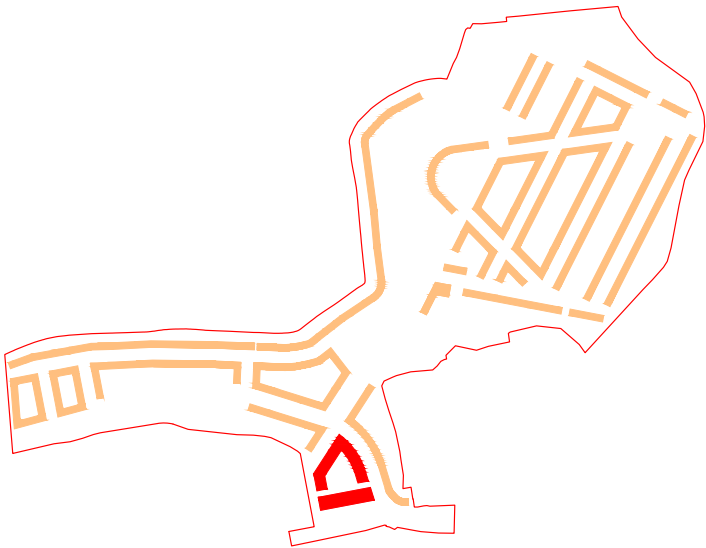
Ground floor uses



- Key
- School
  - Residential - Private
  - Residential - Council housing
  - Retail
  - Leisure
  - Work space

Fig. E3. Diagram of proposed ground floor uses for fully-defended masterplan

Building heights



- Key
- 2 storeys
  - 4 storeys

Fig. E4. Diagram of proposed building heights for fully-defended masterplan



Fig. E5. Examples of good quality, well-designed homes relevant to the character and built form of Jaywick Sands



E1.3. Fully defended scenario - costs

Areas		Residential			Non Resi				Total				
		Private (70%)	Council (30%)	Total	Leisure	Retail	Work space	School					
	GEA (m2)	60,292	25,839	86,131	1,215	1,241	780	1,600	90,967				
	Units	603	258	861					861				
Indicative Costs													
	GEA (m2)	£133,847,574	£57,363,246	£191,210,820									
	Units	£109,932,480	£47,113,920	£157,046,400									
	Average	£121,890,000	£52,239,000	£174,129,000	£1,730,000	£1,767,000	£1,610,000	£4,586,000	£183,822,000				
Abnormals													
	Road Infrastructure												
	6m	1,000 m		£1,440 £/m	£1,440,000				£1,440,000				
	4.5m	630 m		£1,080 £/m	£680,400				£680,400				
	Culvert		2 Nr	£60,000 Item	£120,000				£120,000				
			6 Nr	£30,000 Item	£180,000				£180,000				
	Open Space Allowance	68,700 m2		30 £/m2	£2,061,000				£2,061,000				
	Public Plaza	35,000 m2		180 £/m2	£6,300,000				£6,300,000				
Total (Rounded to nearest million)									£195,000,000				
Info for costing													
Residential	Rouses Farm	£144,590,244.00			Add for increased difficulty								
	Units	950	£152,200.26	£152,000.00	say		20%						
	M2	78,205	£1,848.86	£1,850.00	£30,400.00		£182,400						
					£370.00		£2,220						
Non Resi	Work Space	Median	£1,588	Add for External Works and Contingencies	30%	£476.40	£2,064						
	Retail	Median	£1,095	Add for External Works and Contingencies	30%	£328.50	£1,424						
	Leisure	Median	£1,095	Add for External Works and Contingencies	30%	£328.50	£1,424						
Primary School	Primary Schools BCIS	Median	£2,293	Add for External Works and Contingencies	25%	£573.25	£2,866						
Qualifications / Exclusions													
1	No allowance for off-site flood or ecological mitigation measures.				8	All costs are subject to further investigations over ground conditions and any contamination fou							
2	Allowances for culverts, not bridges												
3	No allowance for off-site reinforcement of external service or Highway infrastructure												
4	The above figures are exclusive of professional fees												
5	The above figures are based on current levels (1Q 2019)												
6	Contingency in Resi figures as per Rouse Farm.												
7	Contingency in Non-Resi and Primary School												

E2.1. Undefended scenario: masterplan

The undefended masterplan assumes no further flood defences are provided within the timeframe required to allow the 'fully defended' scenario to be developed. This therefore requires the development itself to be flood proofed. This scenario envisages a mix of the two possible approaches to flood proofing:

- Raising the ground level - in a central area of Tudor Fields
- Raising habitable rooms above ground level elsewhere

In addition a raised access road is created to allow emergency egress and access in a flood event as the current street network will not be passable. Fluvial flooding is mitigated through a landscaped design which retains the existing ditch network, creating a 'green chain' in and around the development. In this scenario, a new street is created behind the 'tandem' existing plots behind Meadow Way, which would allow them to be 're-fronted' onto this rather than accessed as at present, behind other homes.

The block layout on the masterplan drawing is indicative only and does not show the variety of typologies which would be employed to reach a c. 40dph net density on the site. The village centre is created as in the other scenario.

Homes

- c. 820 homes assuming around 40dph net density
- Assuming 30% affordable homes, this creates 246 affordable homes.

Other

- c. 3000 m<sup>2</sup> of non-residential uses (retail, leisure, workspace) included.
- 0.44ha site area for school allowed for but no cost allowance made for build.

Viability (at 2019 costs and values)

- Total costs: £290m
- GDV: £233m
- Residual land value (without allowance for developer profit): -£57m
- Developer profit: £44m (based on 15% of total costs i.e. industry norm)
- Residual land value (including allowance for developer profit) -£101m



Fig. E6. Map diagram of undefended masterplan

Notes on development appraisal

- Appraisal excludes all costs mentioned previously (off-site ecological mitigation, s106, flood defence infrastructure off-site)
- The land has no value/cost.
- Policy compliant mix including 30% Affordable Housing (value based on ratio from Rouse Farm values)
- Houses are c. 100 sqm GEA on average
- On costs at 20% including finance are included
- Contingency at 10% is included
- Development Management costs are included at 3%

Assumed values

- Residential - £3,330 (sqm) (based on Tudor Estate values)
- Leisure rent (sqm) £75 (8% yield) (based on Clacton values with an adjustment)
- Retail rent (sqm) £250 (8% yield)
- Workspace rent (sqm) £80 (10% yield)



E2.2. Undefined scenario: housing design

Design approaches for new development on the larger sites should learn from best practice nationally and internationally. Examples of potential approaches are shown here but the preferred approach can only be developed with a fuller understanding of the flood datum required for the site.

These images show reference projects for each of the three strategies that can be used to flood proof development in the absence of raised sea defences:

- Landscape shaping - changing ground levels, raising areas of the site out of the flood datum so that homes can be partially or fully build with habitable space at grade with entrances and streets.
- Raised ground floors with undercroft parking or other non-habitable ground floor uses - creating raised decks to provide shared or private amenity space, or raised 'pavilions' using the floodable green space around as amenity.
- Flood resilient construction at ground floor level

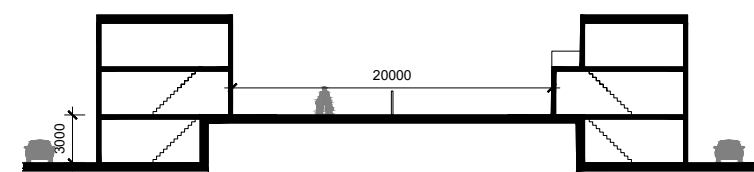


Fig. E7. Raising ground levels between buildings to create amenity space accessed from habitable rooms above street level

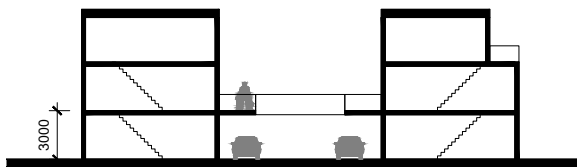


Fig. E8. Undercroft parking below a raised amenity deck

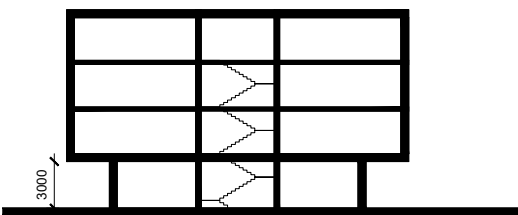


Fig. E9. 'Pavilion' building raised above ground level with parking or non-habitable shared facilities at ground level.



Fig. E10. Example of landscape shaping with undercroft parking



Fig. E11. Example of flood-resilient construction at ground floor level



Fig. E12. Example of undercroft parking below a raised amenity deck



Fig. E13. Example of 'pavilion' building raised above ground level

E2.3. Undefended scenario: costs

Areas		Residential			Non Resi				Total
		Private (70%)	Council (30%)	Total	Leisure	Retail	Work space	School	
	GEA (m2)	57,355	24,581	81,935	1,215	1,241	780	1,600	86,771
	Units	573	246	819					819
Indicative Costs									
	GEA (m2)	£127,326,990	£54,568,710	£181,895,700					
	Units	£104,569,920	£44,815,680	£149,385,600					
	Average	£115,948,000	£49,692,000	£165,641,000	£1,730,000	£1,767,000	£1,610,000	£4,586,000	£175,334,000
Abnormals									
	Resilient measures 49% of Resi Raised Road Buildup	400 Nr		£24,000 £/Nr	£9,600,000				£9,600,000
	3.5m high (assumed)	700 m		£2,310 £/m	£1,617,000				£1,617,000
	Road Infrastructure								
	6m	700 m		£1,440 £/m	£1,008,000				£1,008,000
	4.5m	1,530 m		£1,080 £/m	£1,652,400				£1,652,400
	Culvert								
		3 Nr		£60,000 Item	£180,000				£180,000
		6 Nr		£30,000 Item	£180,000				£180,000
	Raised Terps								
	3m	60,000 m2		£180 £/m2	£10,800,000				£10,800,000
	Open Space Allowance								
		51,300 m2		30 £/m2	£1,539,000				£1,539,000
	Public Plaza								
		35,000 m2		180 £/m2	£6,300,000				£6,300,000
Total (Rounded to nearest million)									£208,000,000
Info for costing									
Residential	Rouses Farm	£144,590,244.00						Add for increased difficulty say 20%	
	Units	950	£152,200.26	£152,000.00		£30,400.00	£182,400		
	M2	78,205	£1,848.86	£1,850.00		£370.00	£2,220		
Non Resi	Work Space	Median	£1,588	Add for External Works and Contingencies	30%	£476.40	£2,064		
	Retail	Median	£1,095	Add for External Works and Contingencies	30%	£328.50	£1,424		
	Leisure	Median	£1,095	Add for External Works and Contingencies	30%	£328.50	£1,424		
	Primary Schools BCIS	Median	£2,293	Add for External Works and Contingencies	25%	£573.25	£2,866		

Qualifications / Exclusions

1	No allowance for off-site flood or ecological mitigation measures.	8	Assumed that 75% of residential properties required flood defence resilience.
2	Allowances for culverts, not bridges	9	£20k + prelims and contingencies allowed per property for flood defence
3	No allowance for off-site reinforcement of external service or Highway infrastructure	10	All costs are subject to further investigations over ground conditions and any contamination found.
4	The above figures are exclusive of professional fees		
5	The above figures are based on current levels (1Q 2019)		
6	Contingency in Resi figures as per Rouse Farm.		
7	Contingency in Non-Resi and Primary School		



E3. Delivery and potential phasing

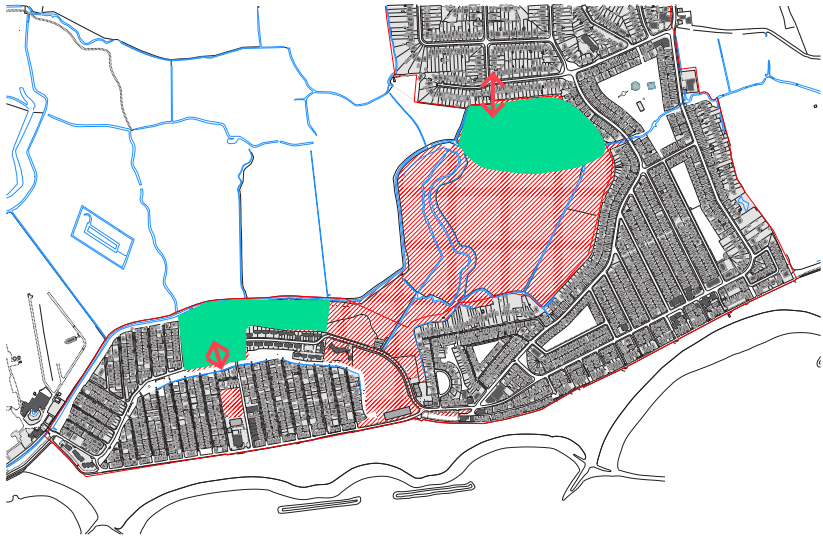
Delivery of the residential and commercial development in the Place Plan is challenging due to the viability issues resulting from the low values in Brooklands and Grasslands in particular.

The optimum delivery approach would be for the public sector to develop for long term rent (overcoming the scarcity of in-house resource by using an external development manager). Comprehensive regeneration, combined with secure long term flood protection, is likely to bring an increase in values, although this will take a number of years to achieve. This would be expected to deliver below market, but positive, financial returns over the long term in addition to the social outcomes.

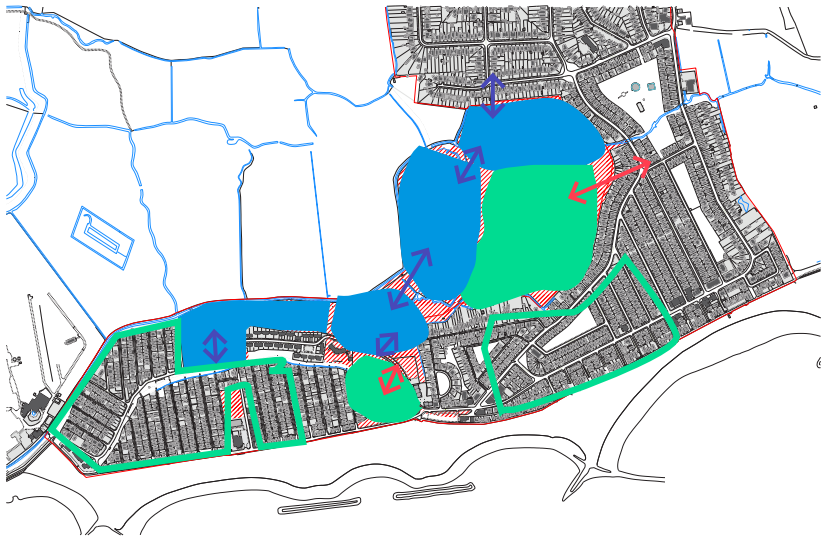
This approach is also optimal because the public sector has the lowest cost of capital. Funding from other sectors is likely to be more expensive. However an alternative approach would be for the public sector to guarantee index linked rents over time which would allow private sector investors to provide capital at a higher, but still relatively low cost.

Some individual development elements might be delivered by third sector delivery partners e.g. supported housing or affordable housing. Some housing might be deliverable to the north of the Place Plan area (where residential values are higher) by the private sector subject to highways access being secured (potentially by compulsory acquisition) and infrastructure capacity and cost. This area is however still subject to flood risk.

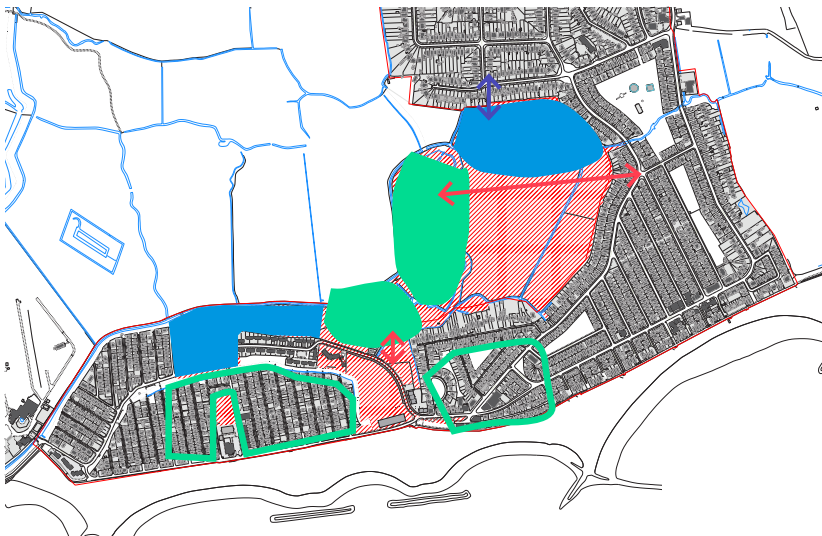
Development within Grasslands and Brooklands, which is likely to be on individual (or potentially double) plots, is currently required to be flood resilient and is mainly on poor quality ground requiring piled foundations, both of which issues raise build costs. For most locations, at current residential values, it is unlikely that building for sale, with the possible exception of sea front plots, is viable. So here again a public sector led approach, for long term rent, is likely to be the optimum delivery approach. Again the rental guarantee approach is also possible. Commercial development is also of marginal viability so the same issues arise.



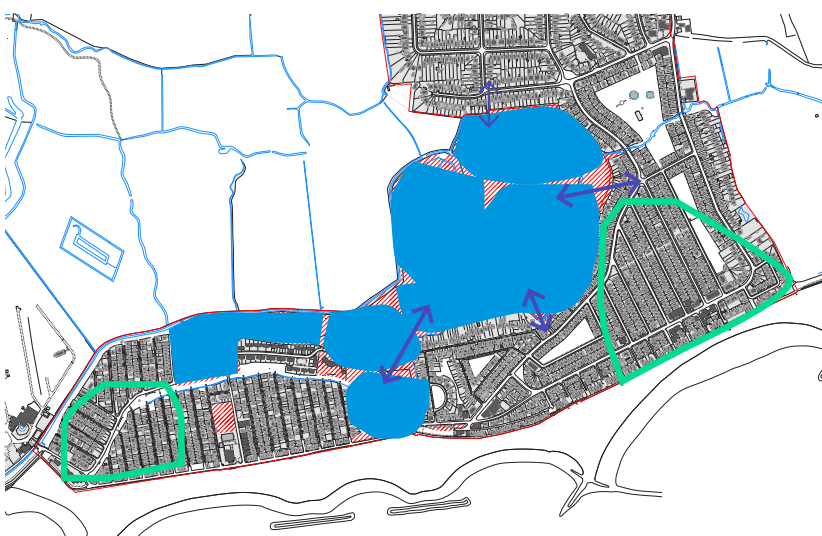
- PHASE 1
- New market led homes adjacent to Tudor Estate (market sale)
  - New council/social rent homes adjacent to Grasslands (c. 100+ affordable rent)



- PHASE 3
- New market led homes adjacent to Tudor Estate (market sale + 30% affordable)
  - Further c. 100 homes in Brooklands/Village
  - Leisure/mixed use seafront development + public realm



- PHASE 2
- New market led homes adjacent to Tudor Estate (market sale)
  - Redevelop c.100 plots in Brooklands/Village as PRS (effectively these form an affordable tenure) - focus on central area
  - New school site/local community infrastructure/services e.g. supermarket



- PHASE 4
- Continued redevelopment of Brooklands/Grasslands/Village plots



Fig. E14. Diagram showing potential phasing of development



E4. Further site assembly required to support Tudor Fields development

Currently none of the existing points of access onto the Tudor Fields area, are adequate for vehicle and pedestrian access.

This page shows the potential site assembly required to deliver an integrated and connected community which is one of the key aims of the Jaywick Sands Coastal Village Vision.



Fig. E15. Map diagram of further site assembly required for Tudor Field development



## Appendix F. Outline masterplan for development on land either side of Lotus Way - rejected option

A high level outline masterplan and capacity study has been developed for the land within the settlement boundary owned by Tendring District Council. This comprises land either side of Lotus Way and would link up the Village, Brooklands and Grasslands. The site has never been developed although there are some utilities infrastructure installations.

The principal challenges of a masterplan for this site include:

- Linking the different parts of the community together successfully, while limiting negative impacts on existing residents who currently enjoy open landscape views and a lack of neighbours
- Accommodating the existing utilities infrastructure installations (pumping stations and substations) within the layout
- How to address the drainage ditches and dyke around Brooklands, creating green space which can accommodate sustainable drainage features while being an attractive, safe and functional environment for residents to enjoy.
- Surface water drainage and attenuation will be a key challenge as the soil conditions do not allow for the use of soakaways - so attenuation features should be designed in from the start
- Accommodating parking at a reasonable level without creating a parking-dominated environment

The indicative masterplan has been developed to accommodate the following brief and assumptions:

- Flood defences will not be upgraded prior to the implementation of the masterplan through a planning application, so development must include non-habitable ground floor space.
- Space to be provided for uses that address identified infrastructure and service deficits locally, including early years provision, GP surgery/healthcare hub, supermarket, community library as well as open space including allotments
- Mix of housing types and sizes to meet the needs of residents to be rehoused from substandard properties while generating a balanced community with housing for single people, couples, families, elderly residents and those requiring adapted dwellings (M4(3) homes). Housing to be at least 50% affordable in



Fig. F1. Indicative masterplan

- line with the objective of rehousing residents of substandard housing, most of whom are in receipt of Local Housing Allowance
- Open space to be a minimum of 10% of site area in accordance with Local Plan policy.
  - Masterplan to work around the workspace and covered market project which is currently on site, although it is envisaged that in the future that facility could be relocated elsewhere and its site redeveloped for more intensive, higher value uses when values improve as a result of the wider regeneration.

This brief is oriented to providing regeneration benefits to Jaywick

Sands. It presents both challenges from a viability perspective and also opportunities to create a mix of uses including space for social infrastructure which can offer real benefits to the community of Jaywick Sands.

Area of development sites:

North of Lotus Way: 48,774m<sup>2</sup> / 4.88ha  
South of Lotus Way: 17,336m<sup>2</sup> / 1.73ha

Total: 66,110m<sup>2</sup> / 6.61ha

F1. Outline masterplan concept and layout



Fig. F2. Indicative masterplan

1. 'Green link' with connection to Local Wildlife Site
2. Open space including allotments at the heart of the community
3. New pedestrian and cycle link into the Village area, increasing permeability
4. Retain existing attenuation pond as focus for new housing at the eastern end of the site
5. All streets to be a 'home zone' / 'Woonerf' design to slow vehicle movement to walking pace and creating space for informal on-street play and recreation
6. Small plot pattern creating characteristically 'Jaywick' development form on a more generous scale
7. Short 'closes' of semi-detached and detached homes encourages neighbourliness - ending in views to the open landscape in a similar way to existing Jaywick streets
8. New 'village centre' with apartments above E class and other uses (supermarket, healthcare, early years) which use the requirement for non-habitable ground floor space effectively
9. Village 'square' as a sheltered and welcoming social space
10. Parking for non-residential uses - using vehicle access point created as part of workspace development currently in construction.

The indicative masterplan takes a context-led approach to create a scale, form and typology of development which would be appropriate for Jaywick Sands and enhance what is positive and distinctive about its character.

Working with the existing landscape features - the banks, drainage ditches and ponds that are so functionally important, as well as part of the unique character of this part of Jaywick, the siting and function of new public open space is used as a way to link the different parts of the community together. The masterplan also

seeks to create visual and walking links out to the wider area. It is envisaged that Tudor Fields, which is also owned by Tendring District Council, would be the site for biodiversity enhancement as well as increased public access to capitalise on its already recognised status as a Local Wildlife Site.

A new village centre is created between Brooklands and the Village, building on the activity already taking place with the workspace and covered market project. In this area, the non-habitable ground floor space is ideal for creating a mixed-use

and vibrant centre with three-storey buildings accommodating apartments above active ground floor uses to create density and activity.

On the north side of Lotus Way, the small plot, gridded pattern of Jaywick is extended while expanding the plot dimensions to accommodate more generously sized homes and gardens. Here the predominant typology would be semi-detached homes with garage, home office and ancillary utility space at ground floor level.



F2. Housing typology A: 3 storey houses (non habitable ground floor)



Fig. F3. Location for housing typology A in indicative masterplan

This typology uses the ground floor space below the design flood datum for non-habitable uses linked to the home above - for example, garage, utility/storage space, home office. This creates homes that are well tailored to a coastal/rural lifestyle with space for cycles, paddleboards, etc. Any home office use would need to be strictly regulated and controlled to ensure that it did not become used as habitable space over time.

Semi-detached typologies (and 'link attached') homes are more cost effective to build than detached homes, due to a lower ratio of external wall, while offering many of the advantages of a detached home such as access to rear gardens without going through the interior of the home itself. Short terraces (4-8 homes) could also be a useful typology for Jaywick Sands and are more efficient still.

'Chalet style' gable-fronted designs would build on the typical characteristics of Jaywick Sands while bringing a contemporary inflection. The characteristic variety in housing design in the area can be achieved through using a range of pattern book designs as well as through custom-and self-build for which Jaywick may be a good location.



Fig. F4. Examples of good quality, well-designed 3-storey homes



F3. Housing typology B: 3 storey apartment buildings (non habitable ground floor)



Fig. F5. Location for housing typology A in indicative masterplan

This typology comprises apartments on two floors above ground floor non-residential uses.

In the central part of the site where a focus for commercial and social activity is to be created, ground floor uses would be mainly E-class uses including local shops/supermarket, community facilities such as early years provision, GP/healthcare, library, alongside business units/workspace to let.

On the edges and on the north and west of Lotus Way, ground floor uses could include some garaging/parking as well as communal facilities for building residents such as shared laundry facilities, co-working, event space/party room, storage and utilities such as refuse stores and cycle parking.

Designs aim to create activity at ground floor level without being dominated by garaging. Apartments above would be designed with balconies and shared communal garden/courtyard space would be provided at ground level. Roofs should be used for photovoltaic panels as part of lowering carbon emissions.

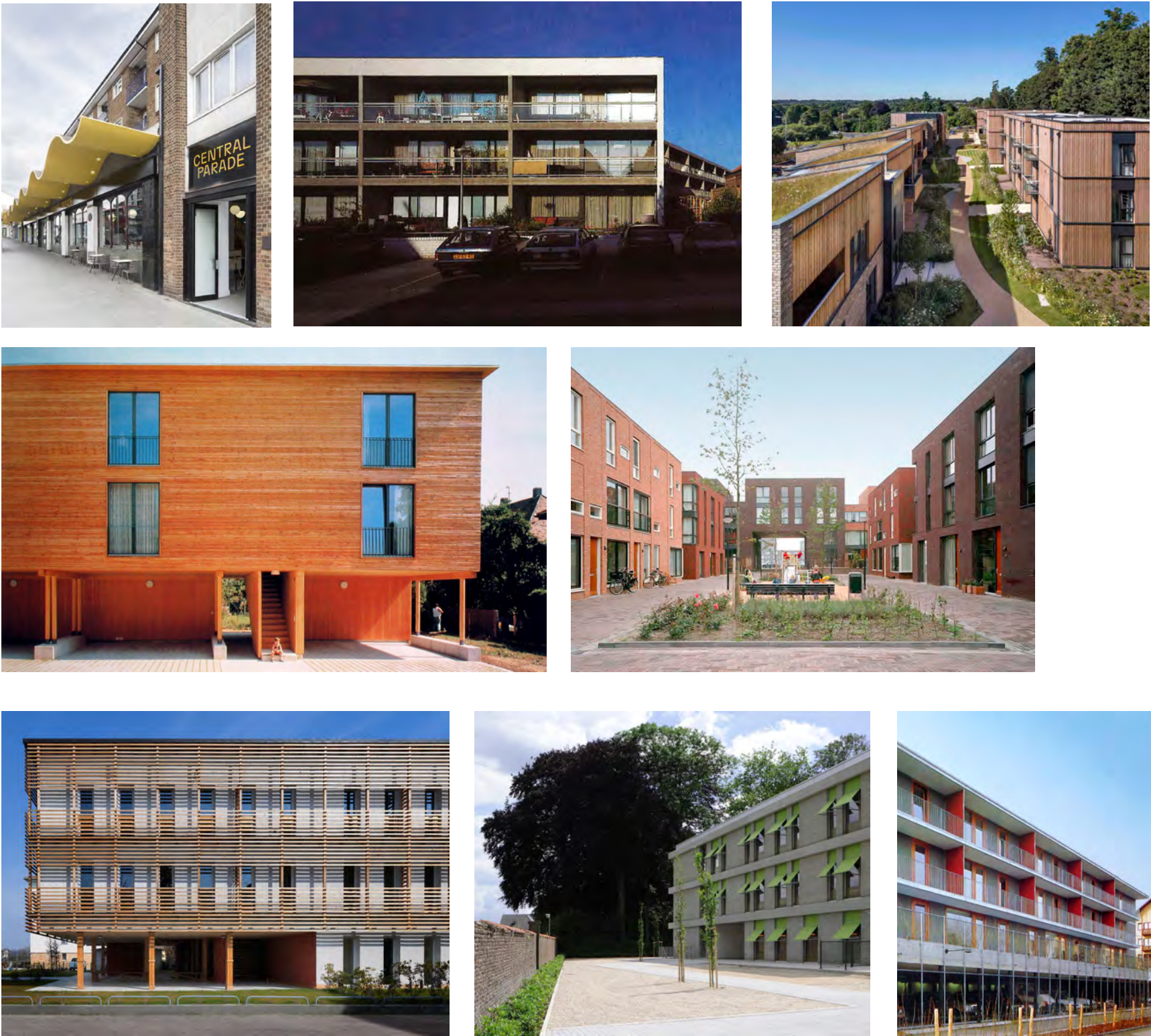


Fig. F6. Examples of good quality, well-designed 3-storey homes with non-habitable ground floor



F4. Streets and open spaces

Streets and spaces would be designed to create a people-centred environment with an active public realm incorporating formal and informal opportunities for play and recreation.

Streets would be designed to 'Woonerf' (living streets) principles in order to slow vehicle speeds down and encourage walking, cycling and use of the public realm.

The central 'square' would be designed as a multifunctional hard landscape space activated through the active frontages of the ground floor commercial and community uses.

Green spaces would be designed as multi-functional and multi-generational spaces for formal and informal play, sport and recreation. As allotments are a current deficit and as the existing Dig for Jaywick programme is successful, an area for potential allotments has been identified.

All streets and open spaces would be designed with integrated SuDS features.



Fig. F7. Examples of high quality street, open space and public realm design



F5. Amount and mix of housing and non-residential uses



Parcel	No of homes
A	25
B	16
C	4
D	7
E	8
F	8
G	15
H	24
J	6
K	21
L	30
M	58
Total	222

Non-residential floorspace below houses to be garage/carport/utility/home office space.

50% of non-residential floorspace below apartments to be used for parking and communal shared facilities for residents.

Remaining non-residential floorspace to be E class and community uses to meet masterplan brief and address local infrastructure deficits

Notional non-residential uses:

Supermarket (assume mid size Tesco Express or similar)	400m <sup>2</sup>
Early years nursery (assume 24 place)	180m <sup>2</sup>
GP surgery/ healthcare hub (6 consulting rooms+ ancillary)	510m <sup>2</sup>
Library (assume similar to Golf Green Hall)	150m <sup>2</sup>
E class units (commercial/social enterprise)	482m <sup>2</sup>
Total	1,722m <sup>2</sup>

Fig. F8. Map key of parcels

	1b2p flat (50m <sup>2</sup> GIA)	2b2p flat (70m <sup>2</sup> GIA)	2b2p house (80m <sup>2</sup> GIA)	3b6p house (110m <sup>2</sup> GIA)	4b8p house (130m <sup>2</sup> GIA)
Quantity	42	52	36	56	36
		88			
% of total units	19%	40%		25%	16%
Target mix (blended across tenure)	20%	40%		25%	15%

Dwellings per hectare (gross site area): 34

Dwellings per hectare (site area net of public open space, inclusive of roads and private open space): 43

Bedspaces per hectare (gross): 160

	Apartment buildings			Houses		
	Large	Medium	Small	2 bed	3 bed	4 bed
Quantity	2	6	1	36	56	36
GIA (residential spec space)	984m <sup>2</sup>	744m <sup>2</sup>	456m <sup>2</sup>	80m <sup>2</sup>	110m <sup>2</sup>	130m <sup>2</sup>
GIA (non-residential spec space)	492m <sup>2</sup>	372m <sup>2</sup>	228m <sup>2</sup>	40m <sup>2</sup>	55m <sup>2</sup>	65m <sup>2</sup>
GEA (residential spec space)	1,060m <sup>2</sup>	808m <sup>2</sup>	506m <sup>2</sup>	95m <sup>2</sup>	128m <sup>2</sup>	149m <sup>2</sup>
GEA (non residential spec space)	530m <sup>2</sup>	404m <sup>2</sup>	253m <sup>2</sup>	47m <sup>2</sup>	64m <sup>2</sup>	75m <sup>2</sup>
Total GEA per building type	3,180m <sup>2</sup>	7,273m <sup>2</sup>	759m <sup>2</sup>	5,127m <sup>2</sup>	10,720m <sup>2</sup>	8,067m <sup>2</sup>



F6. Open space and streets



Fig. F9. Map key of open spaces

A - public green open space	424m <sup>2</sup>
B - public green open space (incl. allotments)	6,118m <sup>2</sup>
C - public open green space	3,759m <sup>2</sup>
D - public open green space	2,008m <sup>2</sup>
E - public square (area includes parking and access route)	2,479m <sup>2</sup>
F - public landscaped car parking (additional to provision currently being delivered as part of market scheme)	1,952m <sup>2</sup>
G - communal open green space (residents only?)	2,379m <sup>2</sup>
Total open green space	12,680m <sup>2</sup> / 1.27ha
Total public hard landscape (not including car park)	2,479m <sup>2</sup> / 0.25ha

Public open space as % of gross site area: 23%

Roads: 1128 linear metres, 6m wide

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**PLANNING POLICY AND LOCAL PLAN COMMITTEE**

**5 OCTOBER 2023**

**REPORT OF THE DIRECTOR OF PLANNING**

**A.1 DRAFT JAYWICK SANDS PLACE PLAN**

(Report prepared by Anthony Brindley)

**PART 1 – KEY INFORMATION**

**PURPOSE OF THE REPORT**

To invite the Planning Policy and Local Plan Committee's comments on the Draft Jaywick Sands Place Plan and to seek its recommendation to Cabinet, that the document be published for consultation with the public and other interested parties.

**EXECUTIVE SUMMARY**

Jaywick Sands is identified as a Priority Area for Regeneration in the Tendring Local Plan. The purpose of the Place Plan is to provide a long term strategy for the regeneration of Jaywick Sands with the main objectives being to:

- Transform housing quality and the built environment;
- Ensure long term flood resilience;
- Create greater connectivity to neighbouring areas;
- Attract commerce & new economic opportunities; and
- Improve people's life chances, access to public services & health & wellbeing.

In order to achieve this, the Place Plan proposes a number interventions including:

- Flood defence and seafront public realm improvements;
- Improvements to residential areas (including replacement dwellings);
- Creating space for business, tourism and local services;
- Improvements to public open space;
- Increased accessibility and connectivity;
- Drainage infrastructure; and
- Ongoing community engagement and stewardship.

These interventions are, in combination, intended to elevate Jaywick Sands from the bottom of the English Index of Multiple Deprivation.

Realising this vision will necessitate significant funding in excess of £120million for which there is no available budget at present. It does however provide, for the first time, a costed plan containing

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tangible proposals that can form the basis for discussion with government, the Council's partners and other potential funders and to support future bids for external funding. The full implementation of the strategy detailed in the Place Plan is expected to span a period of 20 years and any improvements are most likely to be achieved in manageable phases.

The proposals in the Draft Place Plan form part of an overarching strategy, which has been informed by previous public consultation and community engagement – including that undertaken in Autumn 2022. It represents an approach that has, to date, been developed with the community with a view to delivery with strong community stewardship; whereas previous unsuccessful ideas for the regeneration of Jaywick Sands have met with local objection as they have been seen as being imposed upon the community against their wishes. Officers are hopeful therefore that this Place Plan (which rules out extreme, unpopular and undeliverable options) will meet with constructive feedback and local support.

### RECOMMENDATIONS

**That the Planning Policy and Local Plan Committee:**

- a) notes the contents of the Draft Jaywick Sands Place Plan: August 2023; and**
- b) recommends to Cabinet that the above document (forming Appendix 1 to this report) be approved for consultation with the public and other interested parties.**

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

A corporate priority of the Council is supporting the community in Jaywick Sands and achieving regeneration in the area, which is identified as a Priority Area for Regeneration in the Council's adopted Local Plan.

### RESOURCES AND RISK

**Resources:** TDC Officers are managing this project with HAT Projects Ltd undertaking the production of the document and the consultation exercise – funded through the agreed Local Plan budget.

**Risks:** Undertaking consultation with the community of Jaywick Sands will help to involve the residents in the production of the Place Plan and determine whether there is local support. This should lower the risk of public opposition and any suggestion that the Council is attempting to impose change upon a community, rather than work with the community to achieve the right changes. There is a risk that external funding to implement the proposals in the Place Plan may not be forthcoming; but this risk would be substantially greater if there were no plan in place identifying tangible and



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costed proposals. Having a Place Plan therefore puts the Council and its partners in a much stronger position to access external funding if or when it becomes available.

### LEGAL

Policy PP14 of the Tendring Local Plan states that 'Brooklands', 'Grasslands' and 'the Village' areas of Jaywick Sands are Priority Areas for Regeneration. The policy states that 'these areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure.' Paragraph 6.10.5 in the Local Plan continues by stating that 'In order to achieve this, the Council in collaboration with the Coastal Communities Team, is producing the Jaywick Sands Place Plan. This will provide a development framework for the physical regeneration of Jaywick Sands facilitating the provision of new flood resilient homes built to modern building standards which will provide a high standard of accommodation for existing residents as well as providing land for employment opportunities and recreation and amenity areas. Public consultation will be key to its production and the Council recognise that only with the support of the local community will the proposals be deliverable.'

The process Officers and our consultants HAT Projects have followed in preparing the Place Plan has been similar to that for a Local Plan or Supplementary Planning Document (SPD) – although it is not intended that the Place Plan be adopted and utilised as an SPD or a purely planning document as it contains a variety of proposed interventions that go beyond simple material planning considerations. As such, the Place Plan is not being advanced as a statutory planning document and will not be subject to an independent examination by the Planning Inspectorate before it can be finalised and adopted.

It is intended that the Place Plan will be adopted by the Council as its overarching strategy for working with partners and the community to regenerate Jaywick Sands over a long-term period. Whilst it will be a material consideration in the determination of some planning applications in the Jaywick Sands area, the proposals within the Place Plan extend beyond planning interventions. In contrast, the Jaywick Sands Design Guide Supplementary Planning Document (SPD), adopted by the Council in February 2023 is a formal planning document, providing a detailed and specific interpretation of the Local Plan policies, for development in Jaywick Sands and will therefore carry greater weight, as a material planning consideration, in the determination of individual planning applications.

There are four main stages in the production of the Place Plan that the Council and its consultants are following:

1. Preparation and informal consultation
2. Consultation (four to six weeks)
3. Consideration of representations and completion of the final draft of the Place Plan

### 4. Adoption by the Council

The Committee report requests comments from the Members of the Planning Policy and Local Plan Committee and a recommendation to Cabinet to proceed with the formal consultation exercise on the Place Plan document.

Following the Stage 2 formal consultation exercise, the Council and its consultants will carefully consider all representations received before producing a final version of the Place Plan for Members' consideration for adoption.

### OTHER IMPLICATIONS

**Crime and Disorder:** In producing the Place Plan, the Police will be consulted so that measures to lower the opportunity and frequency of crime can be mitigated. In seeking to achieve long-term regeneration in the Jaywick Sands area and tackle issues around deprivation, the intention is that issues around crime can be addressed; for example by increase job opportunities, improving access to education and improving housing quality.

**Equality and Diversity:** The Place Plan has been subject to an Equalities Impact Assessment (EQIA).

**Health Inequalities:** The general health in Jaywick Sands is comparatively poor, with over 20% of residents in bad health or very bad health according to 2011 census data. Across Jaywick Sands only 25% of residents are in very good health, while Tendring district averages at just under 40%, and nearly 50% nationally. There is not much variation, though Brooklands and Grasslands are worse, with poor health almost five times higher than the national average. As this area actually has the youngest age profile of all the Jaywick Local Super Output Areas, it is particularly concerning that the concentration of poor health is found in this area. This also correlates with the Index of Multiple Deprivation data on health. The improvements outlined in the Place Plan will increase the living standards of residents and result in less health inequalities.

**Area or Ward affected:** West Clacton and Jaywick Sands Ward

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

The aims of the Place Plan, as stated in the Tendring Local Plan, is to "provide a development framework for the physical regeneration of Jaywick Sands facilitating the provision of new flood resilient homes built to modern building standards which will provide a high standard of accommodation for existing residents as well as providing land for employment opportunities and recreation and amenity areas."



In line with the Tendring Local Plan, the Place Plan objectives are to:

- Transform housing quality and the built environment;
- Ensure long term flood resilience;
- Create greater connectivity to neighbouring areas;
- Attract commerce & new economic opportunities; and
- Improve people's life chances, access to public services & health & wellbeing

The Place Plan will also allow the Council to present a coordinated regeneration strategy which is costed and forms the basis to bid for Government monies and grants.

In the absence of a Place Plan, the present situation of residents living in inadequate private and rented accommodation will continue. The problems are likely to escalate over time, and, given the historical rate of development on Jaywick Sands, the probability is only a small number of new or replacement dwellings will be constructed. In the scenario of a flood event, the current properties will provide only minimal protection. The level of accommodation is a very significant contributor to Jaywick Sands being listed as the most deprived area in the country; this would continue. Overall, the absence of a Place Plan will mean development and regeneration in Jaywick Sands will occur on a piecemeal basis or not happen at all, with the Council only having a limited ability to seek funding for regeneration projects.

### JAYWICK SANDS PLACE PLAN

The Place Plan sets out a vision and ambition for the future of Jaywick Sands, along with recommendations and actions to achieve it. The plan has been developed through research, consultation, and engagement. The plan aims to improve the quality of housing, the physical environment, the flood resilience, the connectivity, the economic opportunities, and the public services and wellbeing of Jaywick Sands. The plan also recognises the strengths and potential of Jaywick Sands, such as its beaches, history, and community.

In order to achieve this, the Place Plan proposes a series of interventions:

#### **Flood defence and seafront public realm (see section 7)**

The Place Plan focuses on securing protection against sea level rise, which is crucial for the community's sustainability and is the most costly and challenging aspect of the Plan. The Jaywick Sands Place Plan area, located in Flood Zone 3, has approximately 1800 homes at risk of flooding. The area contains a high number of poor quality homes vulnerable to flooding, both presently and in the future. Current flood risks include depths of 450mm (0.45m) for some homes during a design (0.5% Annual Exceedance Probability) flood event, and this could increase to depths of 3m and above over the next century. All emergency access and evacuation routes are also significantly affected by flooding. This poses a serious threat to life and property. Therefore, enhancing the safety

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of residents during a flood event and improving the flood resistance and resilience of homes is crucial.

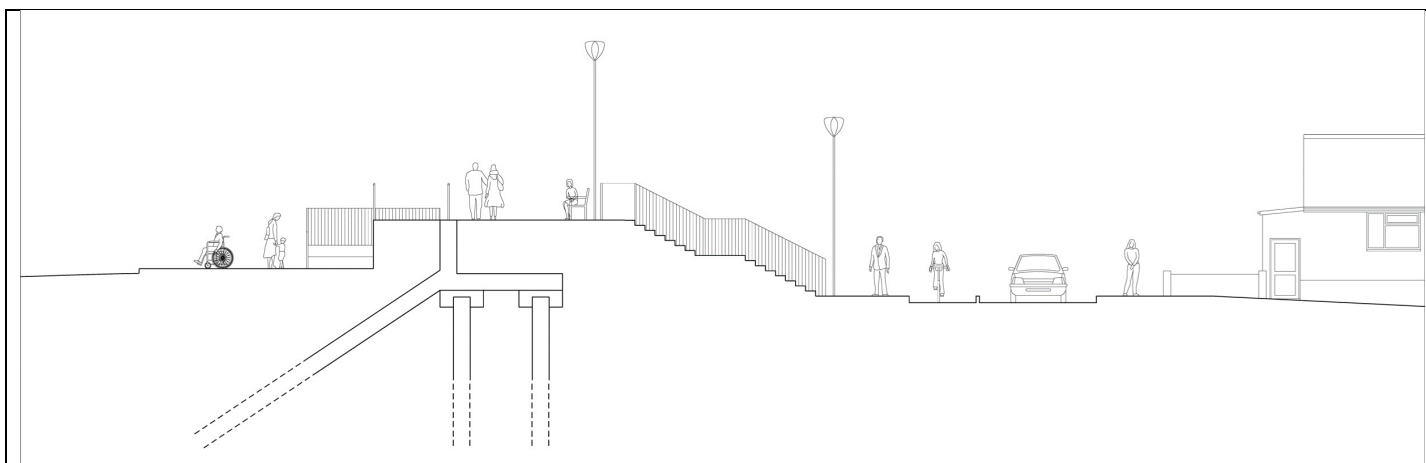


.Isometric sketch showing the main elements of the proposed seafront design strategy along the Brooklands



Sketch visualisation of the proposed new seafront design strategy along the Brooklands seafront





Indicative cross-section showing the strategic design approach to the Brooklands seafront

The illustrated design framework (see above) for the seafront area of Jaywick Sands involves constructing a new sea wall approximately 10-15m on the seaward side of the existing sea wall. The existing sea wall would then be demolished and the space used for improved public realm and beach accessibility. An additional rock groyne and beach nourishment may be required to widen the beach at the narrowest part of the Village. The design framework minimises the visual impact of the raised sea wall by integrating it into a new raised promenade and a landscaped bank on the landward side, allowing stepped and ramped access, reconfiguring Brooklands as a one-way street with full pavements on both sides and a segregated cycle track, and creating additional seafront facilities such as parking, play areas, and space for stalls or kiosks. A new beach boardwalk along the length of the beach will also be created, usable by wheelchair users and enabling easier navigation for those who find the current distance between the sea wall and the sea edge challenging.

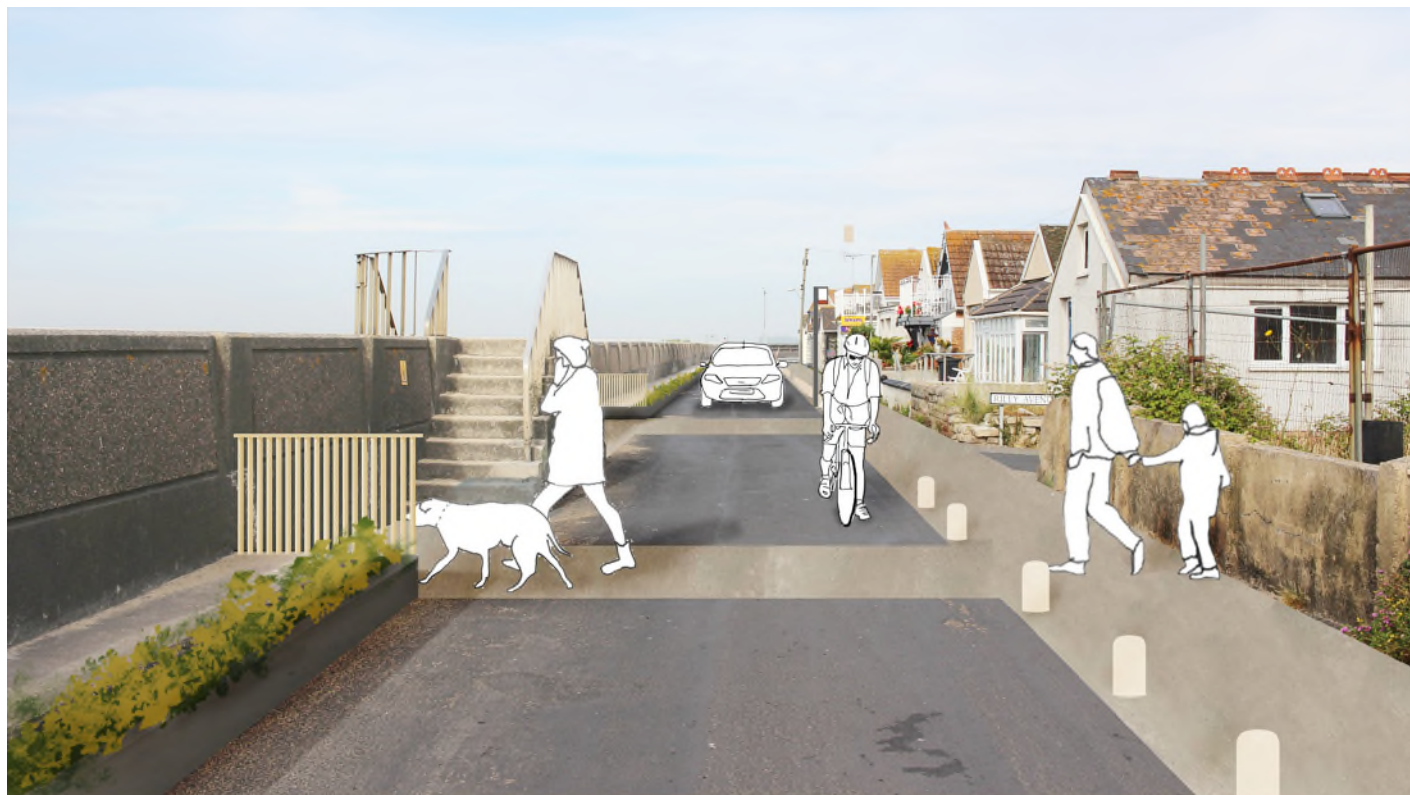
The Place Plan states that the seafront strategy will result in a wide range of benefits and address a number of the strategic objectives of the Place Plan. These include:

- Increasing the flood safety and flood resilience of the community as a whole
- Increase in value of property, and therefore the viability of upgrading substandard or non-flood-resilient homes due to their safety from flooding. Currently flood risk is a factor in keeping property values in Jaywick Sands abnormally low (although it is not the sole factor).
- Increasing value of seafront properties due to a better quality outlook, views and public realm/accessibility
- Additional tourism potential due to better beach access, promenade and beachside facilities integrated into public realm
- A safe and accessible seafront allowing more people to walk and cycle, improving access to services and jobs in the wider area and increasing road safety
- Improved mental and physical health and wellbeing due to the increased accessibility of the beach and integration of play, recreation and leisure opportunities into the public realm.

## A.1 APPENDIX 2

The delivery timeline of the seafront framework will impact the wider regeneration benefits and market-led investment confidence.

The preferred option for upgraded flood defences, integrating new public realm, improved beach accessibility, and new facilities, requires a funding commitment of around £108m at 2023 values. If delivery is planned for after 2033, when national Flood Defence Grant in Aid (FDGiA) benefits can be drawn down to part-fund the scheme, the partnership funding required may be around £84m at 2023 values.



Visualisation showing the nationally preferred option

However, if only the nationally preferred option for flood defences were implemented (see above), with no additional public realm or seafront amenities, it would require partnership funding of around £20m (2023 values). As the Place Plan highlights, without the public amenity improvements, this option would result in significant blight to the visual and social amenity of the residents of Jaywick Sands.

Delivery would be phased with the first phase in 2023 and the second planned for around 2058. The next steps include further technical studies to develop the design approach, impact assessments including an economic impact appraisal to evaluate benefit-cost ratio for the preferred option, and exploration of partnership funding options. Some elements of the seafront strategy suitable for 'quick wins' include implementing a pilot scheme converting Brooklands to a one-way system and



introducing a footway segregated from the carriageway, and delivery of the beach boardwalk connected to existing ramped access points.

### **Improvements to residential areas (see section 8)**

The report shows that Jaywick Sands has very low housing quality, which affects the lives, health, and wellbeing of the residents and causes deprivation in the community (see evidence in Section 3 and 4). To improve the existing residential areas, the strategy aims to reduce blight and increase the number of good quality and flood safe homes by reusing vacant and derelict plots. This will also help achieve other Place Plan objectives such as enhancing the public realm.

The reuse of vacant and derelict plots in Jaywick Sands will require initial investment in plot acquisition and development. The development model will either require full funding through the Council or through a potential sale and leaseback or rental guarantee arrangement with an institutional investor. The underlying increase in value of the properties over time, as values rise in Jaywick Sands due to the wider regeneration programme, accrues to the Council. Development of new homes on vacant plots will be most effectively achieved using a pattern book of house types developed specifically for Jaywick Sands and potentially utilising off-site prefabricated construction. At present day values, the purchase and development of vacant and derelict plots in line with the recommended strategy may require investment of between £8m-£10m.

The Place Plan recommends that the next steps should include establishing the:

- funding requirement for the acquisition of vacant and derelict plots
- developing an outline pattern book designs for plot redevelopment
- securing funding for acquisition and development of vacant and derelict plots
- exploring potential funding options to incentivise owner-occupiers to improve flood resilience of their properties
- Where people would be open to relocating, exploring alternative options for housing elsewhere in the Borough

A quick win that can be delivered in the short term is developing technical guidance for property owners for assessing the flood resilience of their properties, implementing improvements and preparing flood safety plans.

### **Creating space for business, tourism and local services (see section 9)**

The Place Plan advocates a strategy for enhancing the local economy which will build on the existing features and potential of Jaywick Sands. There are several areas that have been identified as having growth opportunities that would benefit the local community and create local jobs. These include filling the gaps in local services that the community needs, such as food and grocery shops, laundry, mobile phone repair, dental care, early childhood education and other services. Providing space for these services would generate employment and reduce deprivation indicators such as how far residents have to travel to access basic shops, which should be within walking distance from every

home. Jaywick Sands also has a good potential to provide start-up and expansion space for small businesses, as there is land available in public ownership, reasonable vehicle access and low competition from other developments. This would address the shortage of such space in the wider Tendring district. Tendring District Council has already made a positive investment in the Sunspot workspace and covered market project, which has been completed recently and has shown a good demand for commercial space in Jaywick Sands, especially for shopfront units. Developing the tourism and visitor services sector is another key area for growth in Jaywick Sands. This would involve creating space for businesses such as retail, food and drink, services and visitor accommodation, as close as possible to the beach and other local facilities. The Place Plan concludes with some suggested next steps, such as forming a working group, conducting feasibility studies and offering shopfront improvement grants.

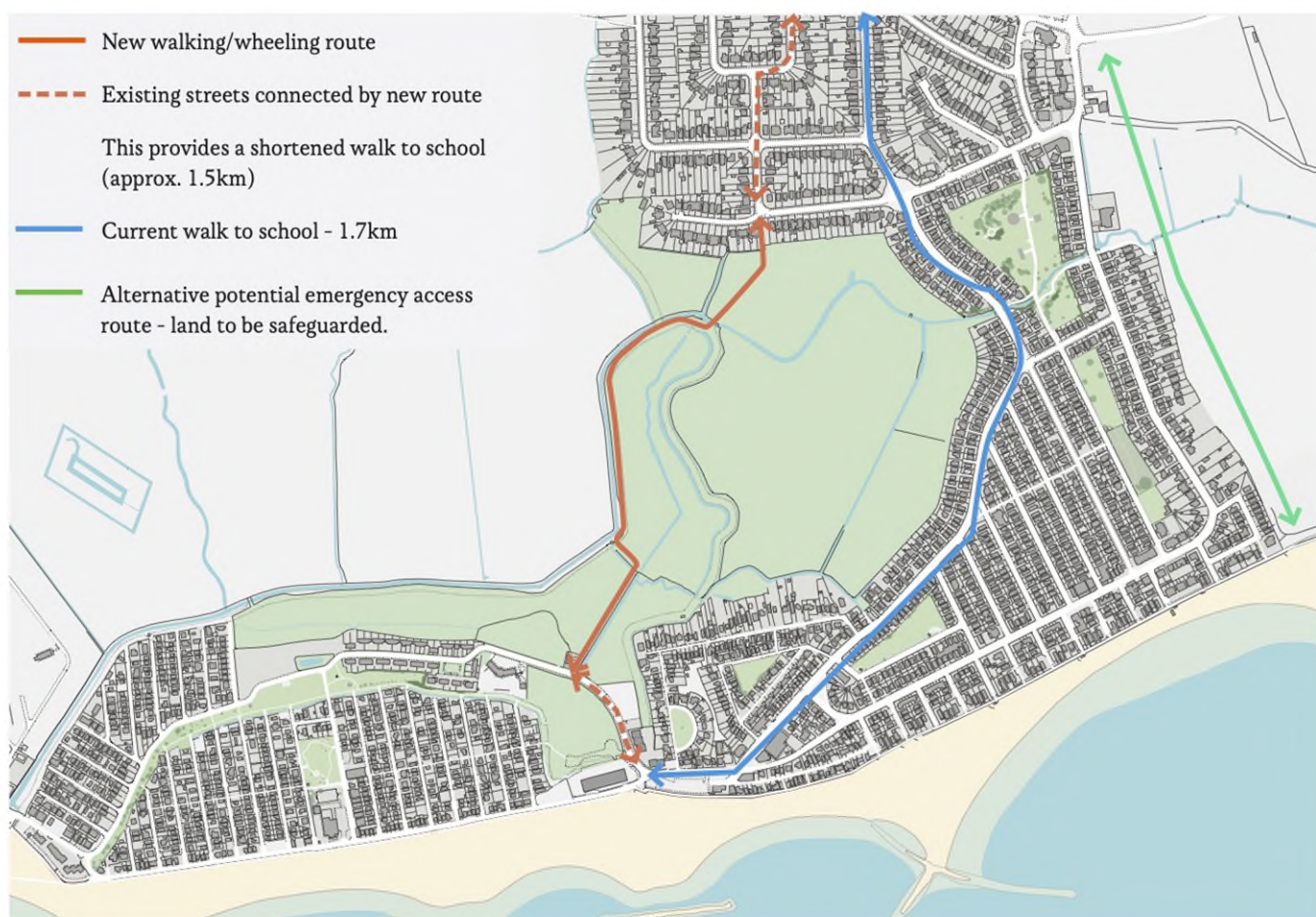
### **Public Open Spaces (see section 10)**

The Place Plan aims to enhance public open spaces in Jaywick Sands to support active lifestyles, health and wellbeing, biodiversity, sustainable drainage, and other objectives of the plan. The strategy will benefit residents and attract new economic activity by improving the visitor experience. Currently, Jaywick Sands has two equipped open spaces classified as NEAPs and one informal play landscape (LAP). There are three smaller open spaces to the west of The Village that are small greens with minimal trees, planting, seating, and other public and environmental assets. A further green open space along Garden Road (partially privately owned) is addressed as part of this strategy, as is the strip of land along the back of Brooklands, between the ditch and Lotus Way and the beach itself. All these spaces require improvements to bring them in line with current standards, address deficits (see section 3), and better serve residents. The strategy for improving public open spaces has been developed through an assessment of current condition, opportunities and constraints, and insights from formal and informal consultation. An outline functional brief has been drawn up for each open space to inform outline delivery costs and should be used as a starting point for further project development. The identified public open space improvements in Jaywick Sands can be delivered as standalone projects and could be considered as potential 'quick wins' as they do not have significant dependencies with other aspects of the Place Plan framework. Subject to funding, the improvements could be delivered within a 2-3 year timeframe. Delivery and funding partners could include community groups, Active Essex/Essex County Council, as well as other grant funding schemes aimed at improving health.

### **Accessibility and Connectivity (see section 11)**

The Place Plan aims to make Jaywick Sands more accessible and connected for its residents, who face many difficulties in reaching essential services, work opportunities, and social networks. The Plan suggests enhancing existing paths and creating new ones for walking and cycling, as well as improving bus stops, alleyways, and emergency routes. These changes will also benefit residents' health and wellbeing by allowing them to enjoy the natural environment around them.





Map showing proposed new route and alternative emergency access route to be safeguarded.

Some of the proposed improvements are:

- A new path across Tudor Fields that will connect different parts of the community and serve as an emergency escape route in case of flooding.
- A new path from Lotus Way to Crossways that will shorten the travel time to the primary school and open up access to green space.
- Walking-only paths around Tudor Fields and Brooklands/Grasslands that will be suitable for walkers and wheelchair users, with places to rest and appreciate nature. However, these

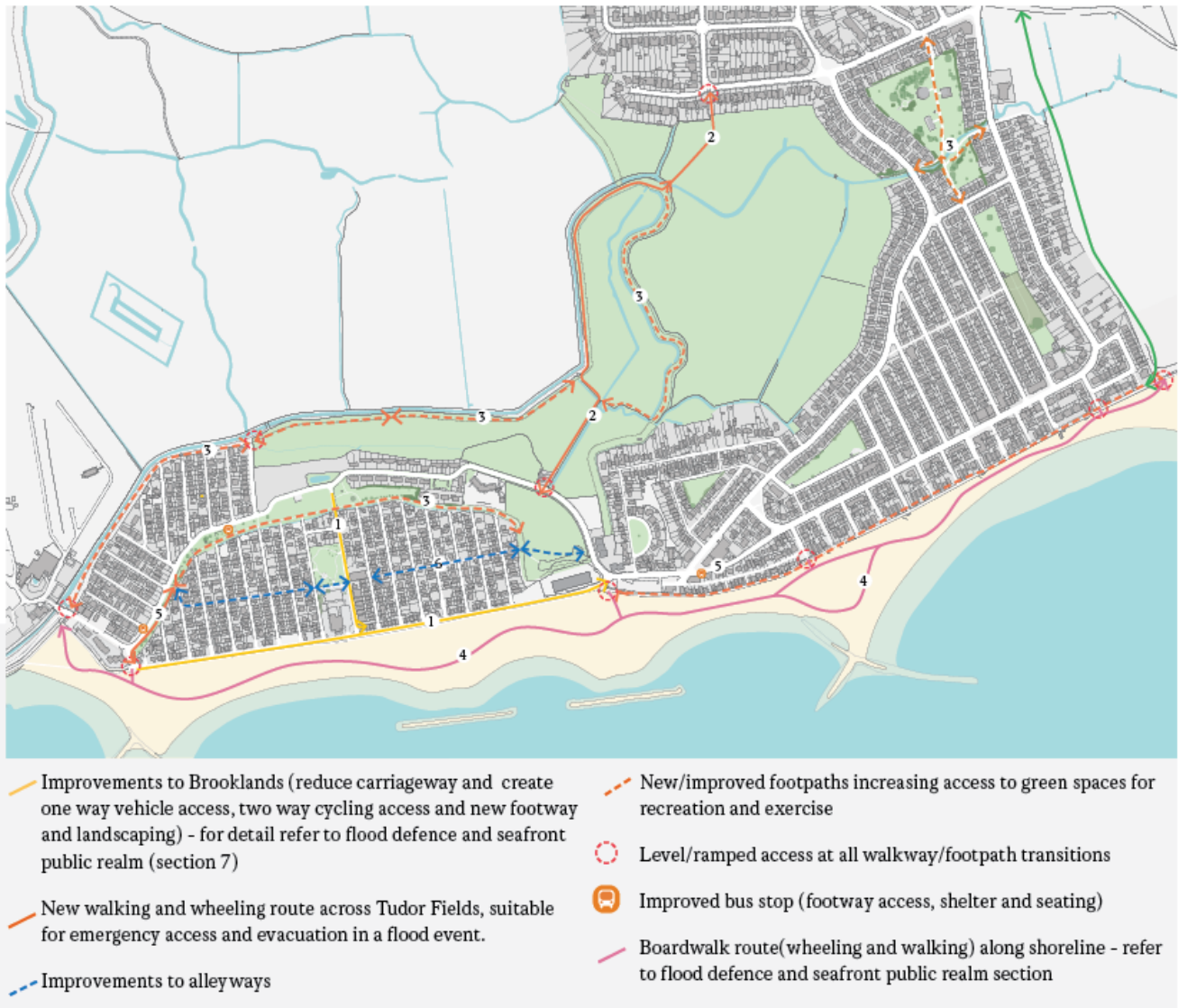
paths will require consultation with residents to address their concerns about safety, security, and maintenance.

- Alleyways in Brooklands and Grasslands that will be upgraded with better surfaces, lighting, and repairs to walls and fences. These alleyways are currently not used much due to their poor condition.
- Bus stops that will be equipped with shelters, lighting, seating, and paving. These bus stops are vital for Jaywick Sands residents who depend on public transport. However, these improvements will need coordination with Essex Highways, who are responsible for their maintenance.

The Place Plan considers these accessibility and connectivity improvements as 'quick wins' that can be implemented as soon as funding is available. The new path across Tudor Fields could be completed within 3 years, depending on funding. The total cost of the improvements may be around £5-£5.5m (2023 values).

The next steps include securing funding for further project development, such as design and feasibility studies to determine the exact costs and delivery timescales. Funding sources for implementation should then be sought and secured.





Map showing connectivity improvements

### Drainage Infrastructure (see section 12)

Jaywick Sands has been experiencing issues with foul and surface water drainage, as well as a lack of maintenance of many streets within the village. This is due to the historic development of the village and the confusion around responsibilities for maintaining and improving the streets and the drainage network. The increasing intensity of rainfall due to climate change has worsened the situation, leading to an increased frequency of surface water flooding.

Brooklands and Grasslands do not have an existing adopted surface water drainage system, although a limited surface water system directed to a culvert at Brooklands Ditch was installed in

2015. Surface water flooding is a regular occurrence for Brooklands in particular and requires improvement.

To address these issues, partnership working with a number of statutory providers and bodies will be required. Once an agreed approach has been established, physical works to improve the network up to current standards, and to make it resilient to future increased storm water flows as a result of climate change, will be costly and disruptive and will require phasing. Commuted sums or a funding agreement for ongoing maintenance will also need to be established. The scale of funding required cannot be established without further engagement with statutory undertakers, including Anglian Water and the Environment Agency, and more detailed technical studies.

The Place Plan states that the next steps for this element of the Place Plan should include:

- Establishing a working group with Anglian Water, Essex Highways/ Essex County Council, and the Environment Agency to develop an agreed approach and responsibilities matrix.
- Undertaking technical studies to establish the physical upgrades required and associated costs.
- Securing funding for implementation and future maintenance

### **Community Engagement and Stewardship (see section 13)**

The Place Plan highlights that community engagement is crucial to achieving the objectives. The lack of a formal governance structure and diverse backgrounds of the community members have made engagement efforts challenging. The Place Plan suggests that engagement should be consistent and trust-building, involving various methods from doorstep conversations to formal consultations and workshops. It acknowledges that addressing complex issues is challenging and resource-intensive but vital for informed decision-making by residents.

The Place Plan recommends developing a community governance model involving a representative range of community members, such as an elected council, residents association, or another structure that includes local businesses and existing community organisations. It also suggests considering a funded program for capacity building for local community leaders. In the interim, it proposes developing a statement of community involvement to clarify how Tendring District Council will work with the community until a long-term governance model is agreed upon. It also recommends appointing a dedicated community liaison officer for local engagement in Jaywick Sands until an agreed milestone in the delivery of the Place Plan.

Delivering the Place Plan vision will require coordinated work by a range of partners and with the full involvement of the community. It must be emphasised that while the Place Plan sets out a vision and an accompanying framework for guiding change in Jaywick Sands, achieving this will require substantial investment and is currently unfunded. Delivering the strategy set out in the Place Plan in full is likely to require a 20 year timeframe.



## A.1 APPENDIX 2

### Consultation

The Place Plan will be subject to six weeks of public consultation incorporating publicity and exhibitions in Jaywick Sands.

### APPENDICES

Appendix 1: Draft Jaywick Sands Place Plan

### BACKGROUND DOCUMENTS

Draft Jaywick Sands Place Plan Equalities Impact Assessment.

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## CABINET

10 NOVEMBER 2023

### REPORT OF THE LEADER OF THE COUNCIL

#### A.2 OUR VISION - A NEW CORPORATE PLAN 2024/28

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To seek Cabinet approval and recommendation to Full Council, the final proposals for 'Our Vision' (the Corporate Plan 2024/28) following full consultation with the public, key partners and stakeholders.

###### EXECUTIVE SUMMARY

At its meeting on 21 July 2023, the Cabinet agreed the draft proposals for 'Our Vision' (the Corporate Plan 2024/28) (as set out in *Appendix A*) as its initial proposals for consultation purposes.

The consultation process included; submission to the Resources and Services Overview and Scrutiny Committee, and consultation with residents and key partners (other Local Authorities, health service bodies, Fire & Rescue, Police and voluntary sector) and businesses. The feedback from the consultation process has been summarised within this report.

The Corporate Plan, final proposals continues to follow the principles which were previously agreed by the Cabinet, namely a "Plan on a Page" and with Community Leadership at its heart.

Through the consultation there is broad support for the key themes, proposed at the 21 July 2023 meeting of Cabinet:

**Pride in our area and services to residents**  
**Raising aspirations and creating opportunities**  
**Championing our local environment**  
**Working with partners to improve quality of life**  
**Financial Sustainability and openness**

The three themes with the most relevance to the lives of respondents were "Pride in our area and services to residents", "Championing our local environment" and "Financial Sustainability and openness."

The Consultation outcomes are set out in Appendix C, and based upon the findings and further reflection, some changes to the proposed text for the Themes, including an additional one around Tourism, are shown in red in Appendix B.

The previously agreed **timetable** for completion of the Corporate Plan still stands and seeks approval by Full Council on 28 November 2023.

###### RECOMMENDATION(S)

**It is recommended that:**

**(1) The outcome of the consultation (set out at Appendix C) on the emerging**

Corporate Plan ('Our Vision') themes and supporting text, approved on 21 July 2023 (and repeated at Appendix A), be received and considered, including:

- a. The consistently positive relevance of the themes in the emerging corporate plan to respondents and their lives – and particularly the themes around 'Championing the Local Environment', 'Pride in our Area' and 'Financial Sustainability and Openness';
  - b. The strong messaging from residents around services provided by partner organisations (including the condition of pavements and roads and access to health services) that underpins the proposed theme of 'Working with partners to improve quality of life';
  - c. The need to recognise the long term socio-economic necessities around a skilled workforce to sustain and enhance the vibrancy of the District and the consequential needs to promote actions designed to "Raise aspirations and create opportunities" (and the adoption of a Corporate Plan theme around this);
  - d. Almost one third of respondents wishing to see more tourism to further promote our area and boost economic opportunities and almost half of respondents supporting the current levels of tourism to the District which, combined, suggest that there should be a new theme in the Corporate Plan around "Attracting visitors to our district and encouraging them to stay longer" (which itself accords with the Council's existing Tourism Strategy;
- (2) Based on (1) above, Cabinet agrees the final proposals for ('Our Vision') the Corporate Plan 2024/28 as set out in Appendix B and recommends them to Full Council for approval; and
- (3) Subject to (2) above being approved, requests Officers to review the Council's Communication Strategy and Community Engagement Strategy and their operation, taking into account the feedback received through the consultation with the public, partners and businesses, with a view to the outcomes being presented back to a future meeting of Cabinet.

#### **REASON(S) FOR THE RECOMMENDATION(S)**

To ensure that the views of local residents, businesses and partners (as expressed in the consultation findings set out in this report) are fully considered and to then facilitate the adoption of an informed Corporate Plan 2024-28.

#### **ALTERNATIVE OPTIONS CONSIDERED**

Not to adopt a Corporate Plan. This was discounted as it would not support good decision making and efficiency resource allocation by the Council over 2024-28. The Council's Policy Framework, as identified within Article 4 of the Constitution includes the Council's Corporate Plan and it is essential that this document setting the strategic direction of the Council is kept up to date.



## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The Corporate Plan sets out the proposed high level priorities for the Council 2024/28. Once considered and a final set adopted it will form a fundamental part of the Council's Policy Framework being the central pillar on which plans, policies and strategies are developed and reviewed and will set the overall direction of the Council.

### OUTCOME OF CONSULTATION AND ENGAGEMENT

Following the decision of Cabinet on 21 July 2023 to authorise consultation and the engagement of a social research company (Minute 23 refers), a further decision was made by the Deputy Chief Executive on 21 July 2023 to appoint Mackman Research to support that consultation exercise. The consultation was undertaken over seven weeks between 8 August 2023 and 25 September 2023. While the rationale for the consultation was to support the development of the corporate plan it provided an opportunity to obtain the views of residents, partners and businesses on a range of service and other matters of importance to the Council and the District. As such, the consultation findings will be utilised in many different arenas going forward.

The consultation involved several strands as follows:

- General Public – Online and paper at Town Hall and Town Councils – promotion through banners (Clacton on Sea and Harwich), newspaper adverts and online posts (including service social media accounts) and Council email footers.
- 400 individuals from the Electoral Register were written to directly (balanced numerically for each Ward)
- On street questionnaires in Brightlingsea, Clacton-on-Sea, Jaywick Sands, Harwich, Manningtree and Walton.
- A range of Businesses and Partners
- District Councillors

Promotion of the opportunity to submit views during the consultation included sending emails to all Town and Parish Councils in the District and a letter from the Leader of the Council to the Chair of the Tendring Association of Local Councils. There were also press releases and measures already referred to above. The consultation was covered as a front page article in the Brightlingsea and Wivenhoe Chronicle's August edition.

By way of a quick summary, the response to the consultation was:

- 771 responses overall
- 598 General Residents (analysis shows distinctly similar responses from the different strands)
- 133 on-street questionnaires
- 31 Businesses and Partners
- 3 Councillors/1 from the Conservative Group
- 5 late paper responses

Appendix C sets out the Key Findings and Executive Summary from the consultation. Elements from the consultation findings are also set out in the background section of this report below.

At this point in this report it is worth stating that:

- When compared with the gender demographic for the whole district there were more female respondents proportionately than the District has (based on the 2021 ONS Census statistics).
- When compared with the age profile of the whole district, there were more individuals aged 55 and over than the District has (based on the 2021 ONS Census statistics).
- There was a good match proportionately between respondents from the various main post code (i.e. COXX) blocks to addresses in the district in those blocks (based on the Electoral Register Street Index).

Notwithstanding the age and gender positions identified, the consultation findings are considered to be robust based on the methodology deployed and the lack of divergence stated by the research agency between the responses received from on-street surveys, general public online/paper surveys and those specifically invited to participate from the Electoral Register.

#### **LEGAL REQUIREMENTS (including legislation & constitutional powers)**

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>YES/NO</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<input checked="" type="checkbox"/> <b>Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>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)</b>	28 June 2023

The Corporate Plan forms part of the Council's Policy Framework which means it must be approved by Full Council following a process involving both Cabinet and Overview and Scrutiny.

Section 3 of the Local Government Act 1999 is the general duty of a best value authority to make arrangements to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. For the purposes of deciding how to fulfil the best value duty, an authority must consult a range of representatives, as set out in Sub-Section 3(2) of the Act.

The legal implications of individual projects will be assessed when they are brought forward for formal decisions to be made.

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

Best value authorities must demonstrate good governance, including a positive organisational culture across all of their functions and effective risk management. They are also required, pursuant to section 3 of the Local Government Act 1999, to consult on the purpose of deciding how to fulfil the Best Value Duty. The annual process of setting the authority's budget, the



corporate plan and the medium-term financial plan provides an opportunity to conduct such consultation. This is the stage at which consultation will best assist the authority in deciding how to make arrangements to secure continuous improvement.

The Government have recently consulted on a draft Best Value Standards and Intervention Statutory Guidance for local authorities, which sets out its current expectations in achieving best value. One of the characteristics identified for a well-functioning authority is to ensure corporate and improvement plans are reviewed and updated. In addition, the authority's corporate plan is evidence based, current, realistic and enables the whole organisation's performance to be measured and held account. Strategic priorities are aligned with the authority's financial strategy and delivery arrangements, and respond appropriately to local need, including the plans of partners and stakeholders.

Local authorities must take account of the outcomes of consultation in their decision making although, are not required to agree with everything suggested. This is particularly relevant with regards to the Council maintaining financial sustainability over the coming years.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

There are no financial implications in setting out the Council's aspirations in a Corporate Plan. Individual projects still need to be fully and properly assessed and formally approved prior to commencing. One of the priorities from the LGA Peer Challenge carried out in 2018 was that an enhanced approach to project management, project delivery and performance reporting be brought into use. This will encompass a full assessment of resources and risk.

Following the undertaking of the consultation referenced in this report, the finalised account with the Research Agency concerned will be developed. Cabinet on 21 July 2023 authorised expenditure up to £25,000.

<input checked="" type="checkbox"/>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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It is important to highlight the best value duty mentioned earlier in this report, which is also now echoed within the regular Financial Performance reports presented to Members.

Although the best value duty covers a number of themes, from a financial perspective the primarily elements relate to setting a balanced budget and securing value for money. This latter point is also a key feature of the work undertaken by the Council's External Auditor and in itself covers a number of further themes.

The Government are also developing revised guidance relating to how Local Authorities should be demonstrating best value, with a detailed description of one of those themes that relates to using resources and the characteristics of a well-functioning body being as follows:

***The financial strategy and budgets are clearly aligned with strategic priorities and there is a robust process for reviewing and setting the budget. There is also collective accountability for the budget and medium-term financial plan, rather than a siloed approach to management.***

The guidance also highlights the importance of having the appropriate level of capacity within the organisation.

Balancing the above in the context of the significant financial challenges faced by the Council

will therefore need to be a key feature within the Council's financial planning processes looking ahead to 2024/25 and beyond.

#### **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;	By committing to the theme "Financial Sustainability and openness" and, in due course, key actions to deliver this theme will be critical to good financial management across the lifetime of the Corporate Plan 2024-28.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The consultation undertaken as part of the development of the Corporate Plan 2024-28 is specifically designed to ensure that the Cabinet has the necessary information to make good decisions for the purpose of this report and future strategies, plans and policies.
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.	The consultation findings will also support the assessment of challenging financial position of the Council over the next four years.

#### **MILESTONES AND DELIVERY**

The agreed timetable for this Corporate Plan identifies that it would be submitted to Council on 28 November for approval. This would mean it is in place for the start of 2024 and thereby assist the Cabinet to develop medium term

#### **ASSOCIATED RISKS AND MITIGATION**

The primary risks around the development of the Corporate Plan is that it does not address the needs of the District or otherwise unduly raises expectations that are not achievable by the District Council directly or in partnership with others who have the legal powers necessary. The District Council has a capacity built around the day to day functioning of services and there are a number of significant major projects already in the process of being delivered. Recognising these capacity issues and financial resources will be a feature across the lifetime of the Corporate Plan 2024-28.

#### **EQUALITY IMPLICATIONS**

Consideration has been given to the Public Sector Equality Duty in relation to the emerging Corporate Plan themes and, now, to the revised proposals now submitted for the Corporate Plan 2024-28. The proposals do not conflict with the Public Sector Equality Duty.

#### **SOCIAL VALUE CONSIDERATIONS**

The outcome of consultation will assist the Council in its development of a Social Value Policy and identifies the areas where residents have stated the key issues that will improve their local area. These can then be directed to suppliers the Council does business with going forward to deliver some of those improvements.



## IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

The Climate Change Action Plan, underpinned by the ambition to be net carbon zero by 2030, remains a part of the Corporate Budget and Policy Framework of the Council. The consultation results informs the Council on the views of residents on Carbon Neutral measures and will inform the next Action Plan.

## 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.**

The implications of individual projects will need to be fully and properly assessed and approved prior to commencing. As with resources and risk assessment of other implications will be included as part of enhanced project delivery arrangements.

### Crime and Disorder

The proposed Corporate Plan themes around shared responsibility for the environment locally and the desired improvement in quality of life for residents seeks to recognise the role that anti-crime and disorder activities can and should play. This subject was highlighted within the Key Findings of the consultation outcomes.

### Health Inequalities

The views of local residents around accessing health services locally will be a feature of the work with partners to support improved access. Likewise, addressing a range of elements that manifest themselves through health inequalities are identified in the strategic proposals in the Corporate Plan 2024-28.

### Area or Ward affected

The whole District.

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

#### Corporate Plan 2024/28

The Council's Corporate Plan sets out the Council's vision (Our Vision) in terms of strategic aims and priorities to set the direction of the Council over the four years 2024-28. Once adopted by Full Council, it is part of the Council's Budget and Policy framework and thus sets the direction and context for the Council's work for the period of the Plan.

Initial proposals for a Corporate Plan were prepared and agreed by Cabinet on 21 July 2023; they were then reported to the Resources and Services Overview and Scrutiny Committees (*for consideration and comment back to Cabinet*) and consultation was undertaken with residents, key partners of the Council and other stakeholders.

The consultation process is now concluded and the outcome of the consultation broadly endorses those initial proposals. This was particularly the case for the three themes around 'Championing the Local Environment', 'Pride in our Area' and 'Financial Sustainability and

Openness'. This is emphasised in the table below:

Relevance of the following themes and descriptions to respondents and their life at this moment:	Percentage of respondents stating - 'A great deal'/'A lot'
Pride in our Area and Services to Residents	82.2%
Championing our local environment	79.9%
Financial Sustainability and Openness	74.3%

While the relevance to residents, businesses and partners in respect of “**Working with partners to improve quality of life**” was less than for the above mentioned three themes, strong messaging was received from residents around services provided by partner organisations (including the condition of pavements and roads and access to health services). This demonstrates there is a key and continuing need for the Council to express the needs and wishes of residents to partners. As such, the need for “**Working with partners to improve quality of life**” will be critical to the Council in its community leadership role with those partner organisations. The comparable figure from the consultation findings to those shown above for this theme is:

Relevance of the following themes and descriptions to respondents and their life at this moment:	Percentage of respondents stating - 'A great deal'/'A lot'
Working with Partners to Improve Quality of Life	61.7%

The last of the five themes set out in the emerging corporate plan that was subject to consultation was ‘**Raising Aspirations and creating opportunities**’. The relevant comparable figure from the consultation findings for this theme is:

Relevance of the following themes and descriptions to respondents and their life at this moment:	Percentage of respondents stating - 'A great deal'/'A lot'
Raising Aspirations and creating opportunities	44.6%

However, when we just look at the views of respondents in the age groups 18-54, rather than all age groups, the comparable figure is:

Relevance of the following themes and descriptions to respondents and their life at this moment:	Percentage of respondents AGED 18-54 ONLY stating - 'A great deal'/'A lot'
Raising Aspirations and creating opportunities	56.9%

The subset in the table immediately above was 109 respondents. As such, the likely measurement error is greater for the subset than for the quoted figure for all respondents (based on 585 respondents). Notwithstanding that, it is noticeable that this subset has a significantly higher level of resonance with this theme than all respondents with a higher mean average age. In addition, and recognising the long term socio-economic necessities around a skilled workforce, both now and in the future, to sustain and enhance the vibrancy of the District and the consequential needs to promote actions designed to “**Raise aspirations**”



**and create opportunities**” (and the adoption of a Corporate Plan theme around this).

Almost one third of respondents wishing to see more tourism to further promote our area and boost economic opportunities and almost half of respondents supporting the current levels of tourism to the District which, combined, suggest that there should be a new theme in the Corporate Plan around “**Attracting visitors to our district and encouraging them to stay longer**” (which itself accords with the Council’s existing Tourism Strategy.

The following table reflects the findings quoted above:

<b>Considering the current level of tourism in your area, please indicate your preference for its future:</b>	<b>Percentage responses (out of 647)</b>
I would like to see more tourism, to further promote our area and boost economic opportunities.	32.0%
I am content with the current level of tourism, and believe it strikes a balance between benefits and challenges.	46.8%
I would prefer reduced tourism, to protect the local environment and preserve our community's unique identity.	7.4%
I am not impacted by tourism / I have no view on local tourists	5.9%
Other	3.1%

Looking at Partner and business respondents specifically, there was strong support for the five themes included in the consultation. There was also strong support from Councillors for those themes (and the submission from the Conservative Group specifically endorsed the adoption of the themes). In addition, the Group proposed that the Corporate Plan themes and supporting text should include (in summary):

- Reference to working to secure schools offer the best possible learning opportunities.
- Savings opportunities through procurement processes,(particularly through an ‘all-Essex alliance’).
- The contribution Artificial Intelligence can plan in achieving savings for the Council.
- Expanding the stock of Council housing – including through recycling monies from the disposal of unnecessary land assets.
- Climate Change – to deliver against the Climate Emergency declaration by the Council.
- The opportunity of a joint venture in relation to the Tendring-Colchester Garden Community to provide employment and skills opportunities.
- Being clear on the capacity available and not de-railing existing commitments through taking on new ones.

The submission above has been reviewed against the proposed Corporate Plan Themes and supporting text and it is recognised that not everything can be the priority of the Council. However, it is considered by Cabinet that the revised proposed themes do encapsulate key elements of the submissions from the Conservative Group. The Group is specifically thanked for its detailed submission. The Group also identified priority actions for the individual four years of the Corporate Plan and these will be reviewed as the Cabinet considers those highlight actions for those years.

In relation to Council Housing, it is clear that alongside a desire to increase the stock, we have significant challenges, alongside many social landlords, to address concerns around its current stock management. With the new Social Housing Regulator a great deal of effort is being applied to ensuring that procedures, practices and investment decisions in the current stock are reviewed and adjusted to meet the concerns previously mentioned.

The work through the Tendring Education Strategic Board demonstrably supports the Corporate Plan themes around aspiration, opportunity and working with partners through the work of that Board.

Within the proposed theme of Financial Sustainability, there will be a drive to look at doing more for less and this will encapsulate working with others on joint initiatives such as that underway in respect of procurement and sound project management to avoid over-stretching the Council's capacity to deliver.

The revised wording of the Corporate Plan Themes and supporting text recognises the role that digital can and should play in providing access to services. However, this will need to be tempered by the need to carry those with us who currently do not or cannot use that digital solution.

Climate Change measures were specifically addressed in the consultation and the responses from the public will assist the Council address this; through its own services, with partners and supporting behaviours that can reduce CO<sub>2</sub> footprints of residents and businesses in the District.

Finally, the suggestion around a joint venture as part of the Tendring Colchester Border Garden Community is something that can be taken away and looked at to determine its feasibility.

As the Corporate Plan is finalised, there will need to be further communication with the public, key stakeholders and businesses to thank all those who took part in the consultation and outline the positive contribution these responses have had on the Corporate Plan themes and, more generally, will support decision making over the coming period. The Council will review its Communication Strategy following adoption of the Corporate Plan and reflect upon the consultation feedback with regards to community engagement across the District and age profiles.

Once approved, officers will finalise the graphic representation of the approved Corporate Plan to reflect the intention for it to be 'a plan on a page'.

The Council's performance management arrangements seek to establish a clear linkage, sometimes referred to as a "golden thread", between the strategic aims of the Corporate Plan, the medium term priorities and projects, the deliverables identified for those priorities and projects and the more detailed service aims set out in Departmental Plans and ultimately in the individual performance aims set for individual officers.

Underpinning the 2024-28 Corporate Plan is the Council's values expected of all Members and staff.

#### **PREVIOUS RELEVANT DECISIONS**

Cabinet on 21 July 2023 – Minute 23 refers

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**



The research findings report in full from the Consultation referenced in this report as provided to the Council by Mackman Research Agency.

#### **APPENDICES**

**A – Draft version issued for Consultation**

**B – Revised version submitted for consideration at this meeting**

**C – Key Findings and Executive Summary of the Consultation**

#### **REPORT CONTACT OFFICER(S)**

<b>Name</b>	<b>Keith Simmons</b>
<b>Job Title</b>	<b>Head of Democratic Services and Elections</b>
<b>Email/Telephone</b>	<b><u><a href="mailto:ksimmons@tendringdc.gov.uk">ksimmons@tendringdc.gov.uk</a></u></b>

# **Initial version issued for consultation**

## **‘Our Vision’**

**(Corporate Plan 2024-28)**

**[Community Leadership to be recognised as a cross cutting element of the Plan]**

### **Pride in our area and services to residents**

We want to put residents’ first, providing and promoting clean and tidy communities, decent housing that everyone deserves, and tackling the things that make a big difference to you. This means getting the basics right on our services. We also want to promote pride in our communities, encouraging everyone to take responsibility for keeping their area a pleasant place in which to live and work.

### **Raising aspirations and creating opportunities**

Tendring is ambitious and our residents will be supported to reach their potential and realise their opportunities. To do this we want to, working with partners, improve access to skills learning so residents can get jobs and to allow businesses to thrive in our district; particularly taking the opportunities afforded by Freeport East. We want to maximise the opportunities for young people; to inspire those dreams we will celebrate business success, encourage responsible tourism, develop our cultural sector and economic growth.

### **Championing our local environment**

We believe our environment is special, it is the space where we live and work, and therefore deserves protection. We will be tough on those who do not respect our environment. We want to create and maintain spaces for leisure, wellbeing and active lifestyles, and deliver access to open spaces to achieve this.

### **Working with partners to improve quality of life**

It is our aim to build on joint working with our partners across government, public, private and third sectors to improve the quality of life for our residents. We want to promote safer, connected and inclusive communities; and we recognise the vital role volunteers play in caring for others and our environment, and we want to support, encourage and facilitate those opportunities.

### **Financial Sustainability and openness**

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

**“Listening to and delivering for our residents and businesses”**

## **Version developed following consultation**

### **‘Our Vision’**

**(Corporate Plan 2024-28)**

#### **[Community Leadership to be recognised as a cross cutting element of the Plan]**

##### **Pride in our area and services to residents**

We want to put residents' first, **by** promoting clean and tidy communities, **providing** decent housing that everyone deserves, and tackling the things that make a big difference to you. This means getting the basics right on our services. **The Council will look to harness the power of digital delivery of services while ensuring that no resident is left behind.** We also want to promote pride in our communities **by** encouraging everyone to take responsibility for keeping their area a pleasant place in which to live and work.

##### **Raising aspirations and creating opportunities**

Tendring is ambitious and our residents will be supported to reach their potential and realise their opportunities. To do this, working with **businesses and** partners, **we want to** improve access to skills learning **and training** so **that** residents can **find employment** and **enable** businesses to thrive; particularly taking the opportunities afforded by Freeport East **and the Garden Community**. We want to maximise the opportunities for young people **and see them enthused with purpose.** **To** inspire those dreams we will celebrate business success, encourage cultural, **tourism** and economic growth.

##### **Championing our local environment**

We believe our environment is special, it is the space where we live and work, and therefore deserves protection. We will be tough on those who do not respect our environment. We want to create and maintain spaces for leisure, wellbeing and **healthy** lifestyles, and deliver access to open spaces **and community resources**.

##### **Working with partners to improve quality of life**

We want to promote safer, **healthier**, **well** connected and inclusive communities **by** working with our partners across government, public, private and third sectors. **We will strive to build on the firm foundations, developed over time, with those partners to meet the identified needs of our communities.** We recognise the vital role volunteers play in caring for others and our environment, and we **will** support, encourage and facilitate those opportunities.



### Promoting our heritage offer, attracting visitors and encouraging them to stay longer

We want to boost our tourism by attracting more visitors to the 36 miles of sunshine coast and to our rural towns and villages. We will support our unique heritage, work with our partners, run events and promote the district for the benefit of our residents and to encourage visitors to come and to stay for longer.

### **Financial Sustainability and openness**

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

**“Listening to and delivering for our residents and businesses”**

2023

Page 169

# Tendring District Council

CORPORATE PLAN CONSULTATION  
FINDINGS PRESENTATION

# Key Findings

Page 170

*“It would be nice to feel safe to walk the streets.”*

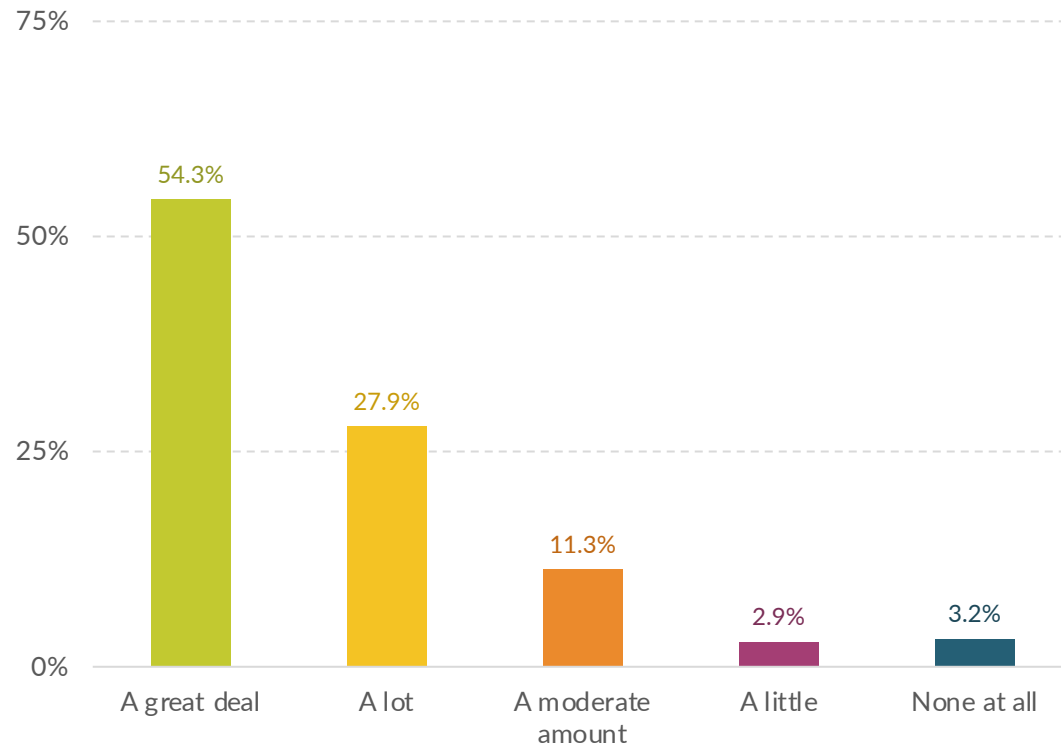
- 'Championing the Local Environment', 'Pride in our Area', and 'Financial Sustainability and Openness' resonate 'a great deal' with residents and partners.
- Respondents are **proud to live and work in Tendring** - visible signs of neglect affect levels of pride and impact upon the perception of value for money with regards to Council Tax.
- Respondents do not distinguish between TDC's responsibility and that of ECC or Central Government.
- Residents are most concerned with:
  - Road and pavement maintenance;
  - Public transport routes & reliability;
  - Public safety & Police coverage;
  - Access to healthcare;
  - Affordable housing;
  - Recycling range.
- Barriers to digital technology may hinder accessing TDC's services.
- Service reduction is not supported.
- Residents invite open dialogues to assist in the development of strategies.



FIG. 4 – ONLINE ONLY

## Pride in our Area and Services to Residents

Page 171



**Pride in our area and services to residents** – How relevant is the theme and description to you and your life at the moment?

19

589 responses

### 442 Comments

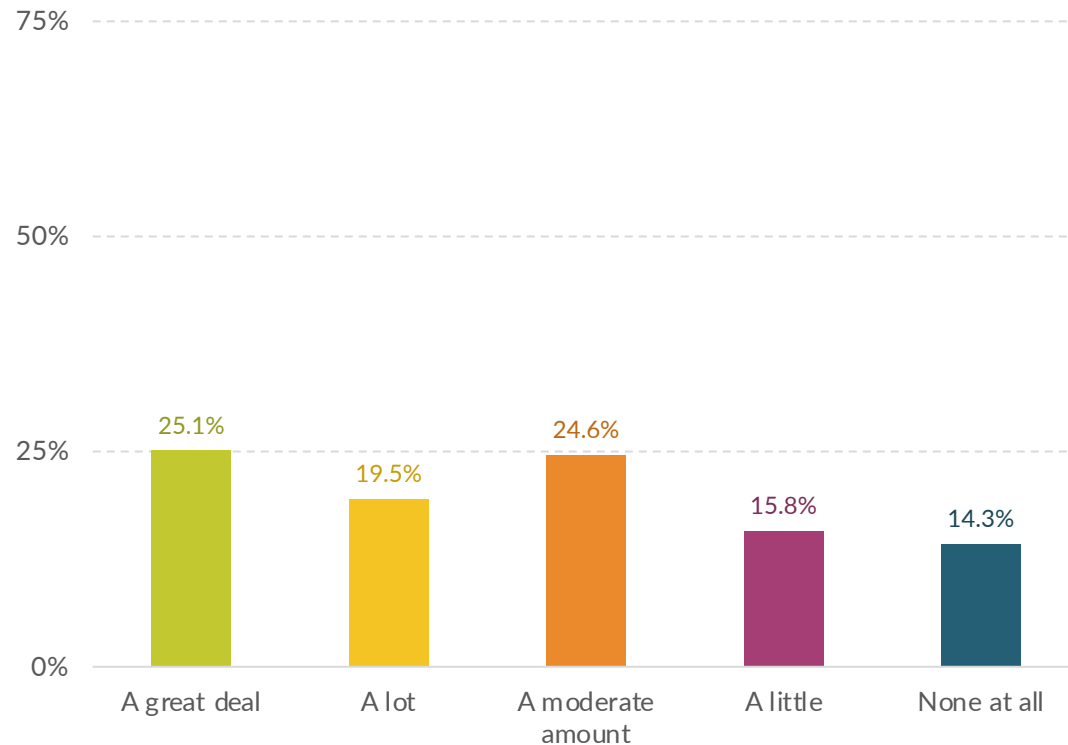
Pride is affected by the following most frequently mentioned issues:

- Clean spaces
- Litter build-up (particularly at peak season)
- Sustainable social housing for local people
- Road and footpath maintenance

\* FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION

FIG. 18 - ONLINE RESIDENTS ONLY

## Raising Aspirations and Creating Opportunities



**Raising aspirations and creating opportunities** – How relevant is the theme and description to you and your life at the moment?

585 responses

38

### 345 Comments:

Promote reasonably paid work & recruit locally (24.9%)

Support local workers by improving public transport

Create work opportunities for young people (21%)

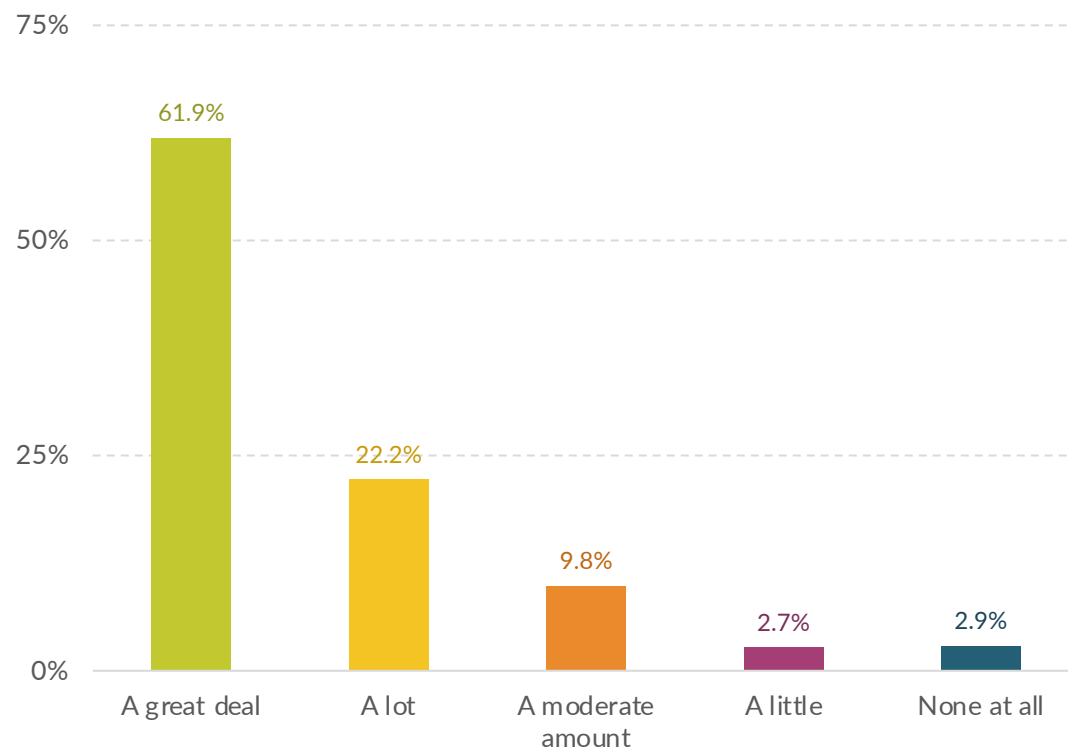
Improve transport connections to other areas to retain young residents (22%)

Provide support to small & independent businesses (14.8%)

\* FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION

## Championing our Local Environment

Page 173



**Championing our local environment** – How relevant is the theme and description to you and your life at the moment?

44

587 responses

### Comments:

11.7% Create more indoor and outdoor leisure and maintain existing sites.

11.2% Suggest maintenance of existing green spaces should be a priority for the entire district

8.1% Improved access to the coast and further interconnection between towns.

6.9% Litter; 5% Vandalism.

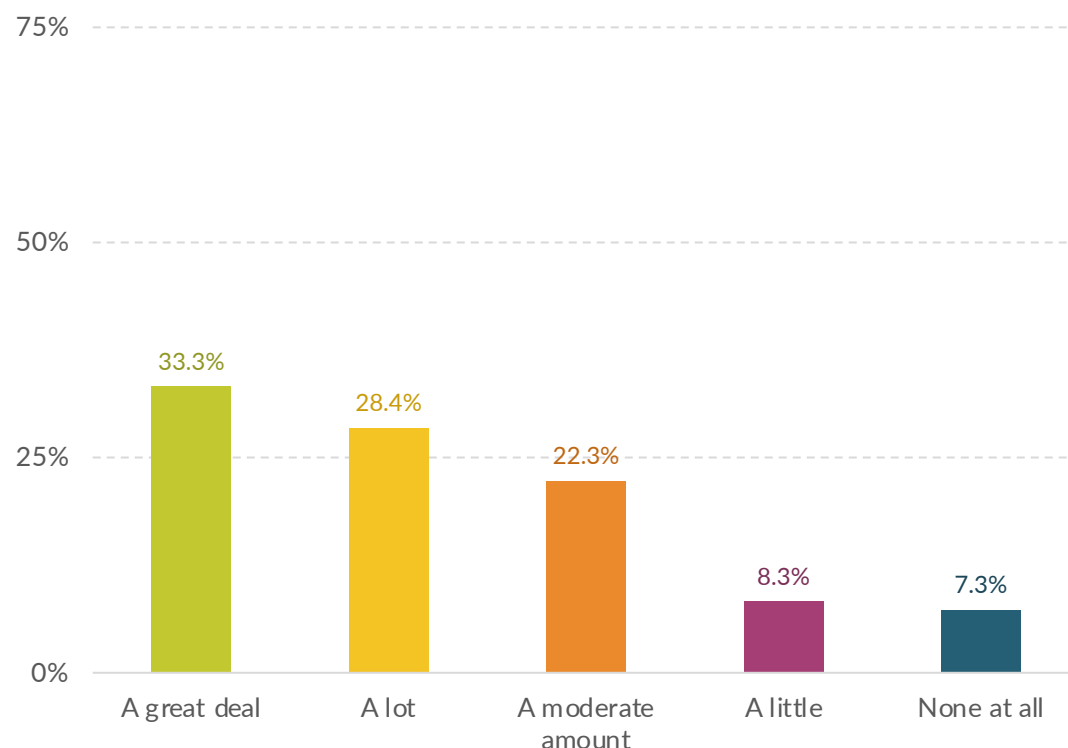
\* FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION



FIG. 30 - ONLINE ONLY

## Working with Partners to Improve Quality of Life

Page 174



**Working with partners to improve quality of life – How relevant is the theme and description to you and your life at the moment?**

52

589 responses

### Comments:

A loss of community spirit in the district, resulting in social isolation, poor mental health and youth violence.

Residents in all postcodes are calling for safer and more inclusive communities, having watched more young people leave the area for better employment opportunities and more affordable housing.

The third sector, particularly in CO15 and CO16, requires more access to government support, which needs to be transparent and accessible.

Residents note that some existing support schemes are not always suited to the locality, hence residents should be consulted when developing such plans.

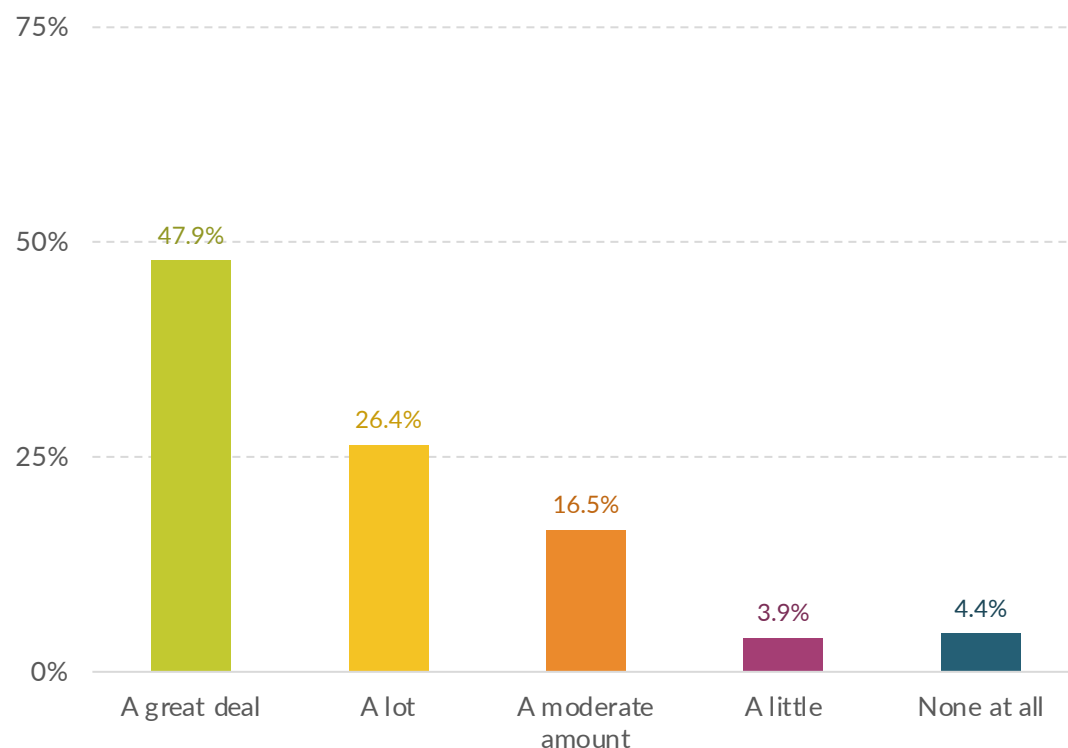
Much praise was given by the respondents for the commitment given by volunteers to their local community.

\*FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION

FIG. 36 – ONLINE ONLY

## Financial Sustainability and Openness

Page 175



### Financial sustainability and openness – How relevant is the theme and description to you and your life at the moment?

59

582 responses

#### Comments:

**Managing Funds (18.3%) and Transparency (17.7%):** Residents want to know that budgets are being well-managed, and that funds are being spent fairly and effectively. Decisions should be well-informed with views from residents of all demographics considered.

**Cuts (13.9%):** Projects aimed at young people and those with additional needs should be given most priority, and services which ease the burden off residents and tourists should not be cut, e.g. closing public restrooms, litter picking and bin collections.

**Listening to the Public (12.2%):** Priorities and timelines should be shared with all residents in full consultation and detail (with specificity and openness).

\* FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION

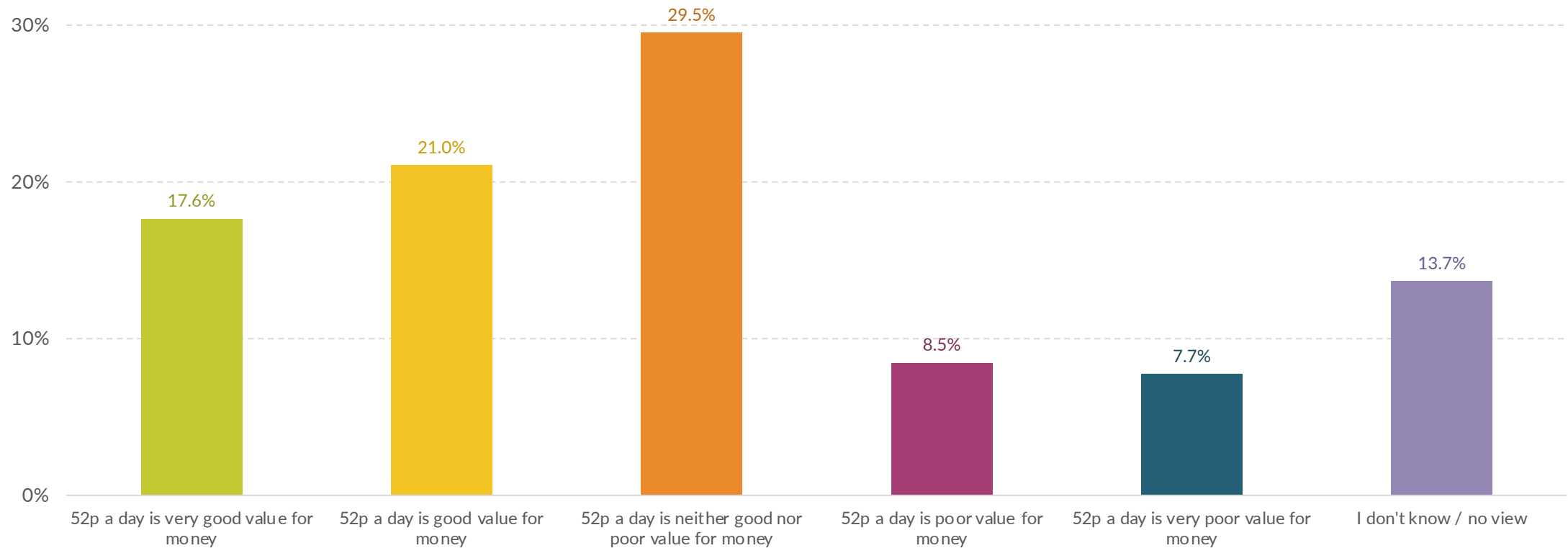
FIG. 37 - ONLINE ONLY

## Financial Sustainability and Openness

How do you rate this 52p per day per household (on average) to deliver all of the services the District Council provides each day?

60

545 responses



\* FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION



## Overall Priorities

**Online Q (396 responses): Do you think there is anything missing from the five themes?**

- For the environment (19.4%) **"Get basics right"**, such as regular maintenance of grass verges. Review recycling schemes Provide more electrical charging points for cars.
- Repairs roads & pavements (18.7%).
- Open forums and create regular consultations.
- Specifics for young people (14.1%) improve employment prospects, and provision for SEN children; Connect schools with local businesses.
- Provide more affordable housing (8.0%) to retain the younger generation; better housing provision for homelessness.

**F2F Q (127 responses): What should TDC's priorities be for the district in the new corporate plan?**

- Roads & Pavements (28%)
- Police (16%)
- Waste (9%)
- Shops (9%)
- Public Transport (7%)
- Public Toilets (7%)
- Healthcare (6%)

\*FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION

## NOMINATED CONTACT

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## CABINET

10 NOVEMBER 2023

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

#### A.3 FINANCIAL PERFORMANCE REPORT 2023/24 – GENERAL UPDATE AT THE END OF SEPTEMBER 2023

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To provide a general update and overview of the Council's financial position against the 2023/24 budget and looking ahead to 2024/25 and beyond.

###### EXECUTIVE SUMMARY

- These regular finance reports present the overall financial position of the Council by bringing together in-year budget monitoring information and timely updates on the development of the long-term forecast.

The report is split over two distinct sections as follows:

- 1) *The Council's in-year financial position against the budget at the end of September 2023***
- 2) *An updated long term financial forecast***

- Last year an additional section was included within these reports that took a detailed view of items that will have an impact on the in-year position but also an on-going impact on the later years of the forecast. Although this report sets out a number of adjustments to the in-year budget, any longer term impact remains under review at the present time. However, they will be revisited as part of developing the forecast for 2024/25 and beyond and reported within future financial performance / budget reports.

###### ***SECTION 1 - In respect of the in-year financial position at the end of September 2023:***

- The position to the end of September 2023, as set out in more detail within the appendices, shows that overall the General Fund Revenue Account is underspent against the profiled budget by **£1.857m**.
- As part of developing the budget for 2023/24, which was agreed by Full Council in February 2023, a number of adjustments were made to reflect emerging and/or on-going issues. Therefore, only a limited number of variances have developed during the first half of this year. Where variances have been highlighted, these broadly reflect known issues where further review / consideration may be necessary or reflects the timing of general expenditure and/or income budgets.



- The additional issues that have emerged during the second quarter of the year are discussed in more detail further on in this report. It is acknowledged that other expenditure or income trends may still emerge / develop over the remainder of the year.
- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, additional details are set out later on in this report where necessary.
- A half-year treasury management review has been carried out with a summary set out later on in this report. A further update is also provided in respect of the recent treasury transactions undertaken with Birmingham City Council.
- 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 limited number of in-year budget adjustments are proposed as set out in **Appendix 1H**, with an associated recommendation also included within this report. The same appendix also sets out a number of outstanding carry forward requests from Services, which Cabinet requested the provision of additional information to allow them to be considered further within this report.
- The net impact of the proposed budget adjustments will be moved to the Forecast Risk Fund. At the end of September 2023, it has been possible to make a further contribution to the fund of **£0.671m**.

***In respect of the updated long term financial forecast:***

- The forecast has been reviewed and updated at the end of September 2023 and is set out in **Appendix 2A**. It continues to reflect the very challenging financial position faced by Local Authorities and now includes revised inflationary assumptions.
- The revised forecast continues to seek to better balance optimism / pessimism bias that is inherent in any forecasting process and includes the use of one-off funding such as the New Homes Bonus in the short term. The forecast also now includes additional income from increases in the property 'base' for both council tax and business rates based on historical averages.
- Work remains ongoing within Departments and with Portfolio Holders with the aim of remaining 'sighted' on potential future cost pressures.
- Taking into account the adjustments to the forecast set out in this report, the annual estimated deficits have increased, which in turn reduce the balances held within the Forecast Risk Fund. However, based on the latest forecast, the Forecast Risk Fund still remains in surplus to support the Council's financial position over the period from 2024/25 to 2026/27.
- Based on the updated forecast, ongoing savings of **£3.000m** are still required across 2024/25 to 2026/27. This is significant, especially in the context of the Council's overall net budget being just over **£14.000m** and it continues to present the Council with a major challenge.

- Although significant on-going savings are still required, the long-term approach alongside the Forecast Risk fund provides additional flexibility and time to make better-informed decisions.
- Developing the framework against which the required savings can be identified therefore remains a key activity over the coming months alongside the development of the new Corporate Plan. The level of resources required to not only develop the above framework but to deliver the required savings, should not be underestimated, especially when set against other existing commitments such as delivering the Levelling Up projects and Freeports. There therefore needs to be a clear focus on the timely development of the plan whilst managing competing resources over the coming months.
- Although consideration will be given to extending the current forecast period beyond 2026/27, the long-term forecast approach still provides an effective method of managing financial risks, and remains underwritten by the Forecast Risk Fund.
- As mentioned during the development of the longer-term approach to the budget over recent years, it is important to continue to deliver against this plan as it continues to provide a credible alternative to the more traditional short-term / annual approach.
- An updated risk assessment for each line of the forecast has now been completed and is attached as **Appendix 2B**. The primary risks remain as in earlier forecast periods and these relate to the successful delivery of the necessary savings alongside the management of emerging cost pressures.
- The challenges faced by the Housing Revenue Account also remain significant and include increased expectations and requirements that are likely to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan will be developed over the coming weeks / months with the aim of responding to such challenges set against the wider context of continuing to provide a financially sustainable position in the long term.

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

***It is recommended that Cabinet:***

- notes the Council's in-year financial position at the end of September 2023 along with the updated financial forecast for 2024/25 and beyond;**
- approves the proposed adjustments to the 2023/24 budget as set out in Section 1 of Appendix 1H and requests Officers to review the potential on-going impact in 2024/25 and beyond where necessary as part of developing the forecast and detailed estimates for further consideration by Cabinet later in the year;**
- approves the carry forwards from 2022/23 as set out in Section 2 of Appendix 1H and that in respect of items 1) and 2), Officers be requested to provide an update on the associated work / activities within the Q3 Financial Performance later in the year.**
- notes the updated position in respect of the treasury transactions with Birmingham City Council set out in this report;**

- (e) notes the updated financial forecast set out in this report and requests Officers, in consultation with Portfolio Holder's to continue to develop the financial forecast proposals alongside the development of the Council's priorities as part of the wider framework within which to identify the necessary budget reductions to support the Council's long-term financial sustainability; and
- (f) requests that the Resources and Service Overview and Scrutiny Committee be consulted on the latest financial position of the Council set out in this report.

#### **REASON(S) FOR THE RECOMMENDATION(S)**

To set out the latest financial position for the Council and to respond to emerging issues in 2023/24 and to develop the budget and long term forecast from 2024/25.

#### **ALTERNATIVE OPTIONS CONSIDERED**

This is broadly covered in the main body of this report.

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

#### **DELIVERING PRIORITIES**

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.

Cabinet approved its emerging Corporate Plan and Vision at its meeting in July 2023, which has been the subject of public consultation and the outcome will be reported back to the November Cabinet meeting. One of the 5 themes proposed is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents.

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.

#### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

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.



<b>LEGAL REQUIREMENTS (including legislation &amp; constitutional powers)</b>			
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 Report item.
Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
<p>The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 ("the 1999 Act") to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.</p> <p>Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management. They are also required, pursuant to section 3 of the 1999 Act, to consult on the purpose of deciding how to fulfil the Best Value Duty.</p> <p>Government have recently consulted on revised Statutory Guidance on the Best Value Duty issued to local authorities in England under section 26 of the 1999 Act, which best value authorities are required to have regard to. To provide greater clarity to the sector on how to fulfil the Best Value Duty, the draft statutory guidance sets out seven overlapping themes of good practice for running an authority that meets and delivers best value. These seven best value themes build on the lessons learned from past interventions, including those which the Government published in June 2020, and reflect what most local authorities already do or are striving to achieve. While these themes are all interdependent, strong governance, culture, and leadership underpin effective partnerships and community engagement, service delivery, and the use of resources, continuous improvement is the outcome of all the themes working well together. A detailed description of these themes, including characteristics of a well-functioning local authority and indicators used to identify challenges that could indicate failure, is set out within the draft guidance and financial management and sustainability is a reoccurring expectation throughout the themes and indicators.</p>			
<b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b>			
The financial implications are set out in the body of the report.			

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.

The long term approach to the forecast set out in this report has been discussed with the Council's new External Auditor, albeit informally. There were no major concerns raised but they will undertake their own independent and detailed review as part of their commentary on the Council's use of resources.

In terms of the Council's previous External Auditor, their work remains focused on the outstanding Statement of Accounts for 2020/21 to 2022/23. It is hoped that they will be in a position to provide their own updated commentary on the Council's use of resources in November / December 2023.

<b>Yes</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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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

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 2024.

### 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 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.

It is also worth highlighting emerging risks associated with the establishment of the Office for Local Government (OFLOG) and the enhanced role of the Housing Regulator via the Social Housing Regulation Act. These will undoubtedly have significant financial consequences for Local Authorities, either directly or where increased capacity may be required to respond to any emerging requirements. This will be considered further as part of developing the forecast over the coming months.

As set out in **Appendix 2A**, the Forecast Risk Fund remains available to support the longer-term approach, with the additional contributions made to the reserve in 2023/24 providing

further flexibility in terms of developing the required framework in which to identify the necessary savings to support an on-going financially sustainable position over the next few years.

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.**

<b>Crime and Disorder</b>	Please see comments above
<b>Health Inequalities</b>	
<b>Area or Ward affected</b>	



## PART 3 – SUPPORTING INFORMATION

### SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF SEPTEMBER 2023

The Council's financial position against the approved budget has been prepared for the period ending 30 September 2023.

As highlighted earlier, as part of developing the 'base' budget for 2023/24 earlier in the year, a number of adjustments were made to reflect emerging and/or on-going issues, with therefore only a limited number of variances developing to date. Where variances have been highlighted, these broadly reflect known issues where further review / consideration may be necessary. The budget also now includes the adjustments agreed by Cabinet at their meeting on the 6 October 2023.

Further proposed budget adjustments are highlighted within **Appendix 1H** in response to emerging / developing issues at the end of Q2. The detailed position at the end of September 2023 is set out within **Appendix 1**, with some additional comments included below against the six key areas of the budget where necessary:

#### **GENERAL FUND REVENUE**

The position to the end of September 2023, as set out in more detail in the Executive Summary attached, shows that there is an overall net underspend of **£1.857m**.

Apart from the impact associated with the proposed adjustments set out within **Appendix 1H**, a number of the variances emerging / developing to date are due to the timing of expenditure and income, one example being the timing of when housing benefit payments are made and when the money is reimbursed by the Government via the associated subsidy system.

Notwithstanding the above, it is important to highlight the following:

#### ***Update on the items reported to Cabinet on 6 October 2023***

**Parking income** – parking income continues to be ahead of the budget, with this figure rising to **£0.145m** at the end of September 2023. Similarly to the position reported to Cabinet earlier in the year, no adjustment to the budget is proposed at the present time, but the position will be kept under review across the second half of the year to confirm or otherwise that such a favourable position will remain until the end of the year.

The risk of a potential financial deficit associated with the North Essex Parking Partnership remains. The Council has engaged with the Lead Authority's S151 Officer to gain assurances around financial projections / business plans. There is currently no provision included within the budget to fund any deficit contribution that may be required. At the present time, a response from the Lead Authority's S151 Officer is awaited, but once received an update will be provided to members as early as possible.

**Homelessness net costs** – demand for homeless accommodation remains high. Although the service remains committed to exploring options to respond to this demand in the most advantageous way, the net budget was increased by **£0.250m** as part of the Q1 Financial Performance Report considered by Cabinet on 6 October 2023 as an initial sum to meet the expected on-going cost in the short term. The pressure on this budget is likely to continue

over the remainder of the year with net expenditure remaining ahead of the profiled budget to date. No additional adjustment has been included at the present time with the position remaining under review. However, it is currently estimated that additional funding of up to **£0.200m to £0.300m** may be required over the remainder of the year to meet the current projected net expenditure. A further update will be included in future financial performance / budget reports.

**Vacancy savings** - when viewed corporately, employee costs remain behind the budget. A favourable budget adjustment is usually undertaken at the end of each quarter to utilise the accrued savings. Similarly to the approach set out in the report to Cabinet on 6 October 2023, it is not proposed to make this adjustment at the present time given that the national pay negotiations for 2023/24 remain on-going. Based on the most up to date information, it is expected that the pay award will be higher than the amount originally forecast, which in turn will likely need to be supported by any accrued vacancies savings to date.

**Treasury Investment Income** – interest rates remain relatively high and investment income therefore continues to be significantly ahead of the budget. In addition to the favourable budget adjustment made as part of the Q1 report, a further favourable adjustment is set out within **Appendix 1H** to reflect the most up to date forecast. Based on current projections, this favourable situation will continue in the second half of the year that will allow further budget adjustments to be made, which in turn will support the Council's overall financial position in 2023/24. Further details are set out later on in this report as part of the half-year treasury review.

**Leisure Centre Fees and Charges and Recoverable VAT** – following the timely update provided to Members as part of the Financial Performance Report presented to Cabinet on 6 October 2023, an associated adjustment is now included within **Appendix 1H**. The adjustment proposed reflects the recent decision relating to the associated Leisure fees and charges, which came into effect from 1 November 2023. The full year impact will be reflected in the draft budget proposals for 2024/25 that will be presented to Cabinet in December.

A backdated VAT claim is also being finalised, which could see a significant one-off reimbursement of VAT previously paid to HMRC being receivable by the Council. An update on this claim will be provided within future Financial Performance Reports.

**Garden Waste Fees and Charges Income – Unpaid invoices / Service still being provided.** The Service remains committed to resolving the issue that was set out in the report to Cabinet on 6 October 2023, which is also being monitored by the Audit Committee. Work remains on-going within the Service to complete a number of actions to resolve the issues and prevent its reoccurrence. However, it is still expected that there will be a level of unrecoverable debt that will need to be written off, which would be a cost that would be charged to the service. Further updates will be provided in the second half of the year but associated additional costs could be as high as **£0.050m to £0.100m**.

**Careline Net Costs** - as previously discussed, one of the key parts of the budget that remains under on-going review is the financial performance of the Council's Careline Service, especially in light of the adverse outturn position for 2022/23. The Department remains committed to delivering the service within budget and a further detailed review of the associated business plan is currently underway with the aim of reporting the outcome to Cabinet shortly - it was originally planned for this report to be presented to Cabinet in November but as a number of strands of work remain on-going it is now scheduled to be

presented to Cabinet in December. Although subject to the outcome of this separate review, it is likely there will be significant additional net costs associated with continuing to deliver this service – these costs could be in excess of **£0.200m** per annum.

**Reduced Planning Income** – a budget adjustment of **£0.175m** was included within the Q1 report that was presented to Cabinet on 6 October 2023. This adjustment reflected the reduction in income being experienced for the first four months of this year. No further adjustment is required in Q2 as income is now matching the profiled position. This will be kept under review, but this can be seen as positive at the present time given the risk that the position could have potentially worsened during the second quarter.

### ***Newly Emerging Items during Q2***

**Crematorium Income** – at the end of September income is behind profile by **£0.086m**. This will be monitored over the second half of the year where it is possible that the income could recover back to the budgeted position by the end of the year as experienced historically.

**Energy Costs** – Perhaps a more worrying position is now emerging against utility budgets. The total annual budget across the various sites is **£0.877m**. The total spend to date is **£0.813m** – the full year budget has therefore been almost spent by the end of the first six months of the financial year. A dedicated contingency budget to meet rising energy costs was established as part of the original 2023/24 budget process – this totals **£0.779m**. Given the position described above, the contingency budget is effectively the total utilities budget for the second half of the year, which includes the winter period. Further analysis will be undertaken, including reviewing consumption across the various sites and updates will be provided over the second half of the year. The above is after taking account of the **£0.388m** grant to support energy and pool chemical costs at the Council's leisure centres that was made available by the Government via the Swimming Pool Support Fund.

As highlighted above, there are a number of issues emerging, some favourable whilst some are adverse. It is currently expected that the emerging adverse issues can be accommodated within the overall in-year financial position of the Council, especially as the income from treasury activity is expected to remain very positive over the second half of the year.

The overall position set out in **Appendix 1H** results in a further net contribution to the Forecast Risk Fund of **£0.671m**. When added to the similar adjustment at the end of Q1 (**£0.169m**), a total of **£0.840m** would have been made to the fund so far to date. This is therefore **£0.590m** more than the **£0.250m** commitment included within the original budget. This provides further flexibility in terms of supporting the emerging pressures above as this 'excess contribution' remains available to support the Council's overall in-year financial position in 2023/24 as well as the longer term forecast.

The impact of the issues set out above, along with potential other emerging issues during the year will be kept under review as part of future financial performance / budget reports, which will include identifying if there are any longer term impacts in 2024/25 and beyond that will need to be included in future iterations of the financial forecast.

As mentioned within earlier reports, the Chief Executive continues to chair the regular Budget, Performance and Delivery meeting of Senior Managers where any emerging issues



such as those highlighted above are discussed / identified / explored. This is also supported by the departmental planning process, which in turn supports the delivery of the on-going corporate investment / cost pressure plan approach.

### **COLLECTION PERFORMANCE**

A detailed analysis of the current position is shown in **Appendix 1E**.

There undoubtedly remains an on-going impact from COVID 19 on collection performance along with the cost of living challenges currently faced by local residents. Any necessary recovery action will continue over the second half of the year, with the aim of maximising the level of collection performance wherever possible.

In respect of general debt, the performance this year is running slightly behind the position at the same time last year. Similarly to the position reported at the end of Q1, this is primarily due to a limited number of larger items which have now either been paid or are subject to review e.g. money owed by customers of the Council's green waste service that relates to the issue highlighted earlier.

### **HRA REVENUE**

An overall position is set out in the Executive Summary with further details included in **Appendix 1C**. At the end of September 2023 the HRA is showing a net underspend of **£0.184m**, which reflects a number of variances across various HRA budgets, including income from rents, which is currently running **£0.110m** ahead of the profiled budget.

Similarly to the GF position highlighted above, energy costs have also increased within the HRA. This issue, along with any other emerging issues will be considered as part of developing the 30 year HRA Business Plan, which will be reported to Cabinet in December.

### **CAPITAL PROGRAMME – GENERAL FUND**

The overall position is set out in **Appendix 1D**.

As at the end of September 2023, the programme remains broadly on target against the profiled position.

As highlighted in the previous Financial Performance Report, the Starlings Capital Scheme is now nearing completion and will be subject to a formal review, with the outcome planned to be reported within a separate report later in the year. Based on the most up to date position, it remains likely that additional costs may emerge as part of its completion. However, the review remains in progress so it has not been possible to confirm an updated position within this report as originally expected. The final position against this project will be reported to Members as soon as practicable.

### **CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT**

The overall position is set out in **Appendix 1D**.

As at the end of September 2023, the programme is ahead of profile by **£0.584m**.

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings. A number of individual schemes within the wider improvement / enhancement and adaptations scheme remain ahead of budget at the present time. However, this position remains under review within the Service with the aim of delivering the programme of activities within the overall annual budget for the year. As acknowledged within the Q1 report considered by Cabinet on 6 October 2023, the timing of certain activities may result in additional costs being incurred in 2023/24, which will be explored further and reported back to members as part of the next financial performance report.

This issue, along with any other emerging issues will also be considered as part of developing the 30 year HRA Business Plan, which will be reported to Cabinet in December.

### **TREASURY ACTIVITY**

A detailed analysis of the current position is shown in **Appendix 1F**.

The Annual Capital and Treasury Strategy for 2023/24 (including the Prudential and Treasury Indicators) was approved by Full Council in March 2023, with all activity to date therefore undertaken in accordance with this strategy and associated treasury management practices. 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.

The only updates to the strategy approved on 2 March 2023 relate to capital expenditure, as the figures now include the approved carry forwards from 2022/23 in the 2023/24 capital programme. No borrowing has been undertaken and the advice from the Council's treasury management advisers remains to borrow internally if required until such time as interest rates reduce.

The first half of 2023/24 has seen interest rates rise by a further 1%, taking the Bank Rate from 4.25% to 5.25%. GDP fell by 0.5% month on month in July which suggests that underlying growth has lost momentum. CPI inflation fell from 8.7% in April to 6.7% in August, its lowest rate since February 2022 but this is still relatively high. There is also no evidence yet of an easing in wage growth nationally. The Council's treasury management advisers consider that as the growing drag from higher interest rates intensifies over the next six months the economy will continue to lose momentum and soon fall into a mild recession. They expect the Bank of England to keep interest rates at the probable peak of 5.25% until the second half of 2024 as they seek to 'squeeze' inflation out of the economy. However, some economists have not ruled out the risk that there may be a further increase this year.

The continuing elevated interest rate environment has led to ongoing increases in interest earned on short-term investments placed by the Council. **Appendix F** shows that as at 30 September 2023 accrued interest earned to date in 2023/24 is **£2.017m** compared to a profiled budget of **£1.456m**. The associated favourable budget adjustment is set out in **Appendix 1H**. It is currently anticipated that the annual budget can be increased further over the second half of the year. Although further adjustments will be made as part of future financial performance reports, based on current investments, the annual budget is likely to be able to be increased by a further **£1.200m**.

The Council's Treasury Advisors have also commented on the risk associated with investing with local authorities that have issued a S114 report or may be going to do so. As previously

highlighted, this is not a credit risk, as all local authorities are assessed as having the same risk as the UK government and cannot go bankrupt and the mechanisms associated with such an event ensure that commitments are met and the money repaid when it is due to be repaid. DLUHC are also consulting on some suggested risk metrics for treasury management, and their proposals suggest they consider the risk associated with lending to a local authority is lower than lending to a bank or building society.

As highlighted in the Q1 Report, the money lent to Birmingham City Council was discussed and Cabinet requested an update as part of this report. A total of **£6.000m** has been lent to the City Council, with **£4.000m** due to be repaid in February 2024 and the remaining **£2.000m** being repaid in June 2024.

Birmingham City Council's Full Council met on 25 September 2023 to consider their response to their S151 Officer's S114 Report and agreed:

- To accept the S114 notice issued on 5<sup>th</sup> September 2023;
- To continue spending control measures until such date as the Council has passed an approved balanced budget for 2024/25;
- A financial recovery plan which included:
  - a. Measures to reduce spending and mitigate budget pressures for 2023/24, leading to a revised Emergency Budget for 2023/24;
  - b. Organisational Redesign work to reshape services around citizens and within available resources, to inform the 2024/25 Budget and deliver a balanced medium term financial plan;
  - c. A Capital Strategy and Assets Review to identify options to raise funds and minimise borrowing costs;
  - d. A review of council-controlled companies and traded services to identify options to raise funds, reduce costs and reduce risk;
  - e. An Income Review to maximise sustainable income from all sources, including Business Rates, Council Tax, Grants and other income;
  - f. Measures to achieve pay equity and stop the growth of their equal pay liability, including work to reduce the value of the potential liability and fund the actual liability;
  - g. Formal dialogue with DLUHC to explore options for Exceptional Financial Support, including potential capitalisation of revenue liabilities.

Within the report considered by Birmingham City Council, it was noted a significant level of undelivered savings, which although identified as part of developing their 2023/24 budget, they are now considered high risk and add to their 2023/24 budget gap.

In addition to the above, the Government have also appointed Commissioners to 'exercise certain functions of the Council as required'.

Although the above provides an update on the latest position, it is important to highlight that there is no change in the level of risk previously reported.

### **Carry Forwards from 2022/23**

At its meeting on 6 October 2023, Cabinet considered a number of carry forwards as part of the Q1 Financial Performance Report. Additional information was requested for 4 of the 6 items to enable them to be consideration further as part of this report.



The additional information is now set out in **Section 2 of Appendix 1H**. Although it is proposed to approve all 4 of the requested amounts, in respect of items 1 and 2, it is requested that an update on the associated work / activities is reported to Cabinet within the Q3 Financial Performance later in the year.

## SECTION 2 – UPDATED LONG TERM FORECAST

The detailed budget for 2023/24 was considered and agreed by Full Council on 14 February 2023. The report considered by Full Council also included a summary of the forecast up until 2026/27.

Work on developing the forecast has remained on-going since Cabinet considered the last iteration of the forecast at its meeting on 6 October 2023. The table below sets out a summary of the changes since the report to Full Council on February 2023 (with the most up to date forecast set out in **Appendix 2A**):

**Table 1**

	Position Reported to Full Council - 14 February 2023		Position Reported to Cabinet - 6 October 2023		Latest / Revised Position Appendix 2A	
Year	Net Budget Position*	Forecast Risk Fund - Estimated Surplus Balance at the end of the year	Net Budget Position*	Forecast Risk Fund - Estimated Surplus Balance at the end of the year	Net Budget Position*	Forecast Risk Fund - Estimated Surplus Balance at the end of the year
2024/25	£3.823m deficit	£2.569m	£2.147m deficit	£4.245m	£2.422m deficit	£3.970m
2025/26	£0.132m deficit	£2.687m	£1.865m deficit	£2.631m	£2.146m deficit	£2.074m
2026/27	£0.225m deficit	£2.711m	£1.087m deficit	£1.793m	£1.291m deficit	£1.032m

*\*includes removal of the prior year use of reserves etc. to balance the budget.*

As reported to Cabinet on 6 October 2023, the later figures set out within the table are inclusive of the following on-going savings being achieved across the three remaining years of the forecast:

2024/25 – £0.500m

2025/26 – £1.000m

2026/27 – £1.500m

**Total On-Going Savings Required - £3.000m**

As highlighted in earlier reports, given the emerging financial issues, the long-term forecast is now being considered against a very different financial background to that originally expected during the earlier years of the forecast.

Given the on-going and challenging financial environment with significant inflationary pressures still remaining, a number of historic assumptions have been challenged as part of developing the forecast during 2023/24 - e.g. in previous years the Council has refrained from using one-off money to support the on-going budget, but given the scale of the financial challenge faced by the Council, this principle has become increasingly difficult to maintain in the immediate term.

However, the long-term approach to the forecast does enable the flexibility and time to consider the longer-term plan and the savings that will be required in a more informed way and in light of the emerging Corporate Plan.

The forecast continues to balance the optimism / pessimism bias that is inherent within any forecasting process and 'builds' on the approach against each line of the forecast that was set out in the report to Cabinet on 6 October 2023.

A summary of the latest position against each line of the forecast compared to the position reported to Cabinet on 6 October 2023 is as follows:

**Table 2**

<b>Budget Line*</b>	<b>Change / Comment</b>
Line 2a – Council Tax Increase of 3%	The Government have confirmed that for 2024/25, the core council tax referendum principles will continue to be the same as 2023/24 i.e. 3%. They have also indicated that the referendum limit for increases to council tax will remain at 3% per year. A 3% increase has therefore been included for 2024/25, but given it is the last year of the current parliamentary period, no such increases have been included for future years, as they remain subject to further Government announcements in due course.
Line 3 – Growth in Business Rates - Inflation	Although inflation will reduce in the longer term, it is remaining more persistent in the short term than originally anticipated. Although it has a negative impact on expenditure lines as set out below, it will also likely generate additional income in business rates, either directly collectable or via Government funding if they 'reimburse' Council's for any inflationary 'freezes' or limitations. Additional forecasted income has now been included in the forecast across 2024/25 to 2026/27.
Line 4 – Growth in Council Tax – general property / tax base growth	As mentioned earlier, in balancing optimism / pessimism within the forecast and taking historical information into account, it is expected that additional council tax income is likely to be higher than originally expected. The forecast has therefore been adjusted based on average increases experienced in prior years.

Line 5 - Growth in Business Rates – general property / tax base growth	Similarly to Line 4 above, this line of the forecast has also been reviewed, which results in marginal increases in income over earlier figures.
Lines 19 and 20 - Cost Increases	As highlighted above, inflation is remaining more persistent in the short term than originally anticipated. Although inflation will reduce in the longer term, the forecast now reflects higher inflationary rates in 2024/25 and 2025/26.

*\*Other lines of the forecast remain unchanged compared to the position reported to Cabinet on 6 October 2023.*

In summary, taking all of the above into account results in the revised deficits and balances on the Forecast Risk Fund as set out in **Table 1** above. The savings targets highlighted above remain unchanged at the present time.

It is also important to highlight that the level of savings required will also need to continue to act as the 'safety valve' with the overall position being subject to further updates as part of reporting the quarterly position / developing the budget going forward, as any increases in net costs will likely require a corresponding increase in the savings required.

It is important to continue to highlight that a limited number of one-off items in 2023/24 have been initially removed from the updated forecast at this stage. However, they remain subject to review as part of developing the forecast during the second half of the year and will be reinstated as part of the cost pressure review highlighted below if unavoidable and therefore likely to continue. Further updates will be provided in future financial performance / budget reports.

In terms of unavoidable cost pressures (**Line 21 of the Forecast**), the latest position continues to include an 'allowance' of **£0.500m** across each year of the forecast. However, there are increasing pressures on this annual figure.

Work remains ongoing with Departments and Portfolio Holders with the aim of remaining 'sighted' on potential future cost pressures for consideration as part of finalising the draft budget that will be presented to Cabinet in December 2023. As highlighted in the report to Cabinet on 6 October 2023, a summary of potential one-off and on-going items (such as those already identified in 2023/24) that will need to be considered, include the following:

- Potential net increases to cost of services – e.g. Careline and Homelessness
- Items funded in 2023/24 on a one-off basis which may continue in 2024/25 and beyond
- Increased contract costs e.g. Waste, Recycling and Street Cleaning when retendered and External Audit Fees
- Asset repairs and maintenance, IT equipment renewals
- Supporting the delivery of strategies, priorities and objectives
- Meeting coast protection responsibilities
- Areas of the budget currently experiencing reductions in income – how long will they continue for?
- Fixed term posts coming to an end e.g. Housing Early Intervention Officer and Family Support Officer



### On-Going Savings Required

Developing 'a savings framework' alongside the emerging Corporate Plan remains a key activity over the coming months. The level of time and resources required to not only develop the above framework but to also deliver the required savings should not be underestimated. Set against the ongoing delivery of existing projects such as the Levelling Up Scheme and Freeports, there needs to be a clear focus on the timely development of the plan whilst managing competing resources over the coming months.

Since the Q1 report was reported to Cabinet on 6 October 2023, the Council's Section 151 Officer has met with Senior Managers across the various departments to explain the forecast and set out the savings requirements alongside developing a template to capture key information. Senior Managers are now working alongside Portfolio Holders to bring this information together so that it can be considered against the context of the emerging Corporate Plan. Information to be captured includes statutory / discretionary activities, high level financial information, potential efficiencies and potential savings options.

As set out in earlier reports, the Council's long-term plan and Forecast Risk Fund provide flexibility and support against which the above can be considered. Extending the current financial forecast period will also be considered as part of developing the forecast over the second half of the year, that may provide further financial flexibility and support along with further opportunities to respond to the structural annual budget deficit that is still estimated to remain at the end of 2026/27.

The Forecast Risk Fund relies on in-year outturn contributions of **£0.250m** per annum to support the overall balance in the reserve, which in turn underwrites the various risks to the forecast. As set out in Section 1 of this report, it is proposed to make a further contribution of **£0.671m** to the Forecast Risk Fund, which brings the total contribution to this reserve to date in 2023/24 to **£0.840m**. It is important to highlight that cost pressures such as those mentioned earlier may need to be included in the 2023/24 budget, which may therefore result in 'negative' adjustments being required against the Forecast Risk fund during the second half of the year. Based on the updated forecast set out in **Appendix 2A** the fund is still estimated to total **£6.142m** at the end of 2023/24, which therefore remains available to support the development of the forecast from 2024/25 and beyond.

As previously discussed, it is recognised that the use of reserves and one-off amounts to balance the budget is not sustainable in the long term. However, by balancing the use of existing reserves and potentially one-off funding in the short to medium term, it provides additional flexibility to develop the framework in which to identify the required savings from 2024/25.

Although the forecast does not reflect the Government's intended comprehensive spending review, they have stated that *'their ambitions for Levelling Up the country require us to assess our commitments to update local government funding. The government had previously committed to carry out a Review of Relative Needs and Resources and a reset of accumulated business rates growth. Whilst we can confirm that these will not be implemented in this Spending Review period, the government remains committed to improving the local government finance landscape in the next Parliament'*

The Government have also confirmed that the core settlement will continue in a similar manner for 2024/25, with the major grants continuing as set out for 2023/24. Although the

actual position for 2024/25 remains subject to the Annual Local Government Financial Settlement that the Government will announce in December, their commitment is viewed positively, which may result in additional funding being receivable in 2024/25. However, based on the Government's statement above, the longer term position is much more unclear and will be subject to a future Government in the next parliamentary period. Therefore any additional funding that may be receivable in 2024/25 should be seen as being on a one-off basis at the present time, with the forecast subject to revision based on future Government announcements.

### **Risk Assessment**

Given the inherent risks to the forecast, a risk assessment of each line of the forecast is maintained. This has now been reviewed and is set out in **Appendix 2B**.

As indicated in recent S114 notices issued by some Local Authorities, a major issue faced by Councils is not having the necessary practical and pragmatic plans in place to identify the savings required to balance their budgets. As seen in the reports recently considered by Birmingham City Council, some of their identified options for savings were seen to be high risk and potentially unachievable. Such issues need to be factored into the development of the framework against which savings are delivered as highlighted above.

### **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 2024.

### **Housing Revenue Account**

As highlighted within the Q1 report presented to Cabinet on 6 October 2023, 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. The HRA faces some significant financial pressures looking head such as the telescopic impact of the rent 'cap' in 2023/24 along with increased expectations emerging from the Social Housing Regulation Act and associated enhanced role of the Housing Regulator.

In light of the above, work remains in progress on revising the HRA 30 year Business Plan, which will inform the draft HRA budget proposals for 2024/25 that are planned to be presented to Cabinet in December 2023.

## **PREVIOUS RELEVANT DECISIONS**

General Fund Budget and Council Tax 2023/24 – Item A.1 Full Council 14 February 2023

Housing Revenue Account Budget 2023/24 - Item A.2 Full Council 14 February 2023

Detailed Outturn Report 2022/23 – Agreed by the Portfolio Holder for Finance & Governance 10 July 2023

Outturn Report 2022/23 – Item A.8 Cabinet 21 July 2023

Financial Performance Report 2023/24 – General Update at the end of July 2023 – Item A.5 Cabinet 6 October 2023

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

**APPENDICES****RELATING TO SECTION 1 OF THE REPORT**

Appendix 1 - Front Cover and Executive Summary

Appendix 1A – Summary by Portfolio / Committee

Appendix 1B – General Fund Budget Position by Department

Appendix 1C – Housing Revenue Account Budget Position

Appendix 1D – Capital Programme

Appendix 1E – Collection Performance – Council Tax, Business Rates, Housing Rent and General Debts

Appendix 1F – Treasury Activity

Appendix 1G – Income from S106 Agreements

Appendix 1H – Proposed Adjustments to the Budget 2023/24

**RELATING TO SECTION 3 OF THE REPORT**

Appendix 2A – Updated Long Term Financial Forecast

Appendix 2B – Long Term Financial Forecast – Risk Review

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## *Appendices Included:*

<b>Executive Summary</b>	A summary of the overall position.
<b>Appendix 1A</b>	A summary of the overall position by Portfolio/Committee split by GF and HRA
<b>Appendix 1B</b>	An analysis by Department of all General Fund Revenue budgets.
<b>Appendix 1C</b>	An analysis of Housing Revenue Account Revenue budgets.
<b>Appendix 1D</b>	The position to date for General Fund and HRA capital projects.
<b>Appendix 1E</b>	Collection Performance
<b>Appendix 1F</b>	Treasury activity.
<b>Appendix 1G</b>	Income from S106 Agreements.
<b>Appendix 1H</b>	Proposed Adjustments to the Budget

## Financial Performance Report In-Year Performance as at end of:

***September 2023***

*(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 2023

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	(27,298,840)	(7,330,254)	(9,288,678)	(1,958,424)
Operations and Delivery	15,543,610	3,926,660	4,102,698	176,038
Place and Economy	11,755,230	2,628,041	2,553,618	(74,422)
<b>Total General Fund</b>	<b>0</b>	<b>(775,553)</b>	<b>(2,632,361)</b>	<b>(1,856,808)</b>

## Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
<b>Total HRA</b>	<b>0</b>	<b>(4,305,573)</b>	<b>(4,489,139)</b>	<b>(183,566)</b>

## Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	15,149,040	1,629,895	1,684,291	54,396
Housing Revenue Account	11,920,350	3,441,418	4,025,349	583,931
<b>Total Capital</b>	<b>27,069,390</b>	<b>5,071,313</b>	<b>5,709,640</b>	<b>638,327</b>

## Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	53.04%
Business Rates *	69.47%
Housing Rents	95.86%
General Debt	84.96%

## Treasury

	£'000
Total External Borrowing	33,988
Total Investments	84,177

\* The figure is performance against the budgeted Collection Fund amount rather than the debit collectable.



# Revenue Budget Position at the end of September 2023

## General Fund Portfolio / Committee Summary

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £
Corporate Finance and Governance	137,480	(1,963,268)	(1,974,786)	(11,518)
Assets	803,210	1,604,657	1,671,030	66,373
Economic Growth, Regeneration and Tourism	4,693,570	545,366	546,954	1,588
Environment	10,598,040	3,329,493	3,557,110	227,618
Leisure and Public Realm	5,643,350	707,901	490,433	(217,468)
Housing and Planning	8,600,160	2,656,201	1,259,725	(1,396,476)
Partnerships	3,420,230	1,283,861	1,278,221	(5,640)
Budgets Relating to Non Executive Functions	782,110	374,525	439,698	65,172
	<b>34,678,150</b>	<b>8,538,736</b>	<b>7,268,385</b>	<b>(1,270,351)</b>
Revenue Support for Capital Investment	2,143,080	0	0	0
Financing Items	(7,895,280)	(1,393,676)	(1,980,140)	(586,464)
<b>Budget Before use of Reserves</b>	<b>28,925,950</b>	<b>7,145,060</b>	<b>5,288,245</b>	<b>(1,856,815)</b>
Contribution to / (from) earmarked reserves	(14,784,380)	(122,620)	(122,616)	4
<b>Total Net Budget</b>	<b>14,141,570</b>	<b>7,022,440</b>	<b>5,165,629</b>	<b>(1,856,811)</b>
<b>Funding:</b>				
Business Rates Income	(3,058,440)	(2,230,832)	(2,230,832)	0
Revenue Support Grant	(696,440)	(373,816)	(373,816)	0
Collection Fund Surplus	(783,670)	(391,835)	(391,835)	0
Income from Council Tax Payers	(9,603,020)	(4,801,510)	(4,801,507)	3
<b>Total</b>	<b>0</b>	<b>(775,553)</b>	<b>(2,632,361)</b>	<b>(1,856,808)</b>

# Revenue Budget Position at the end of September 2023

## HRA Portfolio Summary

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £
Housing and Planning	(1,673,700)	(4,305,573)	(4,489,139)	(183,566)
	<b>(1,673,700)</b>	<b>(4,305,573)</b>	<b>(4,489,139)</b>	<b>(183,566)</b>
Revenue Support for Capital Investment	613,630	0	0	0
Financing Items	1,340,100	0	0	0
<b>Budget Before use of Reserves</b>	<b>280,030</b>	<b>(4,305,573)</b>	<b>(4,489,139)</b>	<b>(183,566)</b>
Contribution to / (from) earmarked reserves	(280,030)	0	0	0
<b>Total</b>	<b>0</b>	<b>(4,305,573)</b>	<b>(4,489,139)</b>	<b>(183,566)</b>

# Corporate Budget Monitoring - General Fund Budget Position at the end of September 2023

## Department - Chief Executive, Finance, IT, Governance and Partnerships

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b><u>Analysis by Type of Spend</u></b>					
<b>Direct Expenditure</b>					
Employee Expenses	12,749,760	4,433,283	4,043,172	(390,112)	
Premises Related Expenditure	475,450	189,710	182,813	(6,897)	
Transport Related Expenditure	120,930	61,064	54,836	(6,228)	
Supplies & Services	10,277,230	2,547,618	2,282,549	(265,069)	
Third Party Payments	117,000	87,000	87,000	0	
Transfer Payments	37,459,910	15,867,245	15,356,995	(510,250)	
Interest Payments	9,340	3,199	3,319	120	
Direct Capital Financing Costs	2,335,900	0	0	0	
<b>Total Direct Expenditure</b>	<b>63,545,520</b>	<b>23,189,119</b>	<b>22,010,684</b>	<b>(1,178,435)</b>	
<b>Direct Income</b>					
Government Grants	(44,983,850)	(19,310,279)	(19,673,274)	(362,995)	
Other Grants, Reimbursements and Contributions	(1,639,030)	(1,155,175)	(980,589)	174,586	
Sales, Fees and Charges	(1,303,190)	(558,525)	(589,546)	(31,021)	
Rents Receivable	(1,050)	(365)	(290)	75	
Interest Receivable	(1,856,550)	(1,574,417)	(2,135,057)	(560,640)	
RSG, Business Rates and Council Tax	(14,141,570)	(7,797,993)	(7,797,990)	3	
<b>Total Direct Income</b>	<b>(63,925,240)</b>	<b>(30,396,754)</b>	<b>(31,176,746)</b>	<b>(779,992)</b>	
<b>Net Direct Costs</b>	<b>(379,720)</b>	<b>(7,207,634)</b>	<b>(9,166,062)</b>	<b>(1,958,428)</b>	
<b>Net Indirect Costs</b>	<b>(12,134,740)</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Net Contribution to/(from) Reserves</b>	<b>(14,784,380)</b>	<b>(122,620)</b>	<b>(122,616)</b>	<b>4</b>	
<b>Total for Chief Executive, Finance, IT, Governance and Partnerships</b>	<b>(27,298,840)</b>	<b>(7,330,254)</b>	<b>(9,288,678)</b>	<b>(1,958,424)</b>	



## Department - Chief Executive, Finance, IT, Governance and Partnerships

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b><u>Analysis by Service/Function</u></b>					
<b>Total for Chief Executive and Administration</b>	0	182,279	130,977	(51,302)	
<b>Total for Finance and IT Management and Administration</b>	70	51,530	55,053	3,523	
<b>Total for Finance</b>	303,070	647,839	525,225	(122,614)	
<b>Total for Finance - Other Corporate Costs</b>	(1,927,520)	(5,211,617)	(5,920,155)	(708,538)	This primarily reflects the position against investment income which is included within Appendix H.
<b>Total for Finance - Financing Items</b>	(19,368,370)	49,922	22,586	(27,336)	
<b>Total for Finance - RSG, Business Rates and Council Tax</b>	(14,141,570)	(7,797,993)	(7,797,990)	3	
<b>Total for Revenues and Benefits</b>	2,410,630	1,053,603	(33,834)	(1,087,437)	This primarily reflects the timing differences associated with Housing Benefit payments and the reimbursement by the Government via the related subsidy system along with vacancy savings accrued to date.
<b>Total for IT and Corporate Resilience</b>	187,760	1,144,410	1,145,439	1,029	
<b>Total for Health and Community</b>	173,160	29,708	31,834	2,126	

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b>Total for Governance Management and Administration</b>	0	57,245	57,032	(213)	
<b>Total for Legal</b>	22,000	213,474	211,736	(1,738)	
<b>Total for Communications</b>	0	35,796	41,946	6,150	
<b>Total for Democratic Services and Elections</b>	1,846,080	814,653	853,256	38,603	
<b>Total for Corporate Procurement and Contracts</b>	11,000	109,975	56,165	(53,810)	
<b>Total for Partnerships Management and Administration</b>	0	46,026	85,651	39,624	
<b>Total for Customer and Commercial</b>	0	97,755	40,114	(57,641)	
<b>Total for People</b>	(31,120)	212,995	233,549	20,553	
<b>Total for Organisational Development</b>	187,910	58,858	89,878	31,020	
<b>Total for Health and Community</b>	1,564,110	133,940	165,938	31,998	
<b>Total for Customer Contact</b>	20,130	330,475	306,184	(24,291)	
<b>Total for Careline and Community</b>	1,443,820	408,871	410,739	1,867	
<b>Total for Chief Executive, Finance, IT, Governance and Partnerships</b>	(27,298,840)	(7,330,254)	(9,288,678)	(1,958,424)	

# Corporate Budget Monitoring - General Fund Budget Position at the end of September 2023

## Department - Operations and Delivery

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b><u>Analysis by Type of Spend</u></b>					
<b>Direct Expenditure</b>					
Employee Expenses	6,793,420	3,483,139	3,223,496	(259,643)	
Premises Related Expenditure	1,961,610	999,406	1,027,649	28,243	
Transport Related Expenditure	544,690	247,894	255,046	7,153	
Supplies & Services	5,408,260	1,764,939	1,909,059	144,120	
Third Party Payments	6,781,710	2,732,546	2,718,387	(14,158)	
Transfer Payments	378,900	191,125	677,027	485,902	
<b>Total Direct Expenditure</b>	<b>21,868,590</b>	<b>9,419,049</b>	<b>9,810,664</b>	<b>391,615</b>	
<b>Direct Income</b>					
Government Grants	(1,483,460)	(1,127,610)	(1,115,541)	12,069	
Other Grants, Reimbursements and Contributions	(1,822,900)	(857,752)	(321,587)	536,165	
Sales, Fees and Charges	(4,923,000)	(3,171,344)	(3,905,729)	(734,385)	
Rents Receivable	(384,800)	(219,403)	(270,296)	(50,893)	
Direct Internal Income	(166,390)	(94,040)	(94,812)	(772)	
<b>Total Direct Income</b>	<b>(8,780,550)</b>	<b>(5,470,149)</b>	<b>(5,707,966)</b>	<b>(237,817)</b>	
<b>Net Direct Costs</b>	<b>13,088,040</b>	<b>3,948,900</b>	<b>4,102,698</b>	<b>153,798</b>	
<b>Net Indirect Costs</b>	<b>2,455,570</b>	<b>(22,240)</b>	<b>0</b>	<b>22,240</b>	
<b>Total for Operations and Delivery</b>	<b>15,543,610</b>	<b>3,926,660</b>	<b>4,102,698</b>	<b>176,038</b>	



## Department - Operations and Delivery

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b><u>Analysis by Service/Function</u></b>					
<b>Total for CD Operations and Delivery Management and Administration</b>	0	161,066	186,663	25,597	
<b>Total for Building and Public Realm Management and Administration</b>	1,150	44,878	124,092	79,214	
<b>Total for Public Realm</b>	1,395,960	445,693	271,711	(173,983)	This primarily relates to increased parking income. It is not proposed to adjust the budget at the present time but the position will remain under review in the second half of the year.
<b>Total for Waste and Recycling</b>	5,956,180	1,875,067	2,159,087	284,020	This variance is primarily due to the invoices relating to recycling credit income from ECC being behind profile.
<b>Total for Property and Projects</b>	(284,210)	(498,657)	(634,718)	(136,061)	
<b>Total for Development and Building Management</b>	2,260	15	18	3	
<b>Total for Coastal and Engineering</b>	3,139,460	750,201	673,028	(77,173)	
<b>Total for Open Space and Transport</b>	867,510	87,272	214,795	127,523	This primarily relates to reduced crematorium income - please see the main body of report from further details.
<b>Total for Housing and Environment Management and Administration</b>	614,440	76,605	69,292	(7,313)	
<b>Total for Housing</b>	1,354,180	258,160	335,560	77,400	The variance primarily reflects the current increased cost of homelessness - please see the main body of report for further details.
<b>Total for Environment</b>	2,496,680	726,360	703,171	(23,189)	
<b>Total for Operations and Delivery</b>	15,543,610	3,926,660	4,102,698	176,038	

# Corporate Budget Monitoring - General Fund Budget Position at the end of September 2023

## Department - Place and Economy

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b><u>Analysis by Type of Spend</u></b>					
<b>Direct Expenditure</b>					
Employee Expenses	5,599,770	2,809,729	2,781,386	(28,343)	
Premises Related Expenditure	1,468,670	843,596	1,111,330	267,734	
Transport Related Expenditure	44,540	23,070	15,563	(7,507)	
Supplies & Services	5,636,780	1,243,192	1,292,142	48,950	
Third Party Payments	45,870	45,000	(3,207)	(48,207)	
<b>Total Direct Expenditure</b>	<b>12,795,630</b>	<b>4,964,587</b>	<b>5,197,215</b>	<b>232,628</b>	
<b>Direct Income</b>					
Government Grants	(456,370)	(67,650)	(67,657)	(7)	
Other Grants, Reimbursements and Contributions	(37,830)	(31,830)	(86,911)	(55,081)	
Sales, Fees and Charges	(4,168,600)	(2,190,556)	(2,440,532)	(249,976)	
Rents Receivable	(81,450)	(46,510)	(48,497)	(1,987)	
<b>Total Direct Income</b>	<b>(4,744,250)</b>	<b>(2,336,546)</b>	<b>(2,643,597)</b>	<b>(307,051)</b>	
<b>Net Direct Costs</b>	<b>8,051,380</b>	<b>2,628,041</b>	<b>2,553,618</b>	<b>(74,422)</b>	
<b>Net Indirect Costs</b>	<b>3,703,850</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total for Place and Economy</b>	<b>11,755,230</b>	<b>2,628,041</b>	<b>2,553,618</b>	<b>(74,422)</b>	

## Department - Place and Economy

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b><u>Analysis by Service/Function</u></b>					
<b>Total for Place and Economy Management and Administration</b>	0	66,535	63,589	(2,946)	
<b>Total for Planning Management and Administration</b>	(125,110)	860,175	800,568	(59,607)	This relates to the variance against employee costs which are proposed to be used to fund agency staff within the budget area immediately below - please see Appendix H for further details.
<b>Total for Planning Development</b>	2,051,290	(307,900)	(327,584)	(19,684)	This primarily relates to the cost of agency staff - please see Appendix H for further details.
<b>Total for Local Plan and Place Shaping Management and Administration</b>	0	46,705	49,947	3,242	
<b>Total for Strategic Planning</b>	642,110	24,875	(11,735)	(36,610)	
<b>Total for Place</b>	50,620	9,505	7,535	(1,970)	
<b>Total for Economic Growth</b>	3,901,690	503,273	445,071	(58,203)	
<b>Total for Sport and Leisure Operations</b>	4,250,450	1,228,529	1,286,863	58,333	
<b>Total for Tourism Arts and Events</b>	984,180	149,638	191,070	41,432	
<b>Total for Economy, Culture and Leisure Management</b>	0	46,705	48,295	1,590	
<b>Total for Place and Economy</b>	11,755,230	2,628,041	2,553,618	(74,422)	



# Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of September 2023

## Housing Revenue Account

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b><u>Analysis by Type of Spend</u></b>					
<b>Direct Expenditure</b>					
Employee Expenses	2,116,770	795,625	688,541	(107,084)	
Premises Related Expenditure	4,065,410	1,866,640	1,991,433	124,792	
Transport Related Expenditure	37,870	18,935	14,741	(4,194)	
Supplies & Services	637,110	254,470	215,768	(38,702)	
Third Party Payments	1,030	0	0	0	
Transfer Payments	25,000	16,500	17,550	1,050	
Interest Payments	1,205,860	341,359	345,534	4,175	
Direct Capital Financing Costs	2,027,930	0	0	0	
<b>Total Direct Expenditure</b>	<b>10,116,980</b>	<b>3,293,529</b>	<b>3,273,566</b>	<b>(19,964)</b>	
<b>Direct Income</b>					
Government Grants	0	0	0	0	
Other Grants, Reimbursements and Contributions	(8,440)	(220)	(4,308)	(4,088)	
Sales, Fees and Charges	(586,460)	(312,973)	(362,155)	(49,182)	
Rents Receivable	(14,532,500)	(7,285,909)	(7,396,235)	(110,326)	
Interest Receivable	(138,260)	0	(6)	(6)	
<b>Total Direct Income</b>	<b>(15,265,660)</b>	<b>(7,599,102)</b>	<b>(7,762,704)</b>	<b>(163,602)</b>	
<b>Net Direct Costs</b>	<b>(5,148,680)</b>	<b>(4,305,573)</b>	<b>(4,489,139)</b>	<b>(183,566)</b>	
<b>Net Indirect Costs</b>	<b>5,428,710</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Net Contribution to/(from) Reserves</b>	<b>(280,030)</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total for HRA</b>	<b>0</b>	<b>(4,305,573)</b>	<b>(4,489,139)</b>	<b>(183,566)</b>	

## Housing Revenue Account

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b><u>Analysis by Service/Function</u></b>					
<b>Total for Finance - Financing Items</b>	1,953,730	0	0	0	
<b>Total for CD Operations and Delivery Management and Administration</b>	(66,370)	(84,000)	(99,438)	(15,438)	
<b>Total for Development and Building Management</b>	5,155,040	1,911,076	1,948,924	37,848	
<b>Total for Housing</b>	(7,042,400)	(6,132,649)	(6,338,625)	(205,977)	
<b>Total for HRA</b>	0	(4,305,573)	(4,489,139)	(183,566)	

## Corporate Budget Monitoring - General Fund Capital Programme Position at the end of September 2023

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b>Expenditure</b>					
<b>Assets Portfolio</b>					
IT Core Infrastructure Rolling Replacement	70,480	17,620	44,196	26,576	
Office Rationalisation	108,340	17,370	17,374	4	Engineering team is currently committed to a range of outdoor projects and plan to prioritise this work over winter in order to maximise use of time.
Carnarvon House Demolition	346,360	0	3,920	3,920	Demolition costs to be finalised, with remaining funding allocated to explore regeneration options at the site as part of the Levelling Up Fund project.
Laying Out Cemetery	133,110	14,050	14,048	(2)	Planning permission has been granted with conditions, these are currently being discharged and full project costing will be finalised in January 2024.
Public Convenience Works	40,000	0	0	0	
Weeley Crematorium Works	160,300	87,070	87,072	2	Minor works are still on-going, but should be completed by 2023/24
<b>Total for Assets Portfolio</b>	<b>858,590</b>	<b>136,110</b>	<b>166,610</b>	<b>30,500</b>	
<b>Corporate Finance and Governance Portfolio</b>					
Agresso e-procurement	84,000	0	0	0	
<b>Total for Corporate Finance and Governance Portfolio</b>	<b>84,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	



	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b>Economic Growth, Regeneration and Tourism Portfolio</b>					
SME Growth Fund Capital Grants	43,250	0	0	0	
Starlings and Milton Road Redevelopment	720,450	173,780	197,677	23,897	
<b>Total for Economic Growth, Regeneration and Tourism Portfolio</b>	<b>763,700</b>	<b>173,780</b>	<b>197,677</b>	<b>23,897</b>	
<b>Housing and Planning Portfolio</b>					
Replacement Scan Stations	12,000	0	0	0	
Housing in Jaywick	274,200	0	0	0	
Private Sector Renewal Grants/Financial Assistance Loans	287,170	0	0	0	
Disabled Facilities Grants	10,702,520	429,775	429,776	1	
Private Sector Leasing	75,660	0	0	0	
Empty Homes funding	152,220	0	0	0	
<b>Total for Housing and Planning Portfolio</b>	<b>11,503,770</b>	<b>429,775</b>	<b>429,776</b>	<b>1</b>	

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<b>Leisure and Public Realm Portfolio</b>					
Projects associated with the Vista Road Land Swap	491,970	104,080	104,082	2	
Replacement of beach hut supports - The Walings	11,620	0	0	0	A structural report, specification and costings for replacement stagings is being procured to inform future further decision making.
Northbourne Depot Extension Works	17,740	15,530	15,526	(4)	Works complete, available underspend to be added to Vista Road Land Swap project above as this formed part of the same overall arrangements.
Cliff Park Rockery Works	66,500	1,920	1,920	0	Works commenced early September 2023 with the project due to be completed by March 2024.
CLC - Replacement of All Weather Pitch	393,310	319,150	319,149	(1)	
Clacton Skate Park Improvement Scheme	300,000	265,320	265,320	0	
CLC - Pool Cameras	4,010	3,200	3,200	0	
Swimming Pool Covers	100,000	0	0	0	
Seafronts - Beach Patrol Vehicles & Equipment	25,730	12,400	12,400	0	
New Beach Huts	64,600	0	0	0	
Works at Halstead Road Play Area, Kirby	1,290	0	0	0	
Changing Places Facility, Frinton on Sea	77,570	68,490	68,491	1	Project to be completed in Quarter 3
Changing Places Project	290,400	100,140	100,141	1	Projects now started and due for completion by the end of March 2024.
Marine Parade, Clacton - Playground Equipment	80,000	0	0	0	Project to be completed in Quarter 3
<b>Total for Leisure and Public Realm Portfolio</b>	<b>1,924,740</b>	<b>890,230</b>	<b>890,229</b>	<b>(1)</b>	
<b>Partnerships Portfolio</b>					
Careline - Replacement Telephone System	14,240	0	0	0	
<b>Total for Partnerships Portfolio</b>	<b>14,240</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total Approved General Fund Capital</b>	<b>15,149,040</b>	<b>1,629,895</b>	<b>1,684,291</b>	<b>54,396</b>	

## Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of September 2023

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	6,697,870	1,463,853	1,971,797	507,944	
Spendells House Project	1,327,170	5,690	5,690	(0)	
IT Upgrade & Replacement	2,300	0	0	0	
Disabled Adaptations	400,000	189,235	276,875	87,640	
Jaywick Sands - Flexible Workspace Project	1,742,830	1,462,690	1,462,687	(3)	
HRA - New Build & Acquisitions - To Be Allocated	1,430,230	0	0	0	
HRA - Acquisitions - Council Dwellings	309,550	309,550	297,900	(11,650)	
HRA - Acquisitions - Non-Dwellings	10,400	10,400	10,400	0	
<b>Total Housing Revenue Account Capital Programme</b>	<b>11,920,350</b>	<b>3,441,418</b>	<b>4,025,349</b>	<b>583,931</b>	Please see main body of the Report for further details.

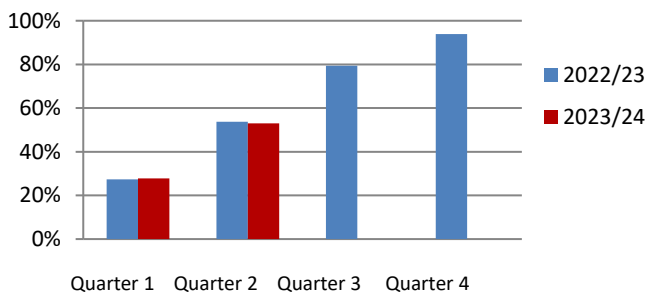
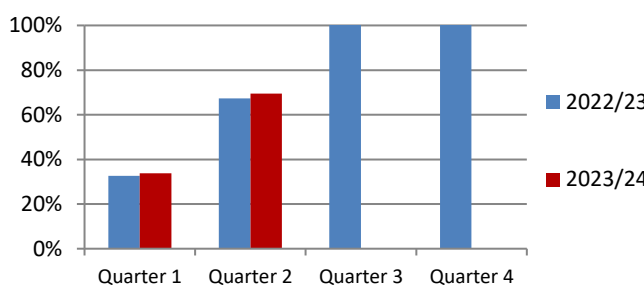
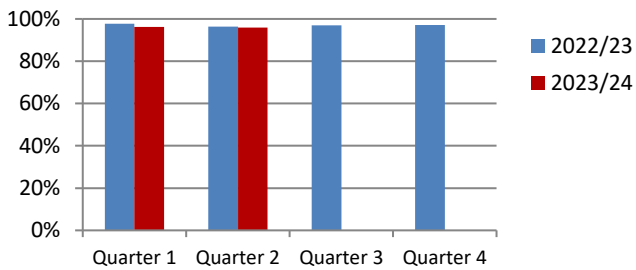
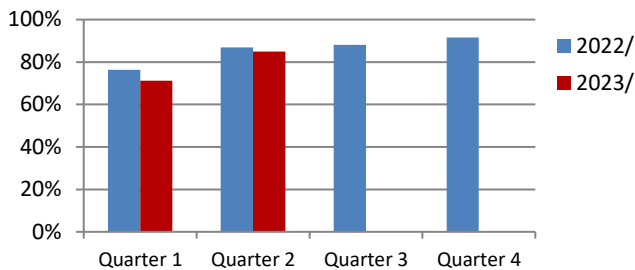
## New-Build and Acquisitions - Subject to 1-4-1 Pooling Retained Receipts Regulations

	Required Expenditure to meet DLUHC Target by the end of the financial year:				
	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
<b>Capital Receipts</b>	0	343,507	142,810	449,310	667,801
<b>TDC Funded</b>	0	778,995	214,035	673,965	1,001,702
<b>Cumulative Expenditure</b>	<b>0</b>	<b>1,122,502</b>	<b>356,845</b>	<b>1,123,275</b>	<b>1,669,503</b>
<b>Committed Receipts</b>	0	343,507	142,810	291,467	0
<b>Uncommitted Receipts</b>	0	0	0	157,843	667,801
<b>Total Receipts</b>	<b>0</b>	<b>343,507</b>	<b>142,810</b>	<b>449,310</b>	<b>667,801</b>



## Collection Performance : Position at the end of September 2023

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates		
					
	2022/23	2023/24		2022/23	2023/24
Quarter 1	27.33%	27.78%	Quarter 1	32.61%	33.73%
Quarter 2	53.77%	53.04%	Quarter 2	67.25%	69.47%
Quarter 3	79.34%		Quarter 3	100.44%	
Quarter 4	93.90%		Quarter 4	119.06%	
Housing Rents			General Debt		
					
	2022/23	2023/24		2022/23	2023/24
Quarter 1	97.76%	96.25%	Quarter 1	76.39%	71.24%
Quarter 2	96.39%	95.86%	Quarter 2	86.89%	84.96%
Quarter 3	97.03%		Quarter 3	88.12%	
Quarter 4	97.10%		Quarter 4	91.57%	

## Treasury Activity : Position at the end of September 2023

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	136	0	4	132	
Long Term PWLB Borrowing - HRA	34,563	0	707	33,856	
<b>TOTAL BORROWING</b>	<b>34,699</b>	<b>0</b>	<b>711</b>	<b>33,988</b>	
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	68,800	275,700	278,500	66,000	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. More local authorities have been borrowing, but the investments with the DMO have fallen now that all of the BEIS unspent business rates grant has been returned.
Investments with UK financial Institutions (including Money Market Funds)	10,411	27,252	19,486	18,177	
Investments with non-UK Financial institutions	0	0	0	0	
<b>Total Investments for less than a year</b>	<b>79,211</b>	<b>302,952</b>	<b>297,986</b>	<b>84,177</b>	In respect of investments with UK financial institutions, at the end of the period, investments were held with 8 counterparties, including 2 Money Market Funds.
<i>Investments for longer than a year</i>	0	0	0	0	
<b>TOTAL INVESTMENTS</b>	<b>79,211</b>	<b>302,952</b>	<b>297,986</b>	<b>84,177</b>	
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	9	3	3	0	The weighted average rate of interest on the Council's GF borrowing is currently 7.05%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,206	341	346	5	The weighted average rate of interest on the Council's HRA borrowing is currently 3.57%. (on an accrued basis)
Interest Received on Investments	(1,757)	(1,456)	(2,017)	(561)	The weighted average rate of interest being received on the Council's investments is currently 4.34%. (on an accrued basis)
PRUDENTIAL INDICATORS					
	Approved Indicator £'000	Highest amount reached in the period £'000	Comments		
Authorised limit for external borrowing	75,609	34,699			
Operational boundary for external borrowing	65,584				

## 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 2023/24  £'000
GF Revenue Schemes	221
GF Capital Schemes	245
HRA Capital Schemes	308
<b>TOTAL</b>	<b>774</b>

### 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	1,175
Town Centre Improvements*	22	0	22	0
Conservation	0	0	0	337
Open Space *	2	30	40	2,597
<b>TOTAL</b>	<b>24</b>	<b>30</b>	<b>62</b>	<b>4,111</b>

\* For schemes with a 'spend by' date of less than one year, this money must be spent as follows:

#### Open Space

£2,500 by November 2023

#### Town Centre Improvements

£22,000 by February 2024



# Proposed Adjustments to the In-Year Budget September 2023

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
<b>SECTION 1 - GENERAL</b>			
<b>GENERAL FUND REVENUE</b>			
<i>The following items have no net impact on the overall budget</i>			
Planning Services - Agency Staff	38,660		Use of vacancies to support short term temporary staff costs.
Planning Services - Employee Expenses	(38,660)		
Levelling Up Fund - Business Case Expenses	(135,280)		This a general 'housekeeping' adjustment where money remaining from earlier Government Funding that was associated with developing the original business case etc. is proposed to be moved across and added to the wider project delivery budget.
Levelling Up Fund - Project Delivery	135,280		
<b>Total General Fund Revenue with no net impact on the overall budget</b>	<b>0</b>	<b>0</b>	
<i>The following items will be adjusted against the Forecast Risk Fund</i>			
Additional Treasury Investment Income		(560,630)	This reflects the on-going impact of the underlying base rate set by the Bank of England. The base rate has increased over the first half of the year and currently stands at 5.25%.
Leisure centre VAT		(110,420)	This reflects the recent published decision relating to leisure centre fees and charges which responds to the recent court ruling that in-house leisure services to the public are provided under a statutory framework and therefore treated as non-business for VAT purposes rather than standard rating, as had previously been the case. The amount included reflects the change in fees and charges effective from 1 November 2023.
Contribution to the Forecast Risk Fund	671,050		
<b>TOTAL</b>	<b>671,050</b>	<b>(671,050)</b>	
<b>GENERAL FUND CAPITAL</b>			
None			
<b>HRA REVENUE</b>			
None			
<b>HRA CAPITAL</b>			
None			

SECTION 2 - Carry Forward Requests from 2022/23 Referred to Cabinet (One-Off Adjustments)			Additional supporting information provided by the Service
	£		
1. HR Capacity	111,000	It is proposed to increase capacity within the HR Service on a fixed term basis along with supporting qualification training and consultancy support fees to support the design of strategic delivery models.	<p>This will support 3 key activities:</p> <p>1) An East of England Local Government Association Pay Review which in turn supports the financial forecast process.</p> <p>2) Formal qualification training which cannot be funded via Apprenticeship Levy, which primarily relates to supporting the emerging requirements from the Housing Regulator (CIH Qualifications).</p> <p>3) A fixed term recruitment advisor post to undertake a comprehensive review of the authority's recruitment practices (in light of the current recruitment challenges in LG nationally, regionally and locally).</p>
Investment in Career Track Service	46,000	It is proposed to provide further investment in the career track service	This would provide additional funding for additional temporary staff, to support the service whilst new process and systems were introduced following Ofsted inspection.
3. Jaywick Community Centre Repairs	12,000	It proposed to undertake a number of repairs to the building.	It proposed to undertake a number of repairs to the building. The Jaywick Community Centre is an aging building and the amount of maintenance required is increasing on a yearly basis. Also, the cost of these repairs has increased substantially but the budget has remained the same for a number of years. A review of the building has recently been undertaken which highlights areas requiring attention.

SECTION 2 - Carry Forward Requests from 2022/23 Referred to Cabinet (One-Off Adjustments)			Additional supporting information provided by the Service
	£		
4. Leisure Centre Repairs	71,000	A recent survey has identified a number of relatively urgent cost pressures due to the age of the buildings. It is therefore proposed to utilise this funding towards building repairs during 2023/24.	A recent survey was completed on the pool filters at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles, and the current media filter condition is now in need of replacement. The media sand is compacted and has debris on the surface, which if not replaced will impact on the water quality. This is a maintenance task which is generally required around a 7 – 10 year cycle and that period has been exceeded. Following initial enquiries, the indicative cost received to replace the media for all the Council's pools is £96,827.
Revenue Commitments Reserve	(240,000)	The above amounts are currently being held within the revenue commitments reserve, which can therefore be used to fund the above requests	
<b>Total</b>	<b>0</b>		



**UPDATED LONG TERM FINANCIAL FORECAST**

**APPENDIX 2A**

Line		Budget 2023/24	Estimate 2024/25 Reported to Council February 23	Estimate 2024/25	Estimate 2025/26	Estimate 2026/27
		£ (1)	£ (2)	£ (3)	£ (4)	£ (5)
	<b>Underlying Funding Growth in the Budget</b>					
1	Council Tax Increase 1.99%	(0.181)	(0.185)	(0.191)	(0.195)	(0.199)
2	Ctax increase by £5 (amounts set out are over and above 1.99% above)	(0.068)	(0.065)	(0.064)	(0.060)	(0.056)
2a	Council Tax Increase 3%	(0.024)	0.000	(0.033)	0.000	0.000
3	Growth in Business rates - Inflation	0.000	(0.138)	(0.231)	(0.199)	(0.163)
4	Growth in Council Tax - general property / tax base growth	(0.217)	(0.106)	(0.187)	(0.192)	(0.196)
5	Growth in Business Rates - general property / tax base growth	(0.531)	0.464	(0.041)	(0.051)	(0.061)
6	Collection Fund Surpluses b/fwd - Ctax	(0.477)	(0.100)	(0.100)	(0.100)	(0.100)
7	Collection Fund Surpluses b/fwd - BR	(0.307)	0.000	0.000	0.000	0.000
		<b>(1.806)</b>	<b>(0.129)</b>	<b>(0.847)</b>	<b>(0.796)</b>	<b>(0.776)</b>
	<b>Net Cost of Services and Other Adjustments</b>					
8	Change in RSG (including other financial settlement funding)	(0.441)	1.461	0.750	0.000	0.000
9	Remove one-off items from prior year	(0.352)	0.000	(0.375)	0.000	0.000
10	Remove one-off items from prior year - Collection Fund Surplus	(3.192)	0.784	0.784	0.100	0.100
11	LCFS Grant To Parish Council's	0.004	(0.041)	0.000	0.000	0.000
12	Revenue Contrib. to Capital Programme	(0.012)	0.000	0.000	0.000	0.000
13	Specific change in Use of Reserves	3.233	0.073	0.073	0.000	0.000
14	On-going savings required	(0.450)	(1.150)	(0.500)	(1.000)	(1.500)
15	Other Adjustments	(0.458)	0.000	0.000	0.000	0.000
16	Use of New Homes Bonus	0.000	0.000	(0.500)	0.000	0.000
17	Gain from Essex Business Rates Pool Membership	0.000	0.000	(0.400)	0.000	0.000
18	Savings / Increased Income - On-going	(0.293)	0.000	0.000	0.000	0.000
		<b>(1.961)</b>	<b>1.127</b>	<b>(0.168)</b>	<b>(0.900)</b>	<b>(1.400)</b>
	<b>Cost Increases</b>					
19	Inflation - Employee / Members Allowance Costs (including annual review adjustments)	2.117	0.776	1.000	0.691	0.588
20	Inflation - Other	1.011	0.271	0.701	0.230	0.233
21	Unavoidable Cost Pressures	1.444	0.250	0.500	0.500	0.500
		<b>4.572</b>	<b>1.297</b>	<b>2.201</b>	<b>1.421</b>	<b>1.321</b>
	Add back Use of Forecast Risk Fund in Prior Year	0.431	0.000	0.000	2.422	2.146
22	Removal of Previous Years Use of Other Reserves to Fund Structural Deficit	0.000	1.528	1.236	0.000	0.000
23	<b>Structural Budget Deficit / (Surplus)</b>	<b>1.236</b>	<b>3.823</b>	<b>2.422</b>	<b>2.146</b>	<b>1.291</b>
24	Use of Other Reserves - To fund structural deficit	(1.236)	0.000	0.000	0.000	0.000
	<b>Net Budget Position</b>	<b>(0.000)</b>	<b>3.823</b>	<b>2.422</b>	<b>2.146</b>	<b>1.291</b>
25	Use of Forecast Risk Fund to support the Net Budget Position	0.000	(3.823)	(2.422)	(2.146)	(1.291)

Use of Forecast Risk Fund to Support the Net Budget Position Above

	<i>Budget 2023/24</i>	<i>Estimate 2024/25 Reported to Council February 23</i>	<i>Estimate 2024/25</i>	<i>Estimate 2025/26</i>	<i>Estimate 2026/27</i>
	£	£	£	£	£
Outturn b/fwd from prior years	(3.316)	(6.142)	(6.142)	(3.970)	(2.074)
Applied in year as set out in the forecast above	0.000	3.823	2.422	2.146	1.291
Additional contributions generated / required in year	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)
Additional contributions via the Financial Strategy Process	(2.576)	0.000	0.000	0.000	0.000
Balance to Carry Forward	(6.142)	(2.569)	(3.970)	(2.074)	(1.032)

**Risk Assessment of Each Line of the Forecast**
**APPENDIX 2B**

Relevant line of the Forecast	RAG Assessment of Risk	Comments
<i>Underlying Funding Growth in the Budget</i>		
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.
Ctax increase by 3% (amount set out are over above the 1.99% / £5 increases above)		The Government announced additional flexibility in their 2022 Autumn Statement / Finance Settlement where they committed to providing Local Authorities with the ability to increase council tax by 3% per year without requiring a referendum. The Government have confirmed this commitment for 2024/25 which will remain subject to on-going review for 2025/26 onwards.
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 - although this risk is reducing given the Government have to date 'reimbursed' Councils for any 'lost' income.
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.



**Risk Assessment of Each Line of the Forecast**

**APPENDIX 2B**

Relevant line of the Forecast	RAG Assessment of Risk	Comments
<i>Net Cost of Services and Other Adjustments</i>		
Reduction in RSG		Based on recent Government announcements, they are committed to supporting Council's, especially as they acknowledge the financial pressures they are facing. Although a 'base' level of Government support is now included in the forecast from 2024/25 onwards, it still remains subject to their wider / comprehensive funding review that will not now happen until the after the next parliamentary elections. Any future reductions in Government support are likely to increase the level of savings required to secure the Council's financially sustainable future.
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
LCTS Grant To Parish Council's		This will be subject to confirmation of the level of RSG receivable from the Government, as to date the Council has committed to providing funding to Town and Parish Councils that mirrors the changes in RSG.
Revenue contributions to the capital programme		This is based on reoccurring 'base' amounts that support the replacement of IT hardware along with the provision of disabled facilities grants. Any changes to this line of the forecast would be via the management of cost pressures below rather than being a risk in isolation.
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.
Use of potentially one-off funding		<p>Unlike in previous years, new homes bonus grant funding along with the benefit of being a member of the Essex Business Rates Pool have now been included in the forecast. The risk of building this funding into the base budget is acknowledged, which would undoubtedly require additional savings to be identified in the medium to longer term if they were no longer receivable in future years.</p> <p>The on-going forecast will remain 'live' to this risk and adjustments will be made to reflect changes to this risk as timely as possible along with associated reporting.</p>

Relevant line of the Forecast	RAG Assessment of Risk	Comments
On-going savings required		<p>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 is significant and to a large extent reflects costs that have already been incurred rather than being based on forecasted budget deficits - e.g. recent Officer pay award settlements, which are in effect being supported by the Forecast Risk Fund until the associated on-going savings can be secured. The Council will continue to undertake the necessary activities to identify opportunities / options to balance efficiencies alongside potential reductions in service provision. This will need to be undertaken alongside the development of corporate priorities and include wherever possible exploring ways to reduce the Council's costs / liabilities. Potential savings will also need be risk assessed in terms of deliverability etc. as part of managing the associated governance / implementation processes.</p>
Cost Increases		
Inflation and Unavoidable Cost Pressures		<p>Alongside the savings target above, it is recognised that this element of the forecast presents the greatest risk, especially given the amount of unavoidable cost pressures that have emerged over recent years - a position likely to continue given the current inflationary pressures, wider economic challenges, contract costs, asset / equipment replacement and demand led service such as homelessness. Identifying opportunities to reduce such liabilities will need to be a key activity going forward. Although on-going revenue items remain the most difficult items to respond to, 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 one-off costs, which therefore contributes to the mitigation of this risk.</p> <p>In terms of inflationary risk, this will reduce over time but based on current forecasts, it is likely to be more persistent in the short term than originally anticipated.</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 - This has been reflected in the forecast based on ECC's current commitment, but it may need to be reviewed in the future.</p>

## CABINET

10 NOVEMBER 2023

### REPORT OF THE PORTFOLIO HOLDER FOR ECONOMIC GROWTH, REGENERATION AND TOURISM

#### **A.4 NORTH ESSEX ECONOMIC BOARD STRATEGY AND DELIVERY PLAN**

##### **PART 1 – KEY INFORMATION**

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

To update Cabinet on the continued positive benefits of the North Essex Economic Board (NEEB) partnership and to seek support for its refreshed strategic priorities and delivery plan, whilst noting that funding is not secured to deliver the activities identified.

###### **EXECUTIVE SUMMARY**

The NEEB is a partnership of councils across mid-and north Essex, who are working together to make the area more prosperous. The partnership provides cohesive strategic oversight of North Essex's diverse, inclusive and productive economic priorities, ensuring tangible actions are delivered to support residents' and businesses' goals and aspirations. Promoting the region's potential, the NEEB presents the strong strategic rationale for further central government and private sector investment, needed to deliver North Essex's long-term ambitions.

NEEB partners recently commissioned an updated North Essex economic strategy. This update reflects Maldon and Chelmsford Councils joining NEEB, the post-COVID landscape and current economic shocks and brings the strategy up to date with the current economic environment.

There are also talks with regards to Harlow and Epping Forest District Council's joining NEEB and this will be reflected at a later date.

Henham Strategy Ltd were appointed, via a thorough and a robust procurement process, to deliver the refreshed strategy and delivery plan. Extensive evidence gathering consisting of strategic analysis, data scrutiny and stakeholder workshops facilitated the development of the refreshed strategy and delivery plan. Officers from the partner authorities have been involved at every stage of this work to ensure parity in representation of need and opportunity.

The refreshed NEEB strategy and delivery plan sets out the following:-

North Essex Vision '*A proactive, productive and progressive North Essex that advances its economic potential through inward and outward-facing partnerships, with all residents, businesses and visitors benefitting from the region's economic prosperity*'

North Essex's Strategic Priorities

**Innovative businesses and skilled residents** - A resilient and outward-facing economy that



builds on its incumbent strengths and is positioned to deliver economic opportunities for North Essex's residents, and drive inward investment to support businesses within the region's critical growth sectors.

**A greener and high growth economy** - A forward-looking economy that utilises the diversity of its resources in a sustainable way that furthers North Essex's clean energy strengths, boosts growth, and promotes residents' prosperity through net zero commitments.

**A dynamic and connected region** - A well-connected and digitally-linked region that provides residents with quick and reliable access to key services, encourages inward investment, and makes the most of ties to regional and international neighbours.

**Prosperous and inclusive communities** - A thriving and inclusive region where all residents and businesses have the opportunity to contribute and prosper, exemplifying the region as a great place to live, work and visit.

A series of workshops have taken place during 2023 to develop specific actions to support the two-year delivery plan and ensure its success.

#### RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) supports the District Council's continued involvement in the North Essex Economic Board (NEEB), at which the Portfolio Holder for Economic Growth, Regeneration and Tourism represents the authority;
- (b) supports the North Essex's Strategic Narrative and Delivering for North Essex based upon four key strategic priorities produced for the NEEB, as set out in the attached appendices for the economic benefit of the District; and
- (c) notes that the majority of the NEEB's Action Plan to support the Delivery Plan is unfunded and there are no financial commitments to the Council, in supporting the strategic priorities.

#### REASON(S) FOR THE RECOMMENDATION(S)

To ensure a continued partnership with North Essex Local Authorities and Essex County Council to provide greater opportunities for local businesses and to support economic growth in the District.

#### ALTERNATIVE OPTIONS CONSIDERED

To discontinue the partnership with NEEB. However, this would reduce the opportunity for collaborative working to support economic growth within the Tendring District and across North Essex. To not continue with the NEEB partnership will disadvantage our local businesses and will mean that we will no longer have the wider support from North Essex Districts.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

Corporate Plan (2020-2024)

The NEEB Strategy and Delivery Plan responds directly to the corporate priorities identified within the Council's 2020-2024 Corporate Plan and accords with the Community Leadership and Growing and Inclusive Economy, which are central to that Plan.

The strategy responds to a number of priorities in the Corporate Plan as set out below:

- Jointed up public services for the benefit of our businesses.
- Support existing businesses
- Develop and attract new businesses
- Maximise our coastal and seafront opportunities

### OUTCOME OF CONSULTATION AND ENGAGEMENT

The NEEB's 'Delivering for North Essex' plan has been underpinned by a robust and comprehensive review of the region's key opportunities and challenges, outlined within the local strategies and initiatives of the seven NEEB authorities and collated through extensive engagement with councillors, officers and key external stakeholders, including local businesses, Higher Education and Further Education institutions, and the South East Local Enterprise Partnership.

'North Essex's Strategic Narrative' has been developed in partnership with Henham Strategy.

### 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 checked="" type="checkbox"/> Significant effect on two or more wards <input 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)	21 September 2023

X	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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The is nothing to add to the content of the report however, I would wish to emphasise the Action Plan is unfunded and this report does not commit the District Council to funding these actions and further decisions would be required to do so.

## FINANCE AND OTHER RESOURCE IMPLICATIONS

A number of the proposed actions within the delivery plan have a potential cost which is yet to be established. However, it is anticipated that Councils will be able to opt into any of the initiatives being run by NEEB and therefore, it is not possible to establish a financial ask at this time. A further Cabinet report will come forward if there is a requirement for a budget as currently there is no funding for NEEB in the establishment.

NEEB is currently funded by Essex County Council (ECC) who provided a budget alongside each local authority who provided 10 percent from their Government award COVID-19 Additional Restrictions Grant for business support – this latter funding ‘expired’ at the end of March 2023. The funding provided by ECC continues to support a dedicated officer for NEEB who is sited at Braintree District Council (BDC), a part-time communications lead sited at TDC and various actions taken by the partners to support the continued success of the group.

However, these funds from ECC are coming to an end so decisions will need to be taken in the coming months if the group is to continue in its current form.

✓ **The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

There are no further comments over and above those set out elsewhere in the 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;	All decisions regarding the budget and use of resources are discussed with all authorities and full procurement exercises including tenders are done with the approval of the group.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Each authority actions their own governance The NEEB is not a separate decision making body, Portfolio Holders will be attending on behalf of their individual authorities, within their own Budget and Policy Frameworks.
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.	Monthly updates on budgets and KPIs are provided to all group members. Failing KPIs are discussed, and solutions considered for agreement by the steering group.

## MILESTONES AND DELIVERY

The Strategy and Delivery Plan sets out the milestones and delivery.

## ASSOCIATED RISKS AND MITIGATION

**Financial risks.** There are currently no financial risks. However, the North Essex Action Plan has a number of actions which will have a financial ask if there is a decision to take part in future projects. There is also the risk that once the funding for current resources diminishes



all authorities will be asked to contribute to the continuation of the partnership.

**Economic risks.** The Strategy and Action Plan set out to mitigate economic risks by identifying the opportunities and challenges and providing a plan that supports economic growth and prosperity. However, unexpected economic shocks can emerge, as evidenced under Covid and by recent inflation and interest rate rises. However, as shown during previous events, partners within NEEB are committed to acting proactively to changes in the climate and the plan provides the flexibility to adapt as required to meet any emerging needs.

**Strategic risks.** Plans for a Level 2 Devolution Deal are under discussion between the Government and Upper Tier Councils in Essex. If a Deal is announced, it would create a Combined Authority at the Greater Essex level, with powers and influence over some local economic development. The North Essex Action Plan and the NEEB partnership has the flexibility to adapt to any changes made due to devolution. In addition, the Council's Economic Strategy ends in 2024 providing the ability to align TDC's strategy to take devolution into consideration and the Strategy and Action Plan within NEEB.

#### **EQUALITY IMPLICATIONS**

There are no groups with protective characteristics who will be disadvantaged by the strategy. The strategy supports a thriving and inclusive region where all residents and businesses have the opportunity to contribute and prosper, exemplifying the region as a great place to live, work and visit.

#### **SOCIAL VALUE CONSIDERATIONS**

Measure are taken to insure all districts have equal support for their local businesses. Tenders include social value questions.

#### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030**

The delivery plan aims to support a green and high growth economy by supporting businesses to understand how they can become more carbon neutral and to also encourage new, green energy companies to expand in the area.

#### **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**

By supporting economic growth, opportunities for building a thriving and inclusive region will support a reduction in crime and health inequalities and provide a great place to live and work

##### **Health Inequalities**

By supporting economic growth, opportunities for building a thriving and inclusive region will support a reduction in crime and health inequalities and provide a great place to live and work

<b>Area or Ward affected</b>	This strategy supports all areas and wards in the District.
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## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

In 2019 Tendring, Colchester, Braintree, Uttlesford and Essex County Councils agreed to develop an economic strategy that would articulate the strengths, weaknesses, and opportunities of the North Essex economic corridor. Initially inspired by the need to articulate a vision associated, but independent from, the North Essex Garden Communities.

The North Essex Economic Board (NEEB) was formed to oversee the development of the strategy. The informal Board consists of Leader and Cabinet Member representatives from each local authority. An officer steering group formed to deliver the work.

Chelmsford and Maldon Councils joined NEEB in May 2020, now covering half of the second-tier authorities in Essex.

Towards the end of the 2020, NEEB partners agreed (after approval from the previous Department of Business, Energy and Industrial Strategy) to allocate 10 percent of their Additional Restrictions Grant funding to support a coordinated programme of business and skills support.

This collaboration yielded over £1.6m in jointly commissioned projects, plus additional financial commitment from Essex County Council.

The business support and skills programme produced the following benefits to the District up to end of March 2023

<b>Business Support Programmes</b>	<b>Numbers Supported</b>
Business navigation sessions	46
Pre/start-up support	121
Debt and finance	52
Import/export support	7
Digital/ecommerce support	27

<b>Skills Programmes*</b>	<b>Numbers Supported</b>
Residents accessing training	42
Virtual job fairs held	3
Residents accession Construction CSC Training	27
Residents provided with equipment and connectivity	8

\*two programmes continuing delivery until end 2023 at no extra cost

The UK Shared Prosperity Fund (UKSPF) has provided a new opportunity for collaboration. In July 2022, Strategy and Resources Committee agreed to commit 10 percent of the Council's revenue allocation for years two and three of UKSPF to develop collaborative interventions with NEEB.

### PREVIOUS RELEVANT DECISIONS

None

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

**APPENDICES**

Appendix A – NEEB Strategic Narrative

Appendix B – North Essex's Economic Baseline

Appendix C – Delivering for North Essex

Appendix D – North Essex Action Plan

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# **NORTH ESSEX'S STRATEGIC NARRATIVE**





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## The North Essex Vision

A proactive, productive and progressive North Essex that advances its economic potential through inward and outward-facing partnerships, with all residents, businesses and visitors benefitting from the region's economic prosperity.

The NEEB's 'Delivering for North Essex' plan has been underpinned by a robust and comprehensive review of the region's key opportunities and challenges, outlined within the local strategies and initiatives of the seven NEEB authorities and collated through extensive engagement with councillors, officers and key external stakeholders, including local businesses, HE and FE institutions, and the South East Local Enterprise Partnership.

'North Essex's Strategic Narrative' has been developed in partnership with Henham Strategy, with it providing greater detail on the opportunities and challenges we are seeking to action and address through our plans to deliver for North Essex. These opportunities and challenges are presented under the key strategic priority for which they apply.



**Working together, we can leverage North Essex's core strengths...**

**Our innovative and thriving SME community and cutting edge HE and FE institutions, delivering good, local jobs**

**Our dynamic and competitive renewable energy generation strengths, driving net zero progression**

**Our unique strategic location linked to regional and international partners, supporting inward investment**

**Our proud urban, rural and coastal communities, focused on supporting prosperous residents and businesses**

# North Essex's Strategic Opportunities and Challenges

## 1. Innovative Businesses and Skilled Residents

With North Essex's substantial SME community driving entrepreneurship and innovation; three highly successful Higher Education institutions leading cutting-edge research in areas including computer and data science; and thriving Further Education institutions delivering the technical skills and qualifications that form the backbone of any resilient economy, now is an exciting time for the region as it looks to ensure its residents and businesses benefit from increased inward investment that helps establish the region's prosperity-enhancing growth sectors.

### Innovative Businesses – Opportunities

North Essex is positioned to build on the high proportion of SMEs operating within the region, with a real opportunity to further develop incumbent strengths in the construction and real estate sectors. Alongside reinforcing existing strengths, progress within the region's key growth sectors can add to the region's innovative business landscape, building on the excellent work that has already been delivered to date.

**Construction and Retrofit** – Building on the region's incumbent construction strengths, Braintree has led work on delivering progress within the advanced construction sector through 'I-Construct'. Using European Regional Development Fund (ERDF) funding, this programme included the establishment of a 'Construction Innovation Hub' that has been used to support businesses in construction – and construction-related – sectors, nurture early-stage SMEs and facilitate the commercialisation of new ideas, technologies and research. This programme has supported 350 businesses, launched 150 new products and services, and created up to 130 jobs across the South East<sup>1</sup>.

**Clean Energy** – Building on the region's renewable electricity generation strengths, Longfield Solar Farm is a proposal for a new solar energy and battery storage farm within Chelmsford and Braintree that will help meet the UK's need for low carbon energy and achieve the 2050 net zero target. The plans around battery storage will help deliver efficiency, with the energy generated able to be stored during times of low demand and released when needed<sup>2</sup>.

**Advanced Manufacturing and Engineering** – Based in Chelmsford, the company Teledyne e2v is a technology manufacturer that develops specialised components and subsystems in the medical, science, aerospace, and defence sectors. Specifically, this company is looking to help drive the next generation of systems in signal chain semiconductor devices, full spectrum imaging, and high-power radio frequency solutions<sup>3</sup>.

**Digital Tech** – Building on the University of Essex's computer and data science strengths, Colchester launched the AIXR: Centre for Immersive Innovation in June 2022. This new centre will position Colchester as a global focus for all immersive innovation in the XR industry, and will form AIXR's base of international operations, institutionalising the technology for decades to come. This centre is open to all within the community who want to learn about XR, grow within XR, and connect with the most passionate people within the immersive world. (For

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<sup>1</sup> I-Construct. Source: [I-Construct](#)

<sup>2</sup> Longfield Solar Farm. Source: [Longfield Solar Farm](#)

<sup>3</sup> Teledyne e2v. Source: [Home | Teledyne e2v \(teledyne-e2v.com\)](#)



background, XR is the umbrella term for all immersive technologies, including Virtual Reality (VR), Augmented Reality, Spatial Audio and Haptics/Senses)<sup>4</sup>.

**Life Sciences** – With its proximity to Cambridge and the Life Sciences ‘Golden Triangle’, Uttlesford is playing a leading role in the UK’s life sciences sector through the Chesterford Research Park. This research park offers advanced laboratory and office space set within 250 acres of idyllic parkland, with the modern, dynamic and flexible facilities ideal for biotechnology, pharmaceutical and technology R&D companies of all sizes<sup>5</sup>. Braintree’s Manufacturing Innovation Centre at CGT Catapult will also play a vital life sciences role, working in collaboration with the cell and gene therapy industry to accelerate manufacturing innovation for therapy developers, technology companies and service providers<sup>6</sup>.

These are but a few examples of the excellent and innovative work that is planned and underway within the region to support North Essex’s key growth sectors. The benefits of continuing to develop the region’s early progress in supporting its key growth sectors is seen when looking at the potential impact these growth sectors could have in terms of jobs within the region.

Focusing on the ‘Clean Energy’ growth sector, LG Inform<sup>7</sup> forecasts demonstrate the number of jobs the region is likely to benefit from as this sector continues to develop. As the table below demonstrates, the region is expected to see significant growth in the number of jobs within key Clean Energy areas, and it is vital the region continues to build on the excellent work already underway to support not only the Clean Energy growth sector, but also North Essex’s other key growth sectors.

North Essex Clean Energy Job Growth – LG Inform 2030 Forecasts						
Area	Braintree	Chelmsford	Colchester	Maldon	Tendring	Uttlesford
<b>Low Carbon Electricity</b>	74	2,258	163	318	90	173
<b>Low Carbon Heat</b>	422	494	534	183	459	242
<b>Alternative Fuels</b>	95	192	135	41	54	39
<b>Energy Efficient</b>	386	452	488	168	420	221
<b>Low Carbon Services</b>	61	189	189	38	37	101
<b>Low Emissions Vehicles and Infrastructure</b>	216	253	220	80	129	112
<b>Total</b>	<b>1,254</b>	<b>3,838</b>	<b>1,729</b>	<b>828</b>	<b>1,189</b>	<b>888</b>

<sup>4</sup> AIXR: Centre for Immersive Innovation. Source: [AIXR Centre for Immersive Innovation to Open in Colchester UK - AIXR](#)

<sup>5</sup> Chesterford Research Park. Source: [Chesterford Research Park](#)

<sup>6</sup> Catapult Cell and Gene Therapy. CGT Catapult Braintree. Source: [Braintree - Cell and Gene Therapy \(catapult.org.uk\)](#)

<sup>7</sup> LG Inform. Local green jobs – accelerating a sustainable economic recovery. Source: [Local green jobs - accelerating a sustainable economic recovery in Braintree | LG Inform](#)

North Essex Clean Energy Job Growth – LG Inform 2050 Forecasts						
Area	Braintree	Chelmsford	Colchester	Maldon	Tendring	Uttlesford
Low Carbon Electricity	177	5,476	359	760	201	414
Low Carbon Heat	635	743	803	276	690	364
Alternative Fuels	140	315	220	66	88	60
Energy Efficient	407	477	515	177	443	233
Low Carbon Services	170	532	532	106	105	283
Low Emissions Vehicles and Infrastructure	376	488	396	140	252	199
<b>Total Jobs</b>	<b>1,905</b>	<b>8,031</b>	<b>2,825</b>	<b>1,525</b>	<b>1,779</b>	<b>1,553</b>

*North Essex Clean Energy Job Growth – LG Inform 2030 and 2050 Forecasts*

If the region is to make the most of the opportunities its growth sectors present, North Essex must ensure that businesses working within these sectors have the space and resources to scale up effectively and establish themselves within the region. There has already been some excellent work progressed in this space, whether that be through Tendring's work delivering 24 new affordable business units in Jaywick Sands, or Braintree's plans around the Horizon 120 business innovation and logistics park that will provide in excess of 750,000 square feet of hi-tech, industrial, office and logistics space. Phase One of Horizon 120 was completed in June 2022, with 'The Plaza' providing approximately 30,000 square feet of flexible SME workshop space where individual rooms – as well as conference and event spaces – are available for hire<sup>8</sup>.

### Braintree's Free Funding for Young Entrepreneurs

Braintree's initiative to provide funding for young entrepreneurs is helping to stimulate business growth within the authority, helping to provide Braintree's youngest and brightest business minds with the first step up required to establish a business. Alongside funding for their idea, this initiative provides 16-30 year olds with invaluable business plan training and presentational experience that helps them develop career enhancing skills. This initiative should be provided across North Essex to stimulate entrepreneurship, innovation and investment – three criteria critical to productive and proactive business growth.

### Innovative Business – Challenges

If the region is to fully seize the opportunities within North Essex's incumbent strengths and realise the benefits of its key growth sectors, challenges will need to be overcome that are currently inhibiting the region's innovative businesses from making further economic progress.

Despite the progress being made in the delivery of new commercial sites, like those being delivered in Tendring and Braintree, there is much progress to be made. The lack of commercial sites compared to other areas around the country is one of the main reasons holding back the scale up of many of North Essex's innovative businesses. It is vital that the region continues to focus on ensuring businesses have the necessary commercial space to

<sup>8</sup> Horizon120. Source: [Horizon 120 Business Park, Braintree, Essex - Office, Logistics & Distribution, Hi-Tech, Light Industrial](#)

grow, positioning North Essex to benefit from the economic growth that comes with SMEs further establishing themselves within the region.

There is also a challenge in collating the existing initiatives that are underway within North Essex to support business growth and ensuring that key stakeholders are aware of what they are each doing to drive business growth in the region. There have been some excellent further examples of initiatives planned and underway to support business growth within the region including:

- The **Colchester Business Enterprise Agency's (Colbea)** business support delivered in partnership with Tendring, which is helping to catalyse business success within parts of Essex<sup>9</sup>.
- The partnership established between **CB Heating and EDF Energy** in Tendring to support the installation of heat pumps within the region, exemplifying effective local and national business partnerships<sup>10</sup>.
- The **University of Essex's 'Knowledge Gateway'**, a research and technology park on the Colchester Campus, providing a unique home for businesses to cultivate ideas, increase motivation, generate ambition and invigorate success. This is helping innovative SMEs establish themselves further, with peer-to-peer relationships established to facilitate business growth<sup>11</sup>.
- The **South East LEP's (SELEP) Enterprise Adviser Network** which aims to pair senior business volunteers with schools and colleges to build employer engagement plans in order to create powerful, lasting connections between local businesses and the schools and colleges in their area. This is helping to demonstrate employment pathways for students, increasing motivation to progress and secure career enabling opportunities<sup>12</sup>.
- The **Essex Local Skills Improvement Plan** that is providing an employer voice and perspective on the region's local skills needs, ensuring residents are developing skills that are most likely to help them secure good jobs of the future<sup>13</sup>.

The NEEB has a role to play in occupying an overarching viewpoint over initiatives being delivered, ensuring duplication of activity is avoided and best business growth practice promoted and scaled up to support further businesses across the North Essex region.

## Skilled Residents – Opportunities

To support the ambitions of North Essex's innovative businesses, the region should work on building on its skills strengths, with successful, innovative businesses dependent upon a highly skilled and motivated workforce.

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<sup>9</sup> Colbea. Source: [Office Space Colchester | Office Rental | Business Support \(colbea.co.uk\)](https://colbea.co.uk)

<sup>10</sup> EDF investment partnership with heat pump installer CB heating, EDF, May 2022. Source: [EDF investment partnership with heat pump installer CB Heating | EDF \(edfenergy.com\)](https://edfenergy.com)

<sup>11</sup> Knowledge Gateway. University of Essex. Source: [Knowledge Gateway | University of Essex](https://knowledgegateway.co.uk)

<sup>12</sup> Enterprise Advisor Network. SELEP. Source: [Enterprise Advisor Network - The South East Local Enterprise Partnership \(southeastlep.com\)](https://southeastlep.com)

<sup>13</sup> Local Skills Improvement Plan. Essex Chamber of Commerce. Source: [Essex Chambers of Commerce and Industry Ltd -](https://essexchamber.co.uk)



When considering North Essex's skills strengths, a clear place to start is the region's Higher Education institutions, with the region benefitting from the excellent research and training delivered by the University of Essex, Anglia Ruskin University, and Writtle University College. All three Higher Education institutions have their specific strengths – the University of Essex has strong foundations in the computer/data science and hospitality sectors; Anglia Ruskin in social work and sport science; and Writtle University College in animal and land-based sectors. These institutions play an important role in driving up skills within the region, with the University of Essex's 'Skills Fest' – an annual exhibition of the skills development opportunities available to students and staff of the university – an excellent example of the work put in to supporting skills development across the region.

It is essential that the region's Higher Education institutions continue to receive the support they need, given the R&D spend of the East of England's Higher Education institutions in 2019. As can be seen in the table below, the East of England ranked third – behind London and the South East – in terms of Higher Education R&D expenditure, investing £968 million in 2019. This suggests that the region's Higher Education institutions are playing a leading role in driving innovation and productivity improvements<sup>14</sup>. North Essex's three Higher Education institutions are central to this expenditure and should continue to be supported with these endeavours.

Regional Higher Education R&D Expenditure – 2019 (£ millions)								
London	South East	East of England	North West	Yorkshire and the Humber	South West	West Midlands	East Midlands	North East
2,196	1,361	968	733	610	474	470	353	251

*Regional Higher Education R&D Expenditure – 2019 (£ million)*

### The University of Essex

The University of Essex is a North Essex Higher Education strength, ranking first in the UK for its Knowledge Transfer Partnerships (KTPs) which bring together the needs of businesses with the university's knowledge and expertise. This strength needs to be built upon, facilitating the spin out of businesses from the university's research. A sector where this is clearly possible is Computer Science, with the university ranking in the UK's top 10 for this subject and acting as host to the Institute for Analytics and Data Science as well as the UK Data Archive. This case study has been included to illustrate the potential of North Essex's Higher Education institutions. It is vital they partner with businesses and investors to drive innovation and business growth within North Essex.

Alongside North Essex's Higher Education institutions – and given the region's incumbent strengths within the construction sector – the region's Further Education offering is also critical to the region's long-term economic growth potential. In particular, there are several Further Education institutions that represent the region's strengths in this area:

<sup>14</sup> ONS. Gross domestic expenditure on research and development, by region, UK. (2019). Source: [Gross domestic expenditure on research and development, by region, UK - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/gross-domestic-expenditure-on-research-and-development-by-region-uk)

- **The Colchester Institute** – Critical to this institute is its ambition to provide education, professional development and technical skills training to young people and adults across North Essex. Vocational learning is an integral part of all the courses offered by the institute and there are two main campuses in North Essex based in Colchester and Braintree. The Colchester site has recently delivered improvements to its main buildings, enabling the provision of new facilities that include Business, Accounting and Computing, Sport and Public Service and Health and Social Care facilities. The Braintree site has a speciality in Digital, Media and Engineering<sup>15</sup>.
- **Chelmsford College** – Based across two campuses, Chelmsford College is a general Further Education college that offers a variety of courses, both vocational and professional courses. Like the Colchester Institute, Chelmsford College has undergone redevelopment in recent years which includes a brand new Electrical and Engineering block, a new Art, Design and Media Centre, as well as new welcome areas on both campuses, complete with internet cafes and landscaped areas for students to relax and socialise<sup>16</sup>.
- **Stansted Airport College** – With Stansted Airport based in Uttlesford, it is important to acknowledge the partnership the airport has established with Harlow College. Stansted Airport College is the first of its kind in the country, and offers a unique opportunity for those interested to get the first step up into a career within the aviation industry<sup>17</sup>.

The importance of these exemplar Further Education institutions is evidenced when reflecting on the diversity of skills attainment across the North Essex region. Some authorities are made up of a greater proportion of higher skilled workers and others a greater proportion of lower skilled workers, evidenced in the table below<sup>18</sup>. It is crucial that everyone within North Essex feels they have an opportunity to progress in their careers – irrespective of skills backgrounds – and the provision of Further Education courses is essential to this.

Skills Attainment (2021) – Lower and Higher Skilled Workers Divergence Across North Essex		
District	NVQ Levels 1,2 and 3	NVQ Level 4
Braintree	47.2%	25.8%
Chelmsford	43.1%	33.9%
Colchester	44.6%	32.2%
Maldon	45.9%	25.4%
Tendring	43.8%	19.9%
Uttlesford	42.3%	36.6%

*Skills Attainment (2021) – Lower and Higher Skilled Workers Divergence across North Essex*

## Skilled Residents – Challenges

Whilst there are clear opportunities to support the upskilling of North Essex through collaboration with the region's Higher Education and Further Education institutions, there are several challenges that are front and centre when supporting economic growth within the region.

<sup>15</sup> The Colchester Institute. Source: [Colchester Institute - Education & Training Courses in Essex](#)

<sup>16</sup> Chelmsford College. Source: [Chelmsford College | Our College](#)

<sup>17</sup> Stansted Airport College. Source: [Stansted Airport College - Home](#)

<sup>18</sup> ONS. Education: Highest level of qualification (Census 2021). Source: [Highest level of qualification - Census Maps, ONS](#)

The first challenge is encouraging and facilitating opportunities for residents to participate within skill programmes delivered across the region. Despite the NEEB running some successful skills programmes – including those in partnership with the Shaw Trust – others have proven less successful in generating resident interest. Whilst part of the explanation for the lack of engagement with some recent NEEB delivered skills programmes could be the lack of regular and reliable transport links between the North Essex authorities, there could also be other reasons for this, including a lack of confidence amongst some residents to engage, as raised by the Essex Local Skills Improvement Plan (LSIP). Equally as important as delivering quality skills programmes, the NEEB and other stakeholders should carefully consider the audiences they are looking to reach, understanding how they can effectively facilitate resident engagement. As highlighted by the Essex LSIP, Essex employers find that employees lack skills across a range of issues, including soft skills, and often struggle with staying positive and aiming high. Ensuring North Essex’s residents do not fall into these categories will be vital to delivering skilled residents within the region.

Another challenge, is the struggle retaining graduate talent from courses delivered within North Essex. Whilst many choose to study within North Essex – 51,425 students were enrolled at the University of Essex, Anglia Ruskin and Writtle University College for the 2020/21 academic year<sup>19</sup> – fewer choose to remain in North Essex following their studies. This is particularly seen within the University of Essex’s Hospitality programmes, with many students moving to larger UK and global cities to apply their skills post-training. To mitigate this from happening, there is a need to better advertise North Essex as a great place to live and work. Further collaboration between the region’s businesses and Higher/Further Education institutions is required to more effectively advertise the good jobs available within North Essex to students.

A final skills challenge relates to North Essex’s UK positioning. For many in the region, one of the main attractions of living within North Essex is its close proximity to London. There are normally 147 trains per day travelling between Colchester and London, and the average journey time is 59 minutes<sup>20</sup>. This relative ease of travelling to London means many in North Essex live within the region but work within the capital, leading to much of the region’s talent contributing economic growth to other parts of the country. This ‘out-commuting’ phenomenon builds the case for action around promoting good jobs within the region, and facilitating inward investment to draw further good jobs to North Essex.

## 2. A Green and High Growth Economy

With North Essex’s renewable energy strengths in offshore wind, onshore wind and solar power, alongside innovative partnerships being established between local and national businesses working to deliver net zero commitments, now is an opportune time to focus on promoting the importance of a green and high-growth North Essex economy. This includes facilitating the delivery of the green jobs and skills of the future and building further positivity behind the hand-in-hand relationship of the region’s rural and coastal characteristics and its net zero potential.

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<sup>19</sup> HESA. Higher Education Student Statistics: UK 2020/21 – Where students come from and go to study. Source: [Higher Education Student Statistics: UK, 2020/21 - Where students come from and go to study | HESA](#)

<sup>20</sup> Trainline. Trains from Colchester to London. Source: [Trains Colchester to London from £10 | Greater Anglia Times & Cheap Tickets | Trainline \(thetrainline.com\)](#)



## Opportunities

The North Essex region is positioned to build upon infrastructure already in place that is supporting renewable electricity generation. The region is effectively utilising its urban, rural and coastal characteristics to benefit from greener energy sources. Colchester is leading the way with solar power generation, Maldon with onshore wind, and Tendring with offshore wind. With the number of green jobs expected to increase in the lead up to 2030 and 2050, it is important to ensure the region's renewable electricity generation opportunities result in not only improved environmental outcomes, but also better outcomes for residents through good, career progressing jobs within the region's ever developing green sectors.

The work planned to enhance North Essex's solar power capacity shows North Essex's green potential. Alongside the proposed Longfield Solar Farm in Chelmsford and Braintree, Maldon also has plans to boost its solar power capacity through the proposed Dengie Solar Park – a British Solar Renewables project that plans to build a new 78-acre solar park in the area<sup>21</sup>. These plans to boost solar power capacity are supported by the 'Solar Together' initiative led by Essex CC which – in partnership with the region's six district authorities – is supporting residents to group buy solar PV and battery storage systems to drive demand for this renewable energy source<sup>22</sup>.

Away from solar power, there are also opportunities for the region to build on the example set in Braintree around EV charging infrastructure. The GRIDSERVE Braintree EV Forecourt is an exemplar for other areas to follow and is the largest of its kind in Europe with 12 high power charges, 12 medium power charges, 6 low power chargers and 6 Tesla super chargers<sup>23</sup>. Braintree demonstrates North Essex's EV potential, and there is a real opportunity for the region to promote itself as an exemplar for others to follow within this green economy sector.

In addition, there are many other examples of broader work underway by leading North Essex businesses and initiatives, driving forward green technology and techniques essential to achieving North Essex's net zero transition. Tevva and Global Marine in Chelmsford are respectively driving forward the technology required to electrify HGVs and offshore wind efficiencies, whilst the I-Construct programme mentioned previously has facilitated new construction and technology ideas that will be central to delivering net zero critical retrofitting activities.

Alongside this – and to the benefit of many of North Essex's green businesses – Freeport East represents a critical opportunity to boost North Essex's green and high-growth economic ambitions. Located on Harwich Port, a 112-hectare site is being dedicated to the development of green energy, taking advantage of transport links available from the port and the close proximity to the North Sea's wind farms. The new green energy hub will focus on the manufacture of wind turbine components, as well as incorporating new nuclear sites – Sizewell and Bradwell. This builds on the 2011 designation of Bradwell B as a site for a potential nuclear reactor. Should this come to fruition, Bradwell B will provide an estimated 3,000 construction jobs for local and regional workers and deliver 900 jobs once completed<sup>24</sup>. Freeport East's Harwich site will create an estimated 3,478 new jobs in offshore wind and provide 77,900 square miles of manufacturing and office space<sup>25</sup>.

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<sup>21</sup> British Solar Renewables. Source: [BSR | About \(britishrenewables.com\)](https://www.britishrenewables.com)

<sup>22</sup> Solar Together. Source: [Group-buying for solar | Sussex \(solaraltogether.co.uk\)](https://www.solaraltogether.co.uk)

<sup>23</sup> GRIDSERVE. Source: [GRIDSERVE | Braintree](https://www.gridserve.co.uk)

<sup>24</sup> Bradwell B [Benefits - Bradwell B Project Site](https://www.bradwellb.co.uk)

<sup>25</sup> [Harwich \(freeporteast.com\)](https://www.freeporteast.com)

Despite the need to build on the excellent progress made to date in delivering North Essex's net zero transition, the importance of maintaining a balance between the development of green economy infrastructure – like solar panels and EV charging – whilst protecting the region's outstanding natural beauty for the benefit of residents and the region's visitor economy is acknowledged. As the region continues its net zero transition, it will be important to continue the promotion of the importance of progressing the region's new Garden Communities that strike a balance between delivering greener homes and further active travel opportunities, alongside maintaining and promoting the region's natural beauty. One of North Essex's key green economy strengths is the opportunity to promote the region's rural and coastal characteristics with it important that areas like Maldon's Promenade Park and Hythe Quay are appropriately protected and promoted as the region continues its net zero transition.

### **Chelmsford/Tendring and Colchester Borders Garden Communities**

Both the Chelmsford and Tendring and Colchester Borders Garden Communities demonstrate how North Essex is best managing the importance of delivering on its net zero commitments, alongside maintaining the region's important rural characteristics.

The Chelmsford Garden Community will create a community of around 10,000 new homes and include new employment opportunities in north-east Chelmsford. In addition to the new homes to be delivered, the Garden Community will create a new country park, enhanced walking and cycling routes and facilitate new multi-functional green infrastructure that will support North Essex in achieving its net zero ambitions. In 2021, an agreement was signed between Chelmsford City Council, Countryside Zest and Homes England to deliver 80 Net Zero Carbon-ready homes as part of the new community.

Meanwhile, the Tendring and Colchester Borders Garden Community will be large enough to accommodate new homes and supporting community facilities and services, alongside employment land for businesses and industrial use. It will be served by a network of green and beautiful spaces to promote wildlife, attractive places, healthy living, recreational activity, sustainable drainage and to tackle the climate emergency; new services, facilities and infrastructure, including a new Rapid Transit System (RTS) and a new dual carriageway Link Road between the A120 and the A133.

## **Challenges**

Despite the opportunities to build on the region's green economy strengths, there are challenges that need addressing through collaborative working across North Essex.

The first challenge is the rural/urban divide when it comes to some green economy infrastructure, and the accessibility challenges faced by some residents and businesses. As the tables below demonstrate, it is the more urban North Essex authorities – Colchester and Chelmsford – that have the closest number of EV Charging devices, compared to Braintree,

within North Essex. The more rural authorities – particularly Maldon – have less EV charging infrastructure and relatively few rapid charging devices<sup>26</sup>.

EV Charging Devices (2023)					
Braintree	Colchester	Chelmsford	Tendring	Uttlesford	Maldon
82	62	44	37	33	14

Rapid Charging Devices					
Braintree	Colchester	Chelmsford	Uttlesford	Tendring	Maldon
82	62	44	37	33	14

*EV Charging Devices and Rapid Charging Devices (2023)*

The lack of EV charging infrastructure across North Essex is impacting the transition to electric vehicles within the region. It is not practical for many to move away from internal combustion vehicle engines. If North Essex is to achieve its green economy ambitions, further work is required to consider how best to ensure EV charging infrastructure is evenly delivered across the region, ensuring all residents feel it possible to transition to electric vehicle use. Some movement will be seen with Tendring's REPF funding contributing to EV infrastructure in the district, but more will still need to be done.

Away from the divergence in coverage of some of the region's green infrastructure, another challenge the region faces is ensuring businesses know of the work already ongoing to deliver progress with the region's net zero ambitions. Despite some effective partnerships being established to deliver green improvements in the region – for example the partnership between CB Heating and EDF Energy to support heat pump installation – many businesses seem unaware of such partnerships being established. The NEEB wants to work with partners across the region, using its convening role to ensure that those involved in delivering the region's net zero ambitions collaborate regularly, and work together to scale up effective partnerships already established within the region.

A final challenge is ensuring the region's residents benefit from the jobs that will become available as the region continues to deliver on its net zero commitments. There is a divergence in skills attainment across the region, and it is vital that North Essex's residents have an awareness of the good low and high skilled roles the region's green economy will offer looking ahead to 2030 and 2050. The Essex LSIP found that across the county, there is a paucity of green skills, and this may be partly attributed to a lack of awareness of and engagement with the opportunities available. Achieving this awareness will involve green businesses engaging with the region's schools, and Further Education and Higher Education institutions ensuring school children and students are aware of the forthcoming green economy opportunities and positioned to gain the skills required to secure the good jobs to follow.

### 3. A Dynamic and Connected Region

With North Essex's outward facing transport terminals forming important strategic trading links for the UK and best practice work delivered in the rollout of superfast broadband across the region, it is now imperative the region focuses on how it can drive infrastructure improvements. Specifically, the region should be focusing on how it can increase the region's roads' capacity; improve authority-to-authority public transport links; and boost ultrafast

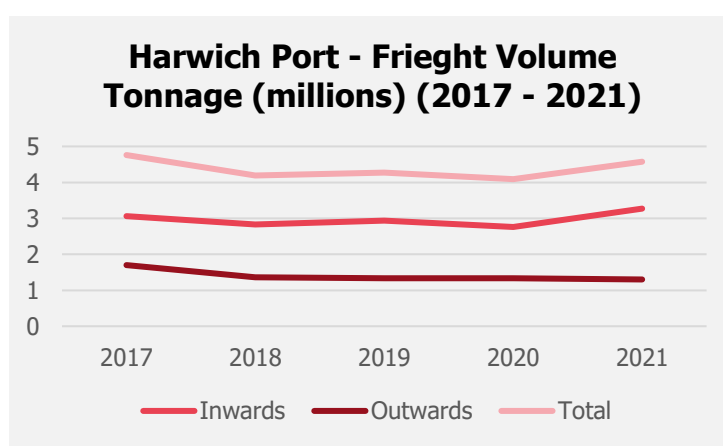
<sup>26</sup> DfT. Electric vehicle charging devices by local authority. Source: <https://maps.dft.gov.uk/ev-charging-map/index.html>



broadband availability. These improvements will further North Essex's economic growth potential, through greater inward investment and businesses establishing themselves in the region.

## Opportunities

Starting with the region's transport infrastructure, one of the key opportunities for the region is to build on its external facing transport terminals – Harwich Port and Stansted Airport. As the region moves on from COVID-19 and looks to build on the post-Brexit landscape, these two international transport terminals will play a leading role in supporting economic growth in the region. Starting with Harwich Port, this international transport terminal plays a vital trade role in the region.



*Harwich Port – Freight Volume Tonnage (Millions) (2017 – 2021)*

It plays a critical role for the UK when it comes to both inward and outward freight trade, importing 3.27 million tonnes of freight and exporting 1.30 million tonnes in 2021. Also of note is the route analysis of the freight's start and end destinations, with the majority of Harwich Port's freight trade coming from, and going to, the EU. This is evidenced by the observation that, in 2021, 98.4% of the port's freight trade went to and from the EU<sup>27</sup>. As the UK continues to build its relationship with the EU post Brexit, Harwich Port and the North Essex region will play an important role in facilitating prosperous trade links.

Moving to North Essex's other international transport terminal, Stansted Airport also plays a vital outward facing role for the region. As the graph outlines below, the airport ranks as one of the busiest in the UK, with 23.3 million passengers passing through the airport in 2022<sup>28</sup>. Alongside passenger demand, the airport – like Harwich Port – also plays an important role in transporting freight across the globe, with its vital the airport's trading links are best utilised.

<sup>27</sup> DfT. Maritime statistics: interactive dashboard. Source: [UK maritime statistics: interactive dashboard \(dft.gov.uk\)](https://www.dft.gov.uk/maritime-statistics)

<sup>28</sup> UK Civil Aviation Authority. Annual Airport Data 2022. Source: [Annual airport data 2022 | Civil Aviation Authority \(caa.co.uk\)](https://www.caa.co.uk/annual-airport-data)



*Airport Passengers 2022 (Millions)*

Away from the region’s international transport terminals, there is an opportunity for the region to build on the internal transport infrastructure improvements underway. With the A120 planned to be widened where it meets the A12, and the A12 itself planned to be widened between junctions 19-25 and 25-29, the region’s road infrastructure is already being improved to accommodate local residents’ and businesses’ needs. With broader transport infrastructure improvements either planned or being made across the region, including the upgrade to the Army and Navy roundabout, the A131 road improvements, and the delivery of the new Beaulieu Park train station (expected to open in late 2025), there are reasons to be optimistic about the region’s internal transport network. The NEEB is keen to work with partners to see how further improvements can be delivered to best support North Essex’s residents and businesses.

Whilst transport infrastructure improvements will be critical to supporting the region’s economic growth ambitions, an increase in active travel initiatives will also be vital in ensuring residents and businesses can quickly and efficiently move around North Essex. The region’s new Garden Communities will have active travel at their core, and there are other initiatives and projects underway within the region to boost and promote active travel. Significantly, Colchester secured £19.7 million through round 2 of the Government’s Levelling Up Fund for its ‘Co-Creation: A Contemporary Colchester City Centre’ programme, with parts of this funding to be used to help improve active travel within the city. Specifically, the scheme includes plans to improve walking and cycling routes in the city centre by including a new road layout and removing underpasses at St. Botolph’s roundabout. In addition, the scheme will provide a convenient new hub for storing and hiring bikes, e-bikes, e-cargo bikes and e-scooters<sup>29</sup>. Investment like this – alongside schemes such as Essex Pedal Power – means North Essex has a real opportunity to promote active travel within the region.

Finally – and away from transport infrastructure – it is important to note the success of the Superfast Essex programme and how this has driven an increase in the number of premises across the region that have access to superfast broadband. All of the North Essex authorities benefit from over 90% of their premises having access to superfast broadband due to the success of Superfast Essex. As the region looks to address some of the ultrafast broadband challenges seen across the region, it will be important to learn from Superfast Essex’s successes, with collaborative working key to further ultrafast broadband progress.

<sup>29</sup> Colchester City Council. Colchester awarded £19.66m funding for Levelling Up (2022). Source: [Colchester Awarded £19.66m funding for Levelling Up | Colchester City Council](#)

## The Superfast Essex Programme

This programme led by Essex County Council illustrates what can be achieved through effective collaboration between central Government, local authorities and the private sector. Funded by Essex County Council, central Government and network operators (Openreach and Gigaclear) the Superfast Essex programme is working to make superfast and ultrafast broadband available to as many homes and businesses across Essex as possible. To date, significant strides have been made with the delivery of superfast broadband across North Essex and it is imperative the programme continues at pace with the delivery of ultrafast broadband across the region. This includes a focus on some of North Essex's rural authorities that are currently lagging behind their more urban neighbours.

### Challenges

Away from the infrastructure opportunities present within North Essex, there are also challenges that need addressing to help support economic growth across the region.

The first critical challenge – which is understood by the need to deliver road improvements across the region – is the significant volume of congestion residents and businesses experience when commuting. With the high number of SMEs and a significant level of car use when travelling to work, North Essex's critical roads – including the A120, A12 and A131 – all experience high levels of congestion during peak demand hours. Data presented as part of the A12 Chelmsford to A120 planned widening (junctions 19 – 25) scheme outlines that this stretch of road has 90,000 vehicles passing through it every day, with 9% to 12% of this traffic the result of Heavy Goods Vehicles (HGVs), given the importance of this stretch of road to both Felixstowe and Harwich Ports<sup>30</sup>. Added to this, the data presented below shows Essex as the county with the highest estimated traffic in 2021<sup>31</sup>. Congestion within the region must be reduced to ensure residents and businesses do not continue to lose time in transit and suffer the productivity losses that result.

Highest Estimated Traffic (millions) (2021)	
County	Vehicle Miles
Essex	8.5
Hampshire	8.5
Kent	8.4
Surrey	7.4
Hertfordshire	7.6

*Highest Estimated Traffic in 2021 (Billions)*

In addition to the high levels of congestion on the region's roads, there are clear rural/urban divides when it comes to both transport and digital infrastructure. There is a clear difference in the travel time to key services within the region's more urban authorities – Colchester and Chelmsford – compared to more rural authorities – Maldon and Uttlesford. Alongside the travel time to key services, there is also a rural/urban divide when considering the rollout of ultrafast broadband, with Tendring particularly affected by the different levels of ultrafast broadband rollout across North Essex. If the region is to fulfil its economic potential, it is essential that all parts of North Essex benefit from the same standard of infrastructure, with the NEEB aware

<sup>30</sup> National Highways. A12 Chelmsford to A120 widening scheme (junctions 19 to 25). Source: [A12 Chelmsford to A120 widening scheme \(junctions 19 to 25\) - National Highways](#)

<sup>31</sup> DfT. Road Traffic Statistics. 2021. Source: [Road traffic statistics - Local authorities across Great Britain \(dft.gov.uk\)](#)



of the need to work with partners to ensure the region's more rural areas benefit from the same standard of infrastructure as the region's more urban areas.

## 4. Prosperous and Inclusive Communities

With North Essex's successes in securing central government levelling up funding; its thriving third sector; and its distinct urban, rural and coastal characteristics, there is a real chance to advance pride in place and boost residents' confidence and economic engagement within all North Essex authorities. Combining the region's outstanding rural and coastal landscapes with fulfilled and motivated residents and businesses will have a significant impact on the visitor economy, with now the time to begin further promotion of the North Essex opportunity.

### Opportunities

Opportunities to build on central Government funding, secured as part of the levelling up agenda, is an important way to deliver prosperous and inclusive communities within North Essex in pursuit of further economic growth. The excellent work of North Essex's authorities has resulted in successful bids for various levelling up funding pots, and there is a real opportunity for the region to build on this funding to boost economic growth.

Firstly, two of North Essex's authorities – Colchester and Tendring – secured funding through round 2 of the Levelling Up Fund in January 2023. As outlined under the infrastructure strategic priority above, Colchester secured £19.7m of funding to deliver its 'Co-creation: A Contemporary Colchester City Centre' programme and, alongside this, Tendring secured £19.9m for its 'Clacton Civic Quarter' bid. This funding will rejuvenate a key area of Clacton, delivering 28 new affordable homes, a community hub including a new library, an adult community learning space for upskilling residents, and a space for public sector partners including a proposed University of Essex Centre for Coastal Communities<sup>32</sup>. In addition to Tendring's Levelling Up Fund round 2 success, the authority is also set to benefit from the Levelling Up Partnerships workstream and an additional £6.7m of funding to support regeneration projects around Dovercourt, announced during the 2023 Spring Budget.

This funding success builds on Colchester's £18.2m Towns Deal and the authorities' UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund allocations, with all funding being put towards boosting pride in place and enhancing prosperous and inclusive communities within North Essex. The NEEB is keen to work with partners to promote the success of this funding as projects and programmes are delivered, taking the opportunity to make the case for continued central government and wider investor support to enhance communities within the region, boosting pride in place and furthering economic growth.

Alongside the opportunity to build on the successes in securing central Government funding, there is the opportunity to build on the existing initiatives being delivered within the region to enhance community and wellbeing. The region benefits from a strong third sector involvement, with it important to explore how further collaboration with this sector can boost community and wellbeing to drive economic growth. Existing initiatives include:

- **'Community 360: One Colchester'** – A multi-agency group that provides a local strategic framework to target issues affecting local communities within the authority, with the ultimate outcome of encouraging communities to take charge of their own destiny

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<sup>32</sup> Tendring District Council. Clacton Levelling Up Fund Bid. Source: [Tendring District Council | Clacton Levelling Up Fund Bid \(tendringdc.gov.uk\)](https://tendringdc.gov.uk)

with an emphasis on community self-help, health and wellbeing; stable homes; safety; prosperity and other outcomes deemed appropriate within the partnership<sup>33</sup>.

- **Let's Talk Uttlesford** – This aims to be a safe and trusted online community space where residents can get information and share thoughts and ideas about local issues and initiatives. This includes the Uttlesford Net Zero Hub which provides information on how residents can help support making the authority carbon neutral<sup>34</sup>.
- **Chelmsford CVS** – An independent support and development organisation set up to champion, support and strengthen local charities, voluntary and community groups. This organisation runs a number of different projects. A particular success story was Chelmsford 100 – a festival which brought together a wide range of individuals and local community groups, asking them to share stories about what living in Chelmsford meant to them<sup>35</sup>.
- **One Maldon District** – A senior level partnership, working together to ensure a healthier and prosperous Maldon District in relation to place, prosperity, community and safety. One Maldon District seeks to maximise collaboration to ensure there is an abundance of opportunities for enhanced health, wellbeing, community safety and feeling of safety within communities across the district<sup>36</sup>.

With strong foundations already in place in relation to delivering prosperous and inclusive communities across North Essex, there is ample opportunity to ensure successful existing authority-specific initiatives are scaled up to other parts of the region. The NEEB has an important convening role here and will look to work with partners across the region to achieve this.

Finally, it is worth noting how the success of the region's visitor economy links to prosperous and inclusive communities. With its mix of urban, rural and coastal characteristics, North Essex has foundations to build upon when it comes to its visitor economy, with the sector's further success dependent upon the health, wealth and pride of the residents and local businesses that call North Essex home. For the sector to flourish, residents and businesses need to feel engaged with their local areas, demonstrating a willingness to promote North Essex as a visitor destination. Recent central Government investment secured will help achieve this – boosting pride in place – but there is an important role to play in promoting the region's visitor economy, and the need for more community investment across the region, to strengthen this sector further. There is a strong North Essex opportunity here and collaborative working is critical to strengthening North Essex's visitor economy.

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<sup>33</sup> Community 360: Together We Thrive. One Colchester. Source: [One Colchester - Community 360](#)

<sup>34</sup> Let's Talk Uttlesford. Source: [Let's talk Uttlesford](#)

<sup>35</sup> Chelmsford CVS. Source: [Chelmsford CVS - Inspiring Voluntary Action](#)

<sup>36</sup> One Maldon District. Maldon District Council. Source: [One Maldon District | One Maldon District | Maldon District Council](#)

## Maldon District Community Container

Exemplifying the work that is ongoing across North Essex to support prosperous and inclusive communities, the Maldon District Community Container is supporting residents in need of help through the creation and running of a storage container stocked with items including food, childcare and household items, cooking equipment, warm packs, supermarket vouchers and other essentials. The container was created following a formal partnership agreed between Maldon District Council, Maldon & District Community and Voluntary Service (CVS), Salvation Army, local Housing Association, Citizen Advice Bureau and other key stakeholders. The Maldon & District CVS ensures items are topped up and use a network of supporting volunteers to manage the container's use. This container has supported many across the authority, including refugees from Afghanistan and Ukraine following the devastating recent events within these countries.

## Challenges

Despite the opportunities present to enhance North Essex's prosperous and inclusive communities, there are challenges that need to be addressed to achieve this ambition.

Firstly, whilst there are ample examples of existing successful initiatives being delivered within the region to enhance community and wellbeing, scaling these up to become North Essex-wide initiatives can often be challenging and lead to gaps in provision. To ensure that community enhancements are best driving economic growth in the region, it will be important to identify what can prevent the scale up of initiatives, with the NEEB playing an important role in overcoming those challenges.

Additionally, as raised when discussing skilled residents, confidence and optimism in the job market is lacking across the region. North Essex faces issues around supporting inclusive employment, including providing mental health support for both employees and employers. These are significant barriers facing the region and raising morale through community engagement will have to be addressed in order to achieve inclusive economic growth within North Essex's communities.

Finally, the region faces particular challenges when promoting its visitor economy, impacting the extent to which this sector is contributing to North Essex's economic growth. Specifically, there is much regional competition within the East of England when it comes to the visitor economy, with Suffolk and Norfolk popular destinations for many choosing to holiday within England. Despite these regions' popularity, their offerings align to North Essex's urban, rural and coastal characteristics, with there opportunities for North Essex to rival Norfolk and Suffolk as a holiday destination. Alongside further investment to support the region's visitor economy, there is a need to promote North Essex's positive attributes; improve authority-to-authority transport links; and advertise holiday options all year round to boost the region's visitor economy. Once again, there is an important role for the NEEB to play here, ensuring these challenges are addressed when promoting the North Essex opportunity.





The North Essex Economic Board (NEEB) is a partnership of district and county councils offering fully funded business support and skills programme to support economic growth across North Essex. The partnership consists of Maldon, Tendring, Braintree, Uttlesford District Councils. Chelmsford and Colchester City Councils, and Essex County Council. Find out more at [www.neeb.org.uk](http://www.neeb.org.uk) Socials @neebgrowth

Henham Strategy is a public policy and economic development consultancy with a focus on local growth, trade and investment and higher education. We aim to connect local, regional and international actors to stimulate economic growth across the UK.



# **NORTH ESSEX'S ECONOMIC BASELINE**







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## The North Essex Vision

A proactive, productive and progressive North Essex that advances its economic potential through inward and outward-facing partnerships, with all residents, businesses and visitors benefitting from the region's economic prosperity.

Alongside the North Essex Economic Board's (NEEB) 'North Essex Strategic Narrative', the partnership has undertaken a robust review of national, regional and local datasets to present 'North Essex's Economic Baseline', further informing the 2-year delivery plan presented within the NEEB's 'Delivering for North Essex' plan. This economic baseline has been produced in partnership with Henham Strategy, who have provided an independent voice to the evidencing and identification of the four key strategic priorities and the North Essex Vision. The four strategic priorities will deliver prosperity for the region's residents and businesses, with the 'Delivering for North Essex' plan outlining the short-term actions and long-term ambitions the NEEB will deliver.



**Working together, we can leverage North Essex's core strengths...**

**Our innovative and thriving SME community and cutting edge HE and FE institutions, delivering good, local jobs**

**Our dynamic and competitive renewable energy generation strengths, driving net zero progression**

**Our unique strategic location linked to regional and international partners, supporting inward investment**

**Our proud urban, rural and coastal communities, focused on supporting prosperous residents and businesses**

## Methodology

In November 2022, Henham Strategy commenced work on developing a robustly evidenced North Essex economic baseline, underpinned by a comprehensive desktop and data analysis review process. This exercise allowed for an understanding of the region's economic opportunities, challenges and risks, alongside a comprehension of areas of collaboration that the NEEB could lead on to drive productivity, innovation and economic growth.

The economic baselines draw on existing material from NEEB authorities and their partners, alongside official statistics from the ONS, Essex Open Data, NOMIS, the Thriving Places Index, central government, and other sources. Data findings were also tested and developed through a series of workshops with councillors, officers, key local businesses and Higher Education and Further Education institutions.

## The Data Analysis

To extend and deepen the evidence base and understand how North Essex's economy has comparatively performed in recent years, comparator geographies (and associated data) were used throughout the analysis. As well as using regional level data (at an East of England level) and national data (at an England level), we also analysed four other 'similarly-sized' Local Authority districts that were similar to the NEEB in statistical terms, based on a comparative analysis of publicly available Census 2021 data.

Our approach to the analysis of the four similarly-sized districts is outlined below:

- For each of the six North Essex districts (excluding Essex County Council), we looked at data on 'Population Density', 'Household Size (1 person, 2 people, 3 people, 4 people)', 'Distance Travelled to Work (less than 10km)', 'Distance Travelled to Work (10km and over)', '[Workers] Working Mainly From Home', 'Economically Inactive' and 'Economically Inactive'.
- For each dataset, we found the North Essex average to allow for a comparison to be made to districts across the country we may have wanted to include within our comparative analysis.
- Using the North Essex averages, we found the percentage differences in the statistics recorded for a long list of districts (identified through our strategy analysis stage and an initial analytical review of 'Population Density' data), before calculating the average percentage difference and using this as an indicator to demonstrate which districts were most closely aligned to the six that constitute North Essex.

With North Hertfordshire, Central Bedfordshire, Maidstone and Dover identified as the similarly sized districts, and an awareness of the need to analyse data on a regional and national level (East of England and England as a whole), we conducted our data analysis, bringing together district, county, regional and national level data (where possible) for the years 2017 – 2022. This timeframe was identified to help uncover potential COVID-19 and EU Exit impacts outlined within the datasets analysed.

The findings of the data analysis exercise made clear that there were four themes ('key strategic priorities') that united all seven authorities, from which a coherent and compelling 'North Essex Vision' could be built. These were:



### **1. Innovative Businesses and Skilled Residents**

A resilient and outward-facing economy that builds on its incumbent strengths and is positioned to deliver economic opportunities for North Essex's residents, and drive inward investment to support businesses within the region's critical growth sectors.

### **2. A Green and High Growth Economy**

A forward-looking economy that utilises the diversity of its resources in a sustainable way that furthers North Essex's clean energy strengths, boosts growth, and promotes residents' prosperity through net zero commitments.

### **3. A Dynamic and Connected Region**

A well-connected and digitally-linked region that provides residents with quick and reliable access to key services, encourages inward investment, and makes the most of ties to regional and international neighbours.

### **4. Prosperous and Inclusive Communities**

A thriving and inclusive region where all residents and businesses have the opportunity to contribute and prosper, exemplifying the region as a great place to live, work and visit.

## **Stakeholder Workshops**

In order to test and refine the analysis underpinning the economic baseline, a series of six workshops were held with key local stakeholders, including councillors from each authority, lead council officers, local businesses, business representative groups, Higher Education and Further Education institutions, and others. The objective of each workshop was to test data findings, strengthen insights and conclusions, and understand their priorities for the 2-year delivery plan the NEEB will lead on. These workshops took place in February and March 2023.

The evidence baseline has then informed the 'Delivering for North Essex' plan, as well as the 'North Essex Strategic Opportunities and Challenges' document, which seeks to draw together North Essex's compelling vision around the four key strategic priorities above.

## What has changed since 2019?

As part of the development of North Essex's economic baseline, a robust analysis has been undertaken on the key economic changes that have occurred since 2019, helping to develop an understanding of the current North Essex economic baseline. Predominantly, three key economic events have occurred since the NEEB published its last economic strategy – i) Brexit; ii) COVID-19; and iii) the current cost of living pressures. The impacts of these events on the North Essex economy have been detailed below.

### Brexit

The first significant event that provides the economic context in which North Essex now finds itself in is the UK's formal departure from the EU on 31<sup>st</sup> January 2020. Over three years on from this moment, North Essex is continuing to adapt to the changing business and trading environment that has resulted. Essex Chamber of Commerce surveys have highlighted the extra challenges now placed upon North Essex's SME community, including the increased cost of purchasing from, and transporting to, the EU, artificially high shipping prices, an increase in paperwork and costs due to extra duty charges, and concerns around exports "standing still"<sup>1</sup>. In addition, these surveys hone in on some of the recruitment challenges now faced as a result of Brexit, with North Essex businesses now finding it particularly challenging to recruit for 'semi/unskilled' roles<sup>2</sup>.

With recent Office Budget for Responsibility (OBR) forecasts highlighting some of the negative Brexit consequences – including the UK and the EU's new trading relationship likely to reduce long-run productivity by 4% relative to remaining in the EU (as a result of increased trade barriers) – challenges are likely to remain as North Essex and the UK as a whole adapts to its new global position post-Brexit<sup>3</sup>.

### Covid-19

The second significant event that provides the economic context in which North Essex now finds itself in is the onset of COVID-19 and the significant economic, health and social consequences that continue to impact the region and beyond. Unmatched in its impact, the pandemic has led to lasting economic behaviour changes that North Essex has had to adapt to, with these changes considered within the 'Delivering for North Essex' plan.

Like many other regions across the country, North Essex was significantly impacted by the restrictions enforced to protect people from the virus, with the restrictions' impact clearly evidenced by North Essex's claimant count across the pandemic period. Akin to other parts of the country, the region saw large increases in claimant count during the pandemic's onset, with this variable increasing sharply in all of the NEEB's constituent members in March 2020. As the pandemic's first year progressed – and with the furlough scheme's support – the region's claimant count remained roughly around the peak recorded in May 2020. As the Government progressed its roadmap out of lockdown, North Essex's claimant count started to gradually decline, with the rate observed lower than the rate of increase observed in March

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<sup>1</sup> Essex Chambers of Commerce. 2022 First Quarter Economic Survey. Source: [EssexQ1QuarterlyEconomicSurveyMarch2022.pdf](https://essexchambers.co.uk/EssexQ1QuarterlyEconomicSurveyMarch2022.pdf) ([essexchambers.co.uk](https://essexchambers.co.uk))

<sup>2</sup> Essex Chambers of Commerce. 2022 First Quarter Economic Survey. Source: [EssexQ1QuarterlyEconomicSurveyMarch2022.pdf](https://essexchambers.co.uk/EssexQ1QuarterlyEconomicSurveyMarch2022.pdf) ([essexchambers.co.uk](https://essexchambers.co.uk))

<sup>3</sup> Office for Budget Responsibility (OBR). Brexit Analysis (2022). Source: [Brexit analysis - Office for Budget Responsibility \(obr.uk\)](https://obr.uk/brexit-analysis/)

2020<sup>4</sup>. This reflects the difficulty people faced getting back into work over the reopening period as the furlough scheme began to wind down.

Whilst the claimant count has fallen across the North Essex authorities following the pandemic period, COVID-19 has left a worrying and long-lasting economic trend that has gained much attention. This trend is the rise in economic inactivity across the pandemic years (2019 – 2020 and 2020 – 2021) and the observation that economic inactivity rates across the country have remained high relative to pre-pandemic levels. This has been observed within North Essex, with **Figure 1** outlining how the North Essex average economic inactivity rate rose considerably at the start of the pandemic (rising from 16.9% to 20.2% between 2018 – 2019 and 2019 – 2020), and stayed above pre-pandemic levels in 2021 – 2022 at 19.5%. Whilst the majority of North Essex’s authorities have seen a fall in their economic inactivity rates in 2021 – 2022, Chelmsford (18.3%) and Tendring (32.1%) saw increases in this year, with Tendring facing particular challenges in reversing the economic inactivity pandemic trend observed<sup>5</sup>.

The cause of this rise in economic inactivity has been much debated, from an increase in early retirees to childcare costs making it unviable for parents to return to the workplace.

<b>North Essex Economic Inactivity (%) (2017 – 2022)</b>					
<b>Area</b>	<b>2017 – 2018</b>	<b>2018 – 2019</b>	<b>2019 – 2020</b>	<b>2020 – 2021</b>	<b>2021 – 2022</b>
<b>Braintree</b>	11.3	14.4	16.5	15.6	14.8
<b>Colchester</b>	17.8	12.0	17.1	20.0	18.3
<b>Chelmsford</b>	15.3	20.1	16.5	15.8	18.3
<b>Tendring</b>	17.1	20.7	31.3	31.3	32.1
<b>Maldon</b>	17.0	15.3	21.0	21.5	15.3
<b>Uttlesford</b>	19.4	18.9	18.8	24.3	18.0
<b>Essex</b>	18.4	19.7	20.2	20.6	18.9
<b>North Essex Average</b>	<b>16.3</b>	<b>16.9</b>	<b>20.2</b>	<b>21.4</b>	<b>19.5</b>

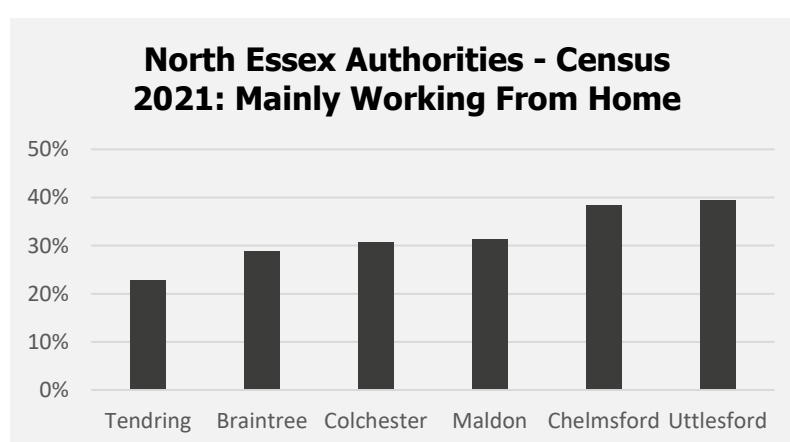
*Figure 1: North Essex Economic Inactivity Rates (2017 – 2022)*

<sup>4</sup>Essex Open Data. COVID-19 Economic Impacts Report (2022). Source: [COVID-19 Economic Impacts Report | Essex Open Data](#)

<sup>5</sup> NOMIS. Labour Market Profiles (Essex) (2022). Source: [Labour Market Profile - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](#)



Away from North Essex's changed economic inactivity picture, the final COVID-19 related change to note is the dramatic adoption and acceptance of hybrid working within workplaces across the region. With little choice during lockdowns, much of the working world switched to full working from home arrangements, with today's working arrangements for many businesses reflective of employees' desire to keep some element of home working, alongside commuting to collaborative office spaces. This change in workplace attitudes it illustrated when comparing Census 2021 and 2019 ONS working from home data. **Figure 2** below illustrates the Census 2021 data collated for the North Essex authorities, with Tendring the North Essex authority that recorded the lowest proportion of its workers working from home – 22.9% – and Uttlesford the highest proportion – 39.4% – in 2021<sup>6</sup>. These figures are significantly higher than the ONS data collated in 2019 for the East of England as a whole that outlined that only 5.5% of workers in this region worked mainly from home prior to the pandemic's onset<sup>7</sup>.



*Figure 2: North Essex Authorities – Census 2021: Mainly Working from Home*

The increase and continued retention of hybrid working patterns within the workplace has had a significant impact on the structure of regional economies, with commuting patterns, high street footfall and retail/leisure expenditure all still being impacted by the new ways of working. This impact has been considered during the development of the 'Delivering for North Essex' plan, with a strong awareness of the impact this critical change has had on the North Essex economy.

## Cost of Living Pressures

The impact of the continued cost of living pressures within North Essex is best evidenced through published Essex Open Data<sup>8</sup>. Through in-depth interviews with 20 participants from across Essex, an understanding has been collated on experiences around the increasing cost of living; the impact this is having on people's day-to-day lives as well as bigger life decisions being made or considered; and what things may help ease pressures. Key points from this research include:

<sup>6</sup> ONS. Percentage of workers who work mainly at or from home (Census 2021). Source: [Method of travel to workplace - Census Maps, ONS](#)

<sup>7</sup> ONS. Coronavirus and Homeworking in the UK Labour Market: 2019. Source: [Coronavirus and homeworking in the UK labour market - Office for National Statistics \(ons.gov.uk\)](#)

<sup>8</sup> Essex Open Data. Cost of Living Qualitative Research (2023). Source: [Cost of living qualitative research | Essex Open Data](#)

- **Some are experiencing the cost-of-living increase much more harshly than others.** Groups particularly impacted include those not working and in receipt of welfare (due to disabilities), families with children where only one parent is working, and single parent families.
- **The cost of living is impacting on day-to-day wellbeing, as well as life decisions and milestones.** Many residents across Essex feel they are 'surviving' rather than living due to the removal of non-essential spending from budgets, whilst some are struggling to even afford the essentials such as food and heating. Many are also postponing key life-decisions.
- **All are making lifestyle changes and cutbacks, but some residents have no other options to address cost of living pressures.** Essex residents are making lifestyle changes to save money, with these including small behaviour changes to more significant sacrifices.

The challenges many North Essex residents have faced in light of the recent cost of living pressures are widely acknowledged, with this macroeconomic impact a key difference considered since publication of the 2019 economic strategy.

# North Essex's Strategic Priorities

## 1. Innovative Businesses and Skilled Residents

The data analysis was clear that North Essex has incumbent key sector strengths, growth sector potential and SME foundations that are robust building blocks for future economic growth.

In regard to North Essex's incumbent sector strengths, the most recent Gross Value Added (GVA) data, which measures economic contribution, demonstrates North Essex's several incumbent sector strengths. First and foremost, the region benefits from a strong 'Real Estate and Activities' sector, with this contributing £3.1 billion of GVA to the North Essex economy in 2020<sup>9</sup>. This sector produced the greatest output for all six North Essex authorities in 2020. **Figure 3** outlines the top three sectors – in terms of GVA – for every North Essex authority in 2020.

North Essex Authorities – Top 3 Sectors (GVA) in 2020					
Braintree			Chelmsford		
No.	Sector	Value (m)	No.	Sector	Value (m)
1	Real estate activities	£500	1	Real estate activities	£820
2	Financial and insurance activities	£433	2	Wholesale and retail trade; repair of motor vehicles	£568
3	Wholesale and retail trade; repair of motor vehicles	£374	3	Construction	£544
Colchester			Maldon		
No.	Sector	Value (m)	No.	Sector	Value (m)
1	Real estate activities	£726	1	Real estate activities	£235
2	Human health and social work activities	£548	2	Construction	£192
3	Wholesale and retail trade; repair of motor vehicles	£492	3	Manufacturing	£188
Tendring			Uttlesford		
No.	Sector	Value (m)	No.	Sector	Value (m)
1	Real estate activities	£426	1	Real estate activities	£406
2	Wholesale and retail trade; repair of motor vehicles	£250	2	Construction	£249
3	Manufacturing	£167	3	Transportation and Storage	£222

Figure 3: North Essex Authorities – Top 3 Sectors (GVA) in 2020

<sup>9</sup> ONS. Regional Gross Value Added (balanced) by industry: local authorities by ITL1 region (2022). Source: [Regional gross value added \(balanced\) by industry: local authorities by ITL1 region - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/economy/grossvalueadded/articles/regionalgrossvalueaddedbalancedbyindustrylocalauthoritiesbyitl1region)



Alongside North Essex's incumbent strengths in 'Real Estate Activities', the region also has strengths within the 'Wholesale and retail trade; repair of motor vehicles', 'construction' and 'manufacturing' sectors. It is also important to note the diversity present within North Essex's economy – with Braintree having a specific incumbent strength within the 'Financial and insurance activities' sector and Colchester seeing a specific incumbent strength within the 'Human health and social work activities' sector.

Building on the understanding of North Essex's incumbent sector strengths, it is important to reflect on the number of businesses that operate within certain sectors, to provide a picture of where North Essex's most prominent employment opportunities can be found. Referring to ONS Business Count data, we see that the sector with the greatest number of businesses within North Essex, in 2022, was the 'Construction' sector, with a total of 6,885 businesses<sup>10</sup>. Aligning to this observation, the same data indicates that the 'Construction' sector saw the greatest increase in the number of businesses within North Essex between 2017 and 2022, with 1,305 businesses establishing themselves within this sector<sup>11</sup>. **Figure 4** outlines the top 3 sectors that saw the greatest increase in businesses between 2017 and 2022 within North Essex.

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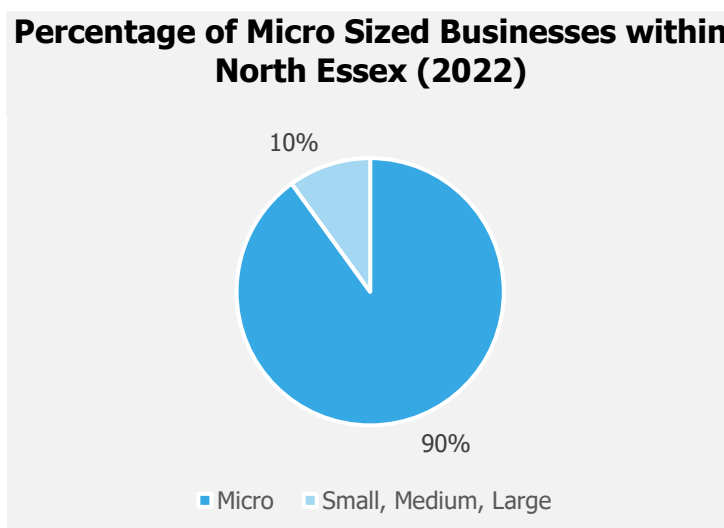
<sup>10</sup> NOMIS. UK Business Counts – enterprises by industry and employment size band (2022). Source: [UK Business Counts - enterprises by industry and employment size band - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://nomisweb.co.uk/enterprises-by-industry-and-employment-size-band)

<sup>11</sup> NOMIS. UK Business Counts – enterprises by industry and employment size band (2022). Source: [UK Business Counts - enterprises by industry and employment size band - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://nomisweb.co.uk/enterprises-by-industry-and-employment-size-band)

North Essex Authorities – Top 3 Sectors in terms of business increase (2017 – 2022)					
Braintree			Chelmsford		
No.	Sector	Number of Businesses	No.	Sector	Number of businesses
1	Construction	165	1	Construction	225
2	Administrative and support service activities	85	2	Wholesale and retail trade; repair of motor vehicles and motorcycles	110
3	Accommodation and food service activities	60	3	Transportation and storage	75
Colchester			Maldon		
No.	Sector	Number of Businesses	No.	Sector	Number of Businesses
1	Construction	450	1	Construction	100
2	Transportation and storage	250	2	Accommodation and food service activities	40
3	Administrative and support service activities	167	3	Real Estate Activities	20
Tendring			Uttlesford		
No.	Sector	Number of Businesses	No.	Sector	Number of Businesses
1	Construction	160	1	Construction	205
2	Transportation and storage	100	2	Administration and support service activities	100
3	Accommodation and food service activities	65	3	Accommodation and food service activities	25

Figure 4: North Essex Authorities – Top 3 Sectors in terms of business increase (2017 – 2022)

The large number of businesses operating within North Essex's 'Construction' sector reflects another important characteristic of the region's business landscape – the large proportion of SMEs delivering North Essex's economic output. The UK defines an SME as an enterprise that employs fewer than 250 employees, with **Figure 5** illustrating the high proportion of SMEs operating within North Essex. 90% of North Essex's businesses are defined as 'Micro', meaning they employ between 0 and 9 employees. Illustrating the importance of this North Essex characteristic further, there were only 95 businesses within North Essex defined as 'Large', meaning they employ over 250 people in 2022, with these businesses accounting for just 0.3% of North Essex's business population<sup>12</sup>.



*Figure 5: Percentage of Micro Sized Business within North Essex (2022)*

Away from North Essex's incumbent business strengths and characteristics, Cambridge Insights' forecasts provide a view on the roles that are likely to see the greatest growth in terms of employment in the lead up to 2040. Given population growth and areas of North Essex having relatively high levels of elderly residents, it is no surprise that for some of the North Essex authorities – Chelmsford, Uttlesford and Maldon – 'Caring Personal Service Occupations' roles are expected to see the greatest employment growth over this time period. For Braintree and Colchester, employment growth over this time period is expected to be greatest within 'Skilled Agricultural Trades' roles, whilst for Tendring, the authority is expected to see the greatest employment growth in terms of 'Corporate Managers'<sup>13</sup>. **Figure 6** outlines the top three roles the Cambridge Insight modelling suggests will see the greatest percentage increase in employment growth leading up to 2040 for each North Essex authority.

<sup>12</sup> NOMIS. UK Business Counts – enterprises by industry and employment size band (2022). Source: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://nomisweb.co.uk)

<sup>13</sup> Cambridge Insight. East of England Forecasting Model (EEFM) (2019). Source: [Cambridgeshire Insight – East of England Forecasting Model \(EEFM\)](#)



North Essex Authorities – Top 3 roles in terms of expected employment increases (up to 2040)					
Braintree			Chelmsford		
No.	Sector	% increase	No.	Sector	% increase
1	Skilled Agricultural Trades	57	1	Caring Personal Services Occupations	34
2	Caring Personal Services Occupations	33	2	Corporate Managers	31
3	Health and Social Welfare Associate Professionals	27	3	Health and Social Welfare Associate Professionals	30
Colchester			Maldon		
No.	Sector	% increase	No.	Sector	% increase
1	Skilled Agricultural Trades	44	1	Caring Personal Service Occupations	40
2	Caring Personal Services Occupations	41	2	Health and Social Welfare Associate Professionals	33
3	Managers and Proprietors in Agriculture and Services	39	3	Customer Service Occupations	33
Tendring			Uttlesford		
No.	Sector	% increase	No.	Sector	% increase
1	Corporate Managers	39	1	Caring Personal Services Occupations	47
2	Caring Personal Service Occupations	38	2	Health and Social Welfare Associate Professionals	37
3	Customer Service Occupations	37	3	Health Professionals	37

Figure 6: North Essex Authorities – Top 3 roles in terms of expected employment increases, up to 2040. The percentage increase has been calculated by taking the number jobs in 2022 and finding the percentage difference between the expected number of jobs in 2040

This analysis links to the strategic analysis undertaken by the North Essex authorities within their own economic strategies, with Essex CC's Sector Development Strategy providing insights into the growth sectors that North Essex – and the broader county – are expected to prioritise over the coming years to boost economic growth and drive prosperity across the region. These growth sectors are expected to focus on 'Construction and Retrofit', 'Clean Energy', 'Advanced Manufacturing and Engineering', 'Digital Tech' and 'Life Sciences'<sup>14</sup>. These

<sup>14</sup> Essex County Council. Essex Sector Development Strategy (2022). Source: [Plans and strategies: Sector development strategy - Essex County Council](#)

growth sectors build on North Essex's incumbent strengths outlined within the data above, and will provide new and career progressing jobs for many residents across the region.

Shifting focus to the skilled residents elements of this strategic priority, to secure the good jobs the North Essex region is expected to benefit from, North Essex's residents need to have the opportunities and confidence to develop requisite skills.

When looking at North Essex's current skills levels, it is clear there is a divergence in attainment across the region. The latest Census 2021 data has been used to establish the skills baseline for the NEEB's 2-year delivery plan, providing detail of the relative skills attainment levels across the North Essex region. **Figure 7** outlines the North Essex average in terms of skills attainment at differing levels, and how these figures compare to regional and national comparators.

Skills Attainment (2021) – North Essex, East of England and England as a whole				
Area	No Qualifications	Apprenticeships	NVQ Levels 1, 2 and 3	NVQ Level 4
North Essex Average	18.1%	5.8%	44.5%	29.0%
East of England	18.1%	5.5%	42.0%	31.6%
England as Whole	18.2%	5.3%	39.9%	33.9%

Figure 7: Skills Attainment (2021) across North Essex, the East of England and England as a whole

North Essex performs relatively well compared to the East of England and England as a whole when it comes to mid-lower skills level attainment, with a higher proportion of its working age population involved in apprenticeships and having attained NVQ skills up to level 3 (equivalent to 2 or more A levels or VCEs, 4 or more AS levels) when compared to regional and national comparators. Despite this success, North Essex compares less favourably when considering the proportion of its working age population that has secured skills at NVQ level 4 and above (equivalent to a degree (BA, BSc) or higher degree (MA, PhD, PGCE)), with both the East of England and England as a whole recording higher percentages for this skills metric. This suggests North Essex has a relatively smaller proportion of high skilled workers compared to the regional and national comparators<sup>15</sup>.

Alongside comparing the North Essex average to the regional and national comparators, it is also important to note the differences in skills attainment seen within the North Essex region. Taking the 'NVQ Levels 1, 2 and 3' and 'NVQ Level 4' metrics, there is a clear divergence in the proportion of lower and higher skilled workers across the North Essex authorities. This diversity is highlighted in **Figure 8**.

<sup>15</sup> ONS. Education: Highest level of qualification (Census 2021). Source: [Highest level of qualification - Census Maps, ONS](#)

Skills Attainment (2021) – Lower and Higher Skilled Workers Divergence across North Essex		
Area	NVQ Levels 1, 2 and 3	NVQ Level 4
Braintree	47.2%	25.8%
Chelmsford	43.1%	33.9%
Colchester	44.6%	32.2%
Maldon	45.9%	25.4%
Tendring	43.8%	19.9%
Uttlesford	42.3%	36.6%

*Figure 8: Skills Attainment (2021) – Lower and Higher Skilled Workers  
Divergence across North Essex*

Whilst there is some consistency to the proportion of workers across the North Essex authorities with skills attained up to NVQ level 3, there is a strong divergence when reviewing the proportion of working age populations within the North Essex authorities that have attained skills at NVQ level 4 and above. This divergence is observed by the difference between the highest ranking North Essex authority for this metric – Uttlesford – and the lowest ranking North Essex authority for this metric – Tendring – with a difference of 16.7% recorded<sup>16</sup>. This diversity in skills attainment across the region is an important consideration within the NEEB's 'Delivering for North Essex' plan.

Whilst local authority data for T levels is not available, apprenticeship data provides some insight into the kind of vocational training available. The 2021 – 2022 data is shown in **Figure 9**. The number of apprenticeship uptakes are expectedly higher in Colchester and Chelmsford, as the urban districts, and lower in Uttlesford and Maldon, as the more rural districts. Tendring sees higher than expected levels of apprenticeship starts, closer to Braintree's numbers. One significant trend is low, although similar, levels of vocational attainment across authorities<sup>17</sup>.

Apprenticeship Starts and Achievements (2021 – 2022)			
Area	Starts	Achievement	Participation
Braintree	870	360	1850
Chelmsford	1030	450	2240
Colchester	1060	440	2230
Maldon	360	130	790
Tendring	800	310	1680
Uttlesford	490	170	980

*Figure 9: Apprenticeship Starts and Achievements (2021 – 2022)*

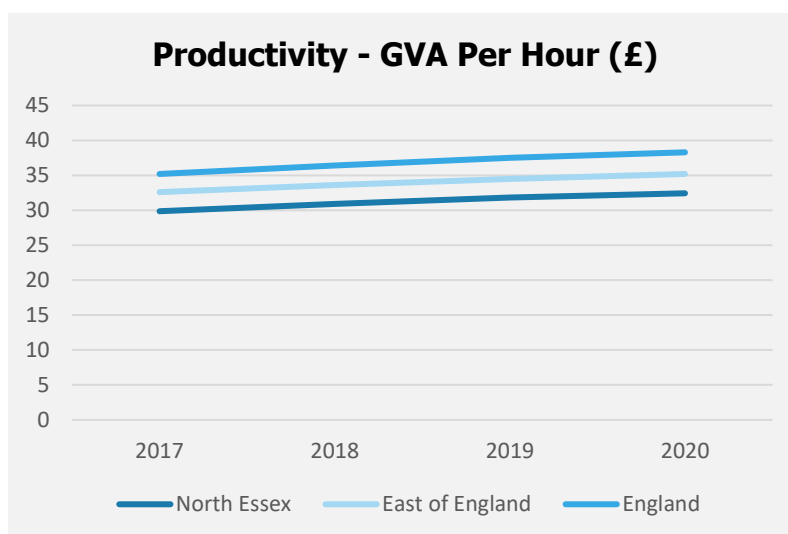
Finally, on skills, it is worth noting the productivity of North Essex's working population, with this being a key factor in driving economic growth. Referring to ONS data outlining the GVA per hour worked, the North Essex region has seen an increase in productivity since 2017,

<sup>16</sup> ONS. Education: Highest level of qualification (Census 2021). Source: [Highest level of qualification - Census Maps, ONS](#)

<sup>17</sup> GOV.UK. Apprenticeships and traineeships. Source: [Apprenticeships and traineeships, Academic year 2022/23 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](#)



recording a figure of £32.4 in 2020<sup>18</sup>. **Figure 10** illustrates this increase and shows how the region compares to the East of England and England as a whole.



*Figure 8: Productivity – GVA per hour (£) for the North Essex region, East of England and England as a whole between 2017 and 2020*

Whilst North Essex’s productivity has been rising between 2017-2020, the region’s productivity has consistently ranked below that of the East of England and England as a whole. The differences in 2020 are quite significant, with the East of England’s GVA per hour £2.8 greater in 2020, and England as whole £5.9 greater<sup>19</sup>. With North Essex lagging behind regional and national productivity comparators, it is essential actions are delivered to drive up productivity to help boost economic growth in the region.

## 2. A Green and High Growth Economy

Local Authorities across the country are playing a vital role in supporting the UK to achieve its net zero objectives. In terms of establishing North Essex’s baseline for this area, data on the region’s renewable electricity capacity and generation has been collated, alongside data on attitudes towards the green economy and progress made in making households across the region more energy efficient.

Starting with renewable electricity capacity and generation, North Essex has the potential to build on its incumbent strengths in this space, positioning itself as a renewable energy exemplar. In 2021, the North Essex region had a renewable electricity capacity of 563.3 MW, with this capacity generating roughly 1 million MWh of renewable electricity in the same year<sup>20</sup>. The regional renewable electricity strengths are driven by three main sources of energy – onshore wind, offshore wind and solar power, with **Figure 11** outlining the amount of renewable electricity each of the North Essex authorities generated from these sources in 2021.

<sup>18</sup> ONS. Subnational productivity: labour productivity indices by local authority district (2022). Source: [Subregional productivity: labour productivity indices by local authority district - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/economy/productivity/labourproductivity/articles/subregional-productivity-labour-productivity-indices-by-local-authority-district)

<sup>19</sup> ONS. Subnational productivity: labour productivity indices by local authority district (2022). Source: [Subregional productivity: labour productivity indices by local authority district - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/economy/productivity/labourproductivity/articles/subregional-productivity-labour-productivity-indices-by-local-authority-district)

<sup>20</sup> BEIS. National Statistics – Regional Renewable Energy Statistics. Source: [Regional Renewable Statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/regional-renewable-energy-statistics)

North Essex's Renewable Electricity Generation (2021) (MWh)			
Area	Onshore Wind	Offshore Wind	Solar Power
Braintree	132	0	31,720
Chelmsford	76	0	10,783
Colchester	85	0	83,745
Maldon	152,931	0	10,311
Tendring	28,122	513,080	71,442
Uttlesford	41	0	44,322

Figure 9: North Essex's Renewable Electricity Generation (2021) (MWh) from onshore wind, offshore wind and solar power sources

Both Maldon and Tendring have particular strengths when it comes to onshore wind generation, whilst Tendring – given its coastal characteristics – is the only North Essex authority to benefit from offshore wind renewable electricity generation. In contrast to these sources of renewable electricity – where there are clear divergences in generation – all of the North Essex authorities generate a good amount of renewable electricity from solar power, with Colchester leading the way when considering this energy source. Building on these renewable electricity generation strengths will be essential as the region looks to benefit from the green skills and jobs required to deliver net zero commitments.

Away from the region's renewable electricity capacity and generation statistics, another important aspect to understanding North Essex's green economy baseline is residents' attitudes towards the green economy and the extent to which residents are invested in supporting the delivery of net zero commitments. As a proxy for this measurement, data has been collated on the North Essex authorities' recycling rates, with a high recycling rate taken as an indication of residents' willingness to support the environment and avert negative climate consequences. **Figure 12** outlines the recycling rates for the six NEEB authorities<sup>21</sup>.

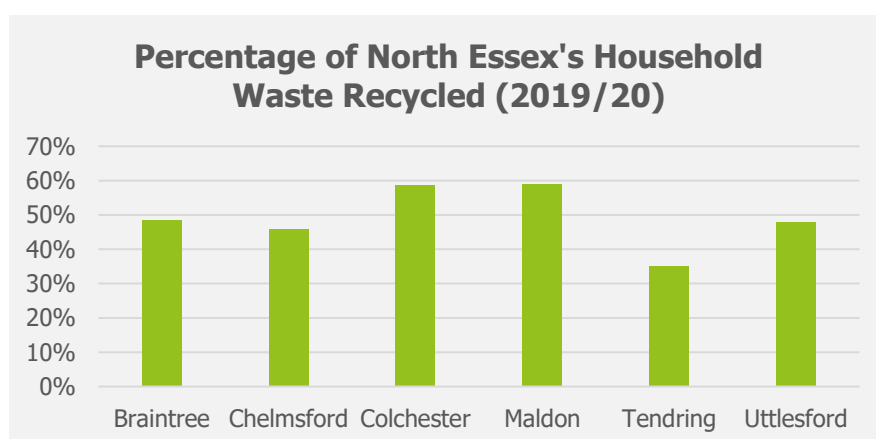


Figure 10: Percentage of North Essex's Household Waste Recycled (2019/20)

<sup>21</sup> NimbleFins. Which English Councils are best and worst at recycling? Top 10 and bottom 10 revealed. Source: [Which English Councils are Best and Worst at Recycling? Top 10 and Bottom 10 Revealed | NimbleFins](#)

There is a divergence across North Essex in terms of household waste recycling rates, with Tendring having the lowest recycling rates, and Maldon the highest. Whilst an interesting perspective on the relative green engagement within North Essex, it is important to consider how these rates compare to other local authorities across the country, to have a view on how the North Essex region compares to other areas when it comes to green engagement. Reviewing broader local authority data available, all North Essex's authorities – aside from Tendring – ranked in the top 50% of local authorities in terms of household waste recycled, with Colchester and Maldon ranking in the top 25%<sup>22</sup>. This suggests there is a fairly positive engagement with green actions, when taking household recycling rates as a proxy for this engagement. However, it does appear that progress is needed with regards to attitudes towards the green economy, with Essex recording a relatively low level of conservation sites in positive management (36%) compared to some of its neighbours, including Norfolk who recorded a positive management rate of 74% in 2021/22<sup>23</sup>.

In addition to household waste recycling rates and positive conservation site management, another important statistic to consider when understanding North Essex's green economy baseline is the extent to which its households are energy efficient across the region, with the type of central heating used within households a useful metric to consider when understanding a region's relative green impact. Using Census 2021 data, **Figure 13** provides a view on how the North Essex region compares to the East of England and England as a whole in terms of the type of central heating utilised within households<sup>24</sup>.

Percentage Central Heating Source (2021) – North Essex, East of England and England as whole				
Area	Mains Gas Only	Electric Only	Oil Only	Renewable Energy Only
North Essex Average	66.0%	9.8%	10.5%	0.7%
East of England	70.1%	9.5%	7.2%	0.7%
England as Whole	74.0%	8.7%	3.2%	0.4%

*Figure 11: Type of Central Heating (2021) – North Essex, East of England and England as a whole (main types of central heating – alongside renewable energy only source)*

<sup>22</sup> NimbleFins. Which English Councils are best and worst at recycling? Top 10 and bottom 10 revealed. Source: [Which English Councils are Best and Worst at Recycling? Top 10 and Bottom 10 Revealed | NimbleFins](#)

<sup>23</sup> GOV.UK. ENV10 – Local sites in positive conservation management. Source: [ENV10 - Local sites in positive conservation management - GOV.UK \(www.gov.uk\)](#)

<sup>24</sup> ONS. Housing. Type of central heating in household. (Census 2021). Source: [Type of central heating in household - Census Maps, ONS](#)

Whilst North Essex records a similar percentage to the East of England and England as a whole when considering renewable energy only and electric-only central heating, there are strong divergences when it comes to mains gas only and oil only. Less central heating is provided in North Essex through mains gas and more through oil, when compared with the regional and national comparators. The relatively high proportion of central heating systems being fuelled by oil only is largely explained by the relatively high proportion of this fuel being used within Maldon, Tendring and Braintree, as **Figure 14** demonstrates.

Percentage of Central Heating Fuelled by Oil Only in North Essex (2021)	
Area	Percentage
<b>Braintree</b>	10.8%
<b>Chelmsford</b>	5.3%
<b>Colchester</b>	6.2%
<b>Maldon</b>	19.8%
<b>Tendring</b>	4.7%
<b>Uttlesford</b>	16.3%

*Figure 12: Percentage of Central Heating Fuelled by Oil Only in North Essex (2021)*

Central to North Essex's future economic prosperity will be the effective transition to a green and high-growth economy, with the data above illustrating how the region can look to build on its strong renewable electricity generation foundations, facilitate further resident engagement to promote the importance of green actions, and continue to work to consider how households can be made more energy efficient through the use of cleaner energy sources. This has all been considered within the development of North Essex's 2-year delivery plan.

### 3. A Dynamic and Connected Region

With the green and high-growth economy strategic priority referencing key aspects of North Essex's green economy infrastructure, it is appropriate that the next area central to the region's baseline focuses on broader transport and digital infrastructure, critical enablers for economic growth.

Starting with transport, it is clear a rural/urban divide exists within the region, with those from the more rural authorities – in particular Maldon and Uttlesford – facing greater transport challenges when compared to the more urban authorities of Colchester and Chelmsford. This divide is best evidenced by 2019 data that illustrates the time it takes to get to key services by public transport/walking. As highlighted in **Figure 15**, the more rural authorities of Maldon and Uttlesford see the greatest time taken to get to key services by public transport/walking, with average journey times of 28 and 27 minutes respectively when travelling by these modes of transport. In contrast, North Essex's more urban authorities – Colchester and Chelmsford – see much shorter average journey times, 19 and 18 minutes respectively<sup>25</sup>.

<sup>25</sup> Department for Transport. Officials Statistics – Journey time statistics, England: 2019. Source: [Journey time statistics, England: 2019](https://www.gov.uk/government/statistics/journey-time-statistics-england-2019) - GOV.UK ([www.gov.uk](https://www.gov.uk))



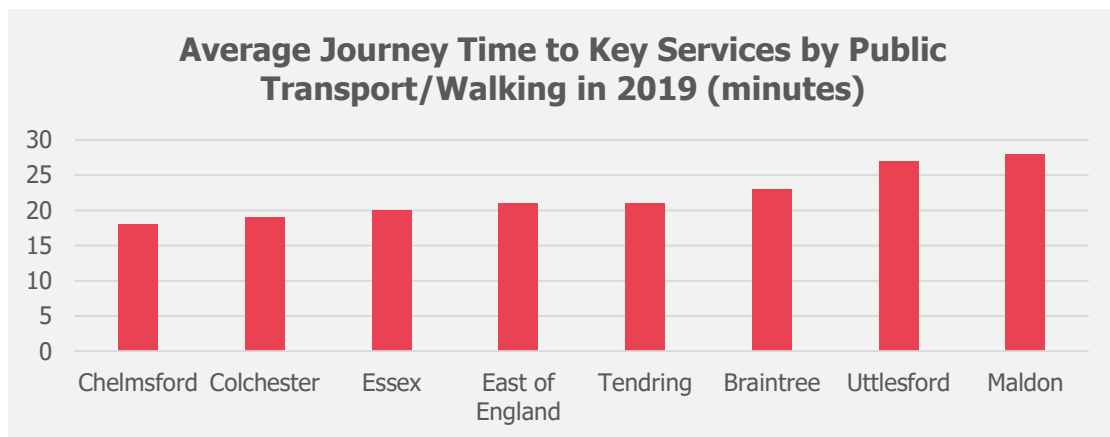


Figure 13: Average Journey Time to Key Services by Public Transport/Walking in 2019 (minutes)

In addition to analysing North Essex's public transport infrastructure – and the divergence in coverage across the region – Census 2021 data has been used as a way of understanding the demands placed on the different parts of the region's transport infrastructure when its residents travel to work. Whilst some of the travel to work Census 2021 data is likely to have been impacted by the COVID-19 restrictions that were in place during the first half of 2021, this data provides a proxy for the relative demand for different modes of transport when residents within the North Essex region are travelling to work.

The first Census 2021 travel to work data to note is the relative distances those living in different parts of North Essex travel to get to work. As **Figure 16** demonstrates, there is once again a rural/urban divide within North Essex, with a greater proportion of residents from the more rural North Essex authorities having to travel more than 10km to get to work, with Braintree the North Essex authority with the highest proportion when considering this metric<sup>26</sup>.

Proportion of workers travelling more than 10km to get to work (2021)	
Area	Percentage
Braintree	29.7%
Maldon	28.8%
East of England	26.3%
Uttlesford	26.2%
Tendring	25.6%
Essex	22.6%
England	21.8%
Chelmsford	20.1%
Colchester	18.7%

Figure 14: Proportion of workers travelling more than 10km to get to work (2021)

<sup>26</sup> ONS. Work: Distance travelled to work (Census 2021). Source: [Distance travelled to work - Census Maps, ONS](#)

In a similar fashion to the average journey time to key services by public transport/walking statistics, it is only Colchester and Chelmsford that recorded statistics less than those recorded for Essex, the East of England and England as a whole – reflective of the authorities’ urban characteristics.

Linked to the distances travelled to get to work, much of the congestion seen on North Essex’s critical roads – including the A120, A12 and A131 – can be explained by the dominance of the use of cars/vans as the main mode of transport for getting to work in North Essex. As **Figure 17** demonstrates, car/van use is particularly prominent within Tendring, Braintree and Maldon as the main mode of transport to get to work, with these authorities ranking above the percentages recorded for Essex, the East of England and England as a whole. Once again, it is North Essex’s more urban authorities – Chelmsford and Colchester – where we see the lowest use of cars/vans, with Uttlesford – likely due to the high proportion of its workers working mainly from home – also recording relatively low car/van use in journeys to work<sup>27</sup>.

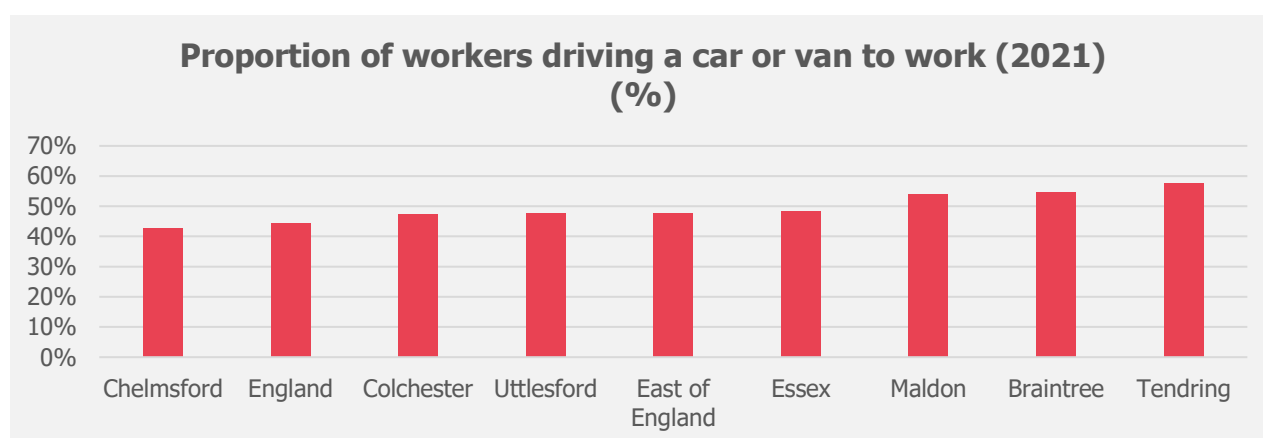


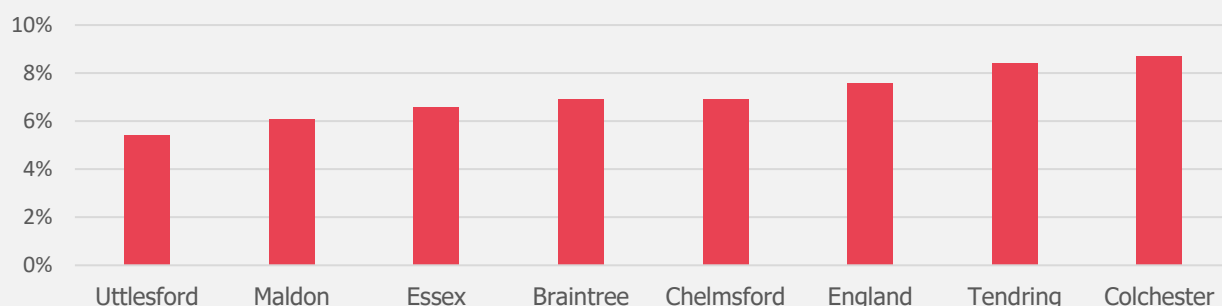
Figure 17: Proportion of workers driving a car or van to work (2021) (%)

From an active travel perspective, it is also worth noting that the only two North Essex authorities to rank above figures recorded for the East of England and England as a whole for the proportion of workers travelling to work on foot are Colchester and Tendring. As **Figure 18** demonstrates, the North Essex authorities with the lowest percentages of workers walking to work are Maldon and Uttlesford, with these two North Essex authorities ranking below the figure recorded for Essex CC<sup>28</sup>.

<sup>27</sup> ONS. Work: Method of travel to workplace (Census 2021). Source: [Method of travel to workplace - Census Maps, ONS](#)

<sup>28</sup> ONS. Work: Method of travel to workplace (Census 2021). Source: [Method of travel to workplace - Census Maps, ONS](#)

**Figure 18: Proportion of workers travelling to work on foot (2021) (%)**



*Figure 18: Proportion of workers travelling to work on foot (2021) (%)*

Away from transport infrastructure, Ofcom data presented in **Figure 19**, has been reviewed to consider the region's relative digital connectivity, to understand the improvements that could be made to this economic enabler to help stimulate economic growth.

Starting with the number of premises with access to superfast broadband, the data shows that every North Essex authority performs well in terms of access to this broadband speed, with the lowest ranking North Essex authority – Uttlesford – still seeing 94.5% of its premises having access to superfast broadband. Tendring is the North Essex authority with the greatest proportion of its premises with access to superfast broadband, recording a figure of 97.8%<sup>29</sup>. The high proportion of premises across North Essex with access likely reflects Essex CC's 'Superfast Essex' programme successes<sup>30</sup>.

The story is a little different when considering statistics collated for ultrafast – or gigabit – broadband, with divergence across the region in terms of the number of premises with access to this level of broadband speed. The more urban North Essex authorities – Colchester and Chelmsford – recorded the highest proportion of premises with access to ultrafast broadband, with figures of 66.2% and 63.0% respectively. Whilst Colchester and Chelmsford were the North Essex authorities with the highest proportion of ultrafast premises, the authorities ranked below 3 of the 4 similarly sized authorities included within the comparative analysis undertaken, with North Hertfordshire, Central Bedfordshire and Maidstone recording figures of 75.7%, 71.1% and 69.4% respectively. This suggests the North Essex region is behind other parts of the country in terms of ultrafast broadband rollout, with this observation reinforced when considering the North Essex authorities with the lowest proportion of premises with ultrafast broadband availability – Braintree and Tendring – who recorded figures of 48.6% and 14.8% respectively<sup>31</sup>.

<sup>29</sup> Ofcom. Connected Nations 2022 (Superfast Broadband). Source: [Connected Nations 2022 - Ofcom](#)

<sup>30</sup> Superfast Essex. Source: [Superfast Essex](#)

<sup>31</sup> Ofcom. Connected Nations 2022 (Ultrafast Broadband). Source: [Connected Nations 2022 - Ofcom](#)

Superfast Broadband		Ultrafast Broadband	
Authority	Premises %	Authority	Premises %
<b>Tendring</b>	97.8	<b>Colchester</b>	66.2
<b>Essex</b>	96.9	<b>Chelmsford</b>	63.0
<b>Braintree</b>	96.8	<b>Uttlesford</b>	59.4
<b>Colchester</b>	96.2	<b>Maldon</b>	58.7
<b>Chelmsford</b>	96.1	<b>Essex</b>	58.1
<b>Maldon</b>	96.0	<b>Braintree</b>	48.6
<b>Uttlesford</b>	94.5	<b>Tendring</b>	14.8

*Figure 19: North Essex's Superfast and Ultrafast Broadband Coverage (2022) (%)*

The transport and digital connectivity baseline has been considered within North Essex's 2-year delivery plan, with this infrastructure critical to North Essex's economic growth.

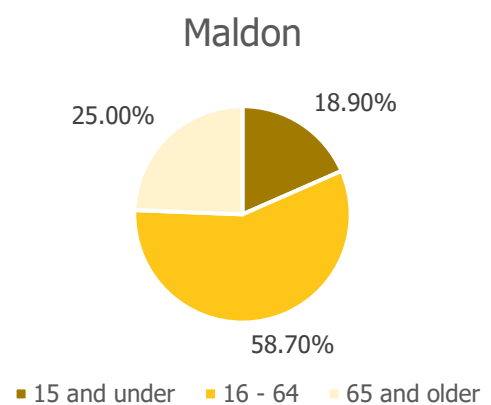
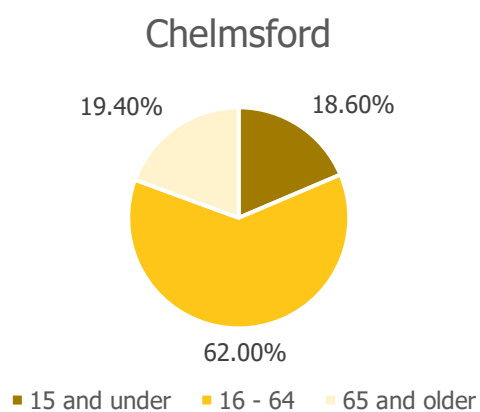
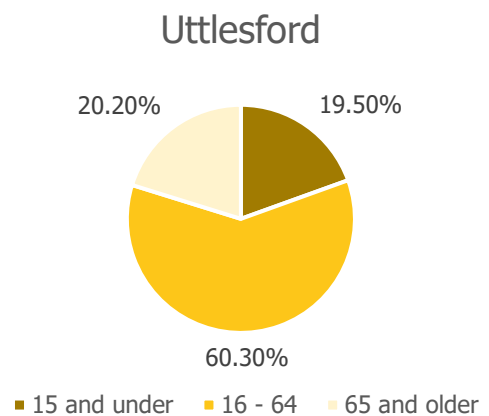
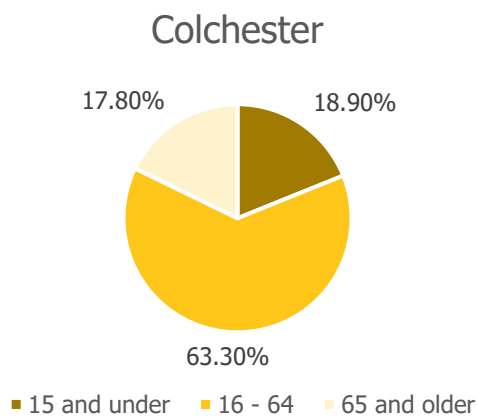
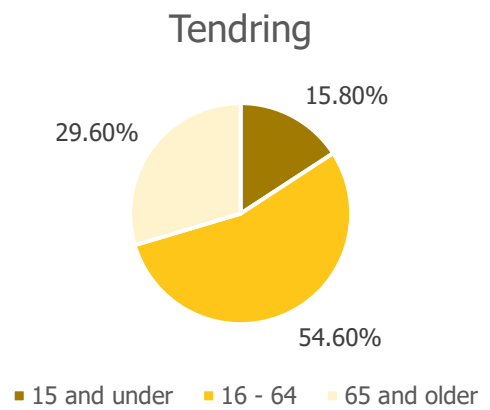
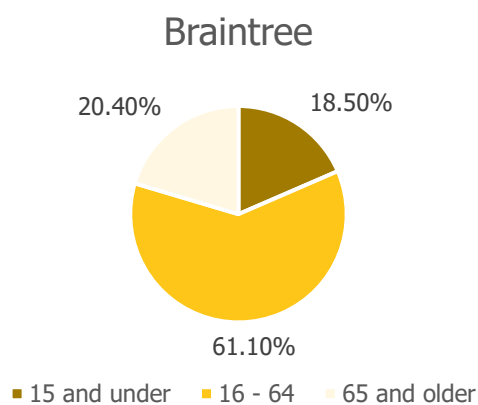
## 4. Prosperous and Inclusive Communities

Data indicators for North Essex's prosperous and inclusive communities have been considered to provide a robust understanding of how the 2-year delivery plan's actions can best facilitate economic growth for everyone within North Essex, ensuring no-one is left behind as the region looks to build on its incumbent strengths and seize future growth opportunities.

When understanding North Essex's community strengths, it is first important to understand the region's age demographics. **Figure 20** shows the North Essex authorities with the highest proportion of their populations aged 15 and under are Uttlesford, Colchester and Chelmsford, recording figures of 19.5%, 18.9% and 18.6% respectively. Tendring is the North Essex authority with the lowest proportion of its population aged 15 and under, recording a figure of 15.8%. Moving to those of working age, the more urban North Essex authorities – Colchester and Chelmsford – have the greatest proportion of their populations of working age, recording figures of 63.3% and 62.0% respectively. Once again, Tendring is the North Essex authority with the lowest proportion, with only 54.6% of its population of working age. Finally, it is North Essex's more rural authorities – Tendring, Maldon, Braintree and Uttlesford – that have the highest proportion of their populations aged 65 and over, recording figures of 29.6%, 25.0%, 20.4% and 20.2% respectively<sup>32</sup>. Clearly, a rural/urban divide exists when considering North Essex's demographics, with the region's more urban authorities (not considering Uttlesford) having a higher proportion of younger residents, whilst the more rural authorities have a high proportion of older residents. This is an important consideration, with there likely being differing demands across the region that reflects the contrasting demographics across the North Essex authorities.

<sup>32</sup> ONS. Population: Age (Census 2021). Source: [Age - Census Maps, ONS](#)





*Figure 20: North Essex authorities' age demographics (ages 15 and under, ages 16 – 64 and ages 65 and under)*

Building on the age demographics – and utilising the Thriving Places Index – critical community data provides a view of the region’s relative equality, local conditions and sustainability opportunities and challenges. Before exploring the metrics underpinning the three variables, it is important to note the scale used by the Thriving Places Index, with this critical to understanding the relative opportunities and challenges of North Essex’s authorities within these variables. This scale is outlined in **Figure 21**.

Thriving Places Index Scale				
Low	Low – Medium	Medium	Medium – High	High
<3.5	3.5 – 4.5	4.5 – 5.5	5.5 – 6.5	6.5<

Figure 21: Thriving Places Index Scale

Starting with the equality variable, 2022 Thriving Places Index data suggests that Tendring and Colchester are the most equitable North Essex authorities, with Uttlesford and Maldon the least. Only Uttlesford and Maldon ranked in the ‘Low – Medium’ category for this variable. Moving the focus to the ‘local conditions’ variable, Uttlesford and Chelmsford are the North Essex authorities that recorded the highest score for this variable, both ranking within the ‘Medium – High’ category. The only North Essex authority to rank as low as the ‘Low – Medium’ category was Tendring, with a figure of 4.2. The index suggests there is a gap between Tendring and the next North Essex authority on the scale, with Colchester recording a score of 5.4, falling just short of the ‘Medium – High’ category for this variable. In terms of sustainability, all North Essex authorities performed relatively well when considering this variable, with the lowest ranking North Essex authority – Chelmsford – recording a figure of 4.9 which put it in the ‘medium’ category. The North Essex authority with the highest figure recorded for this variable is Colchester, with a figure of 6.2 putting this authority in the ‘Medium – High’ category<sup>33</sup>. **Figure 22** lists the figures recorded for all the North Essex authorities across the 3 categories.

Thriving Places Index					
Equality		Local Conditions		Sustainability	
Authority	Score	Authority	Score	Authority	Score
Tendring	6.0	Uttlesford	6.3	Colchester	6.2
Colchester	5.6	Chelmsford	6.0	Essex	5.9
Essex	5.0	Braintree	5.7	Maldon	5.4
Chelmsford	4.7	Maldon	5.5	Braintree	5.3
Braintree	4.7	Colchester	5.4	Uttlesford	5.2
Uttlesford	4.3	Essex	5.3	Tendring	5.1
Maldon	3.9	Tendring	4.2	Chelmsford	4.9

Figure 22: Thriving Places Index – Equality, Local Conditions and Sustainability scores (2022)

<sup>33</sup> Centre for Thriving Places. Thriving Places Index (2022). Source: [Thriving Places Index | Centre for Thriving Places](#)

It is clear that there is greater diversity across the North Essex region in terms of the equality and local conditions variables than when compared to the sustainability variable. This suggests there is greater work that could be done to increase equality within both Maldon and Uttlesford, and to improve Tendring's local conditions to ensure residents across the region feel a similar amount of pride in place and attachment to where they live.

Moving away from the Thriving Places Index, another important aspect when considering North Essex's community opportunities and challenges is consideration of housing data and the level of crime prevalent within the area. Linking this data to economic growth, house prices are a key form of wealth for many, with an understanding of house prices and form of tenure within a region useful indicators of relative wealth that can support economic growth. In terms of crime, a more deprived area is likely to see increased incidences of crime, proving a useful proxy for economic growth considerations.

Within North Essex, it is clear there is diversity in house prices across the region, with the more rural authorities of Uttlesford and Maldon seeing the highest average house prices in 2023. In contrast, the lowest average house price is recorded by Tendring, with a price difference of £180,892 observed between Uttlesford and Tendring<sup>34</sup>. This suggests there is significant divergence in wealth across the region, which has been considered when developing actions included within the Delivery Plan. **Figure 23** provides a view of the different average house prices within North Essex and how these figures compare to Essex CC and the East of England.

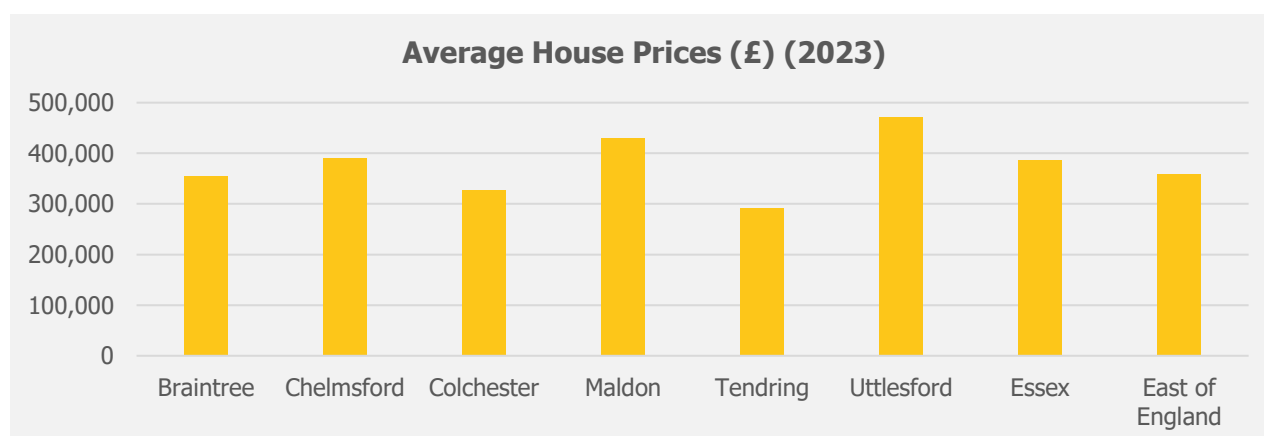


Figure 23: Average House Prices (£) (2023)

<sup>34</sup> UK House Price Index. House Price Statistics (2023). Source: [UK House Price Index \(data.gov.uk\)](https://data.gov.uk/dataset/uk-house-price-index)

Building on the average house prices across North Essex to understand the region's relative wealth, it is important to consider the form of tenure. As **Figure 24** illustrates, there is a divergence in the proportion of home owners (both with and without mortgages) across the North Essex authorities, with Maldon the authority with the highest proportion of home owners and Colchester the lowest, according to Census 2021 data<sup>35</sup>. Given the average house prices within both Uttlesford and Maldon – and the relatively high levels of home ownership within these authorities – it can be concluded that these two authorities are likely to see a higher proportion of wealthier residents when compared to other authorities across the region.

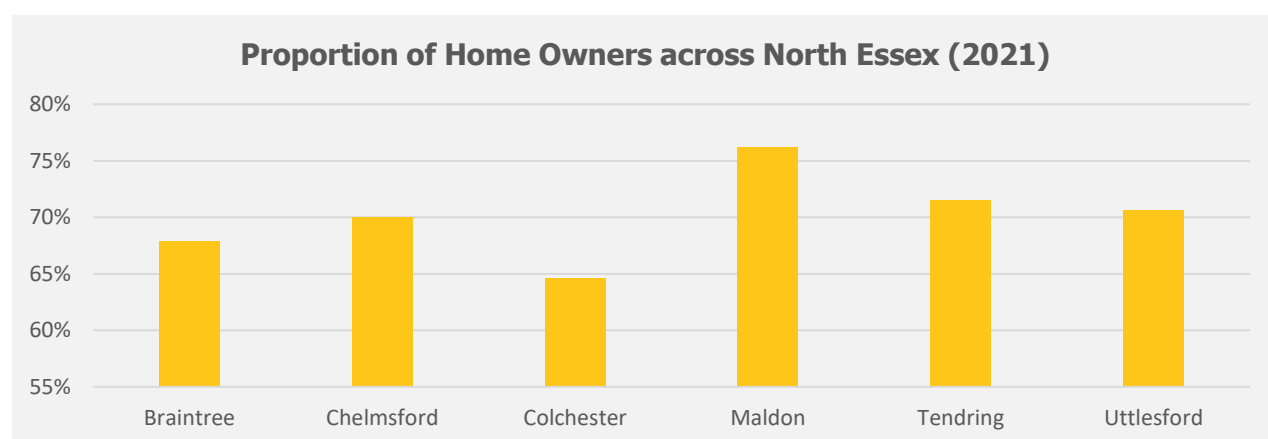


Figure 24: Proportion of Home Owners across North Essex (2021)

Away from house prices and home ownership, the region's crime statistics also provide a useful proxy for the region's relative wealth. As **Figure 25** demonstrates, Tendring and Colchester are the North Essex's authorities with the highest police recorded crimes per 1,000 population, both recording figures of 98.6 for this metric. Maldon and Uttlesford – the North Essex authorities with the highest average house prices – see the lowest crime rates, recording figures of 59.9 and 62.3 respectively<sup>36</sup>.

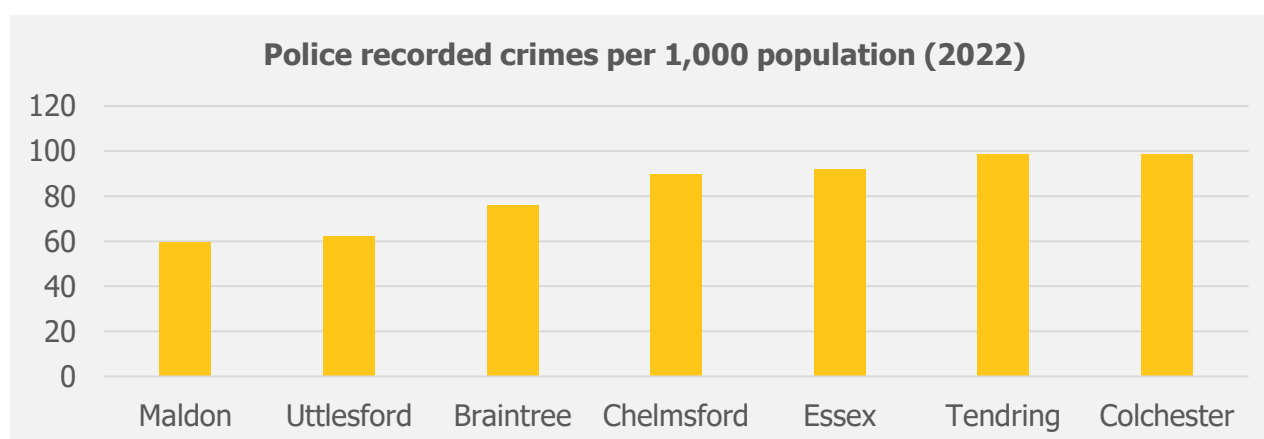


Figure 25: Police recorded crimes per 1,000 population (2022)

<sup>35</sup> ONS. Housing: Tenure of Household (Census 2021). Source: [Tenure of household - Census Maps, ONS](https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/tenureofhousehold/census2021)

<sup>36</sup> Police.UK. Compare your area. (2022). Source: [Compare your area | Police.uk \(www.police.uk\)](https://www.police.uk/)



In addition to the data above, the prosperous and inclusive communities strategic priority has considered data that provides perspective on residents' views towards the North Essex region and pride and happiness they feel going about their everyday lives. This data is important to understanding this strategic priority, as it provides a view of North Essex's residents' engagement with their local communities, an important consideration when understanding how best to drive economic growth. ONS data has been presented below that provides a view of North Essex's residents' life satisfaction, happiness, anxiety, and a feeling that their lives are worthwhile.

Starting with life satisfaction, residents across North Essex feel fairly satisfied with their lives, with the North Essex authorities performing similarly across the board. As **Figure 26** outlines, Uttlesford recorded the greatest score for this statistic, recording an average figure of 7.9 out of 10, whilst Colchester recorded the lowest score at 7.4<sup>37</sup>.

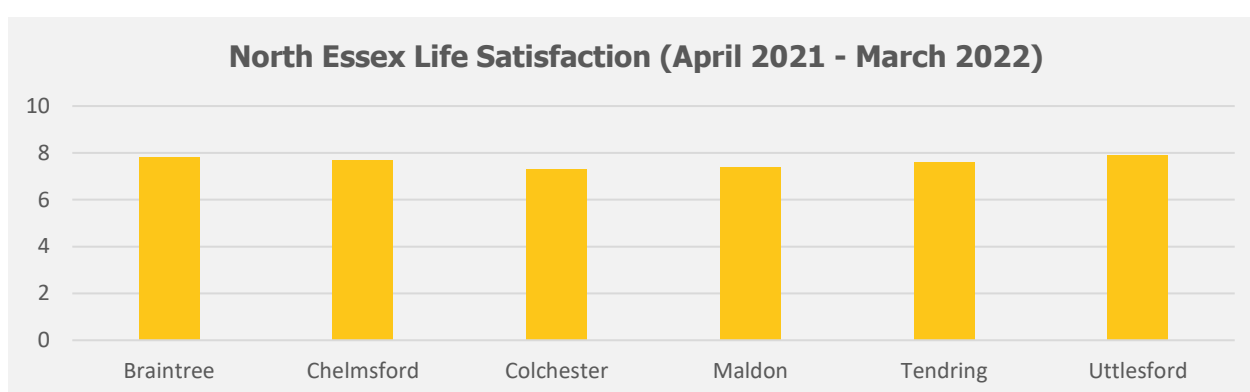


Figure 26: North Essex Life Satisfaction (April 2021 – March 2022)

When considering happiness, it can be seen that five of the North Essex authorities recorded average scores of above 7, with Braintree the authority that recorded the highest average score of 7.7. As **Figure 27** shows, Colchester recorded the lowest happiness average score, with a figure of 6.8<sup>38</sup>.

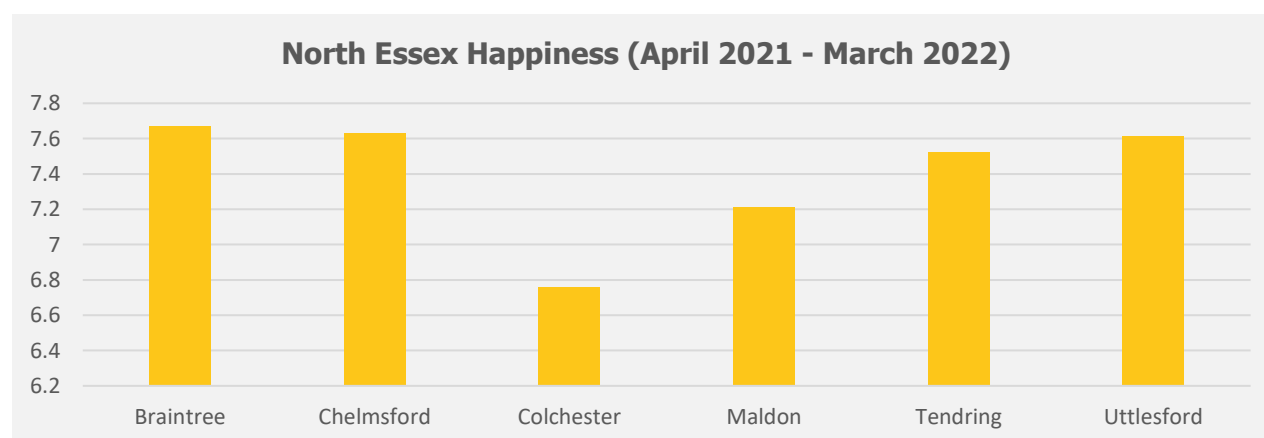
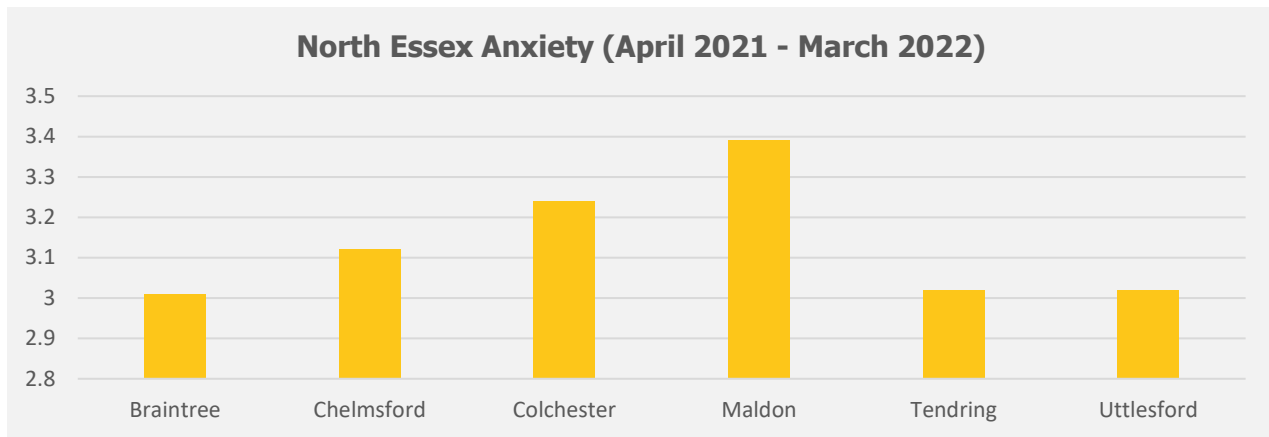


Figure 27: North Essex Happiness (April 2021 – March 2022)

<sup>37</sup> ONS. Personal well-being in the UK: April 2021 to March 2022. Source: [Personal well-being in the UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/physicalhealth/articles/personalwellbeingintheuk/april2021tomarch2022)

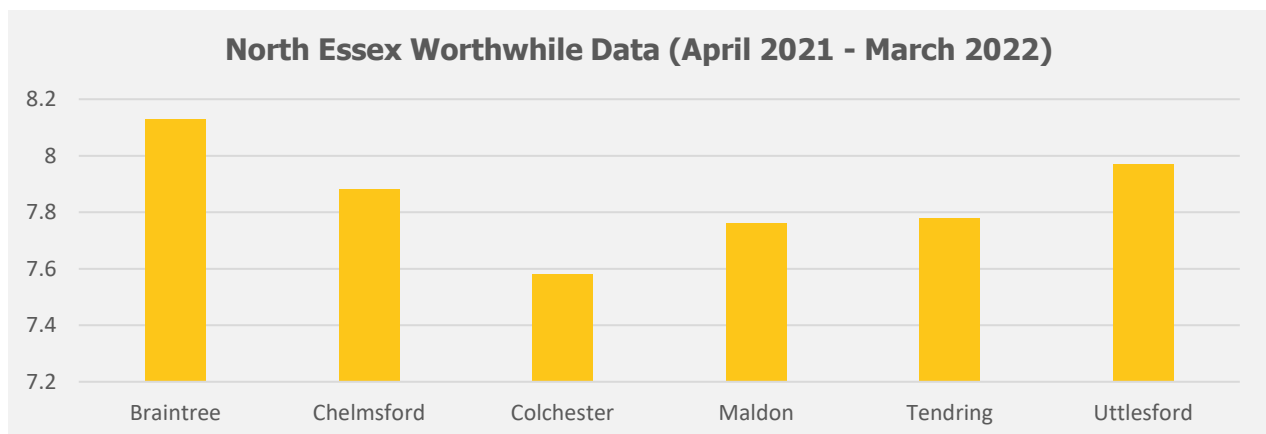
<sup>38</sup> ONS. Personal well-being in the UK: April 2021 to March 2022. Source: [Personal well-being in the UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/physicalhealth/articles/personalwellbeingintheuk/april2021tomarch2022)

Moving to anxiety, the North Essex authorities had similar average scores for this metric, with it important to note that the lower the score, the less anxious an authority is feeling. There is very little difference between the North Essex authority with the lowest anxiety levels – Braintree (3.0) – and the North Essex authority with the highest anxiety levels – Maldon (3.4)<sup>39</sup>. This is exemplified in **Figure 28**.



*Figure 28: North Essex Anxiety (April 2021 – March 2022)*

Turning to the extent to which residents view their lives as worthwhile, again, the data collated for the North Essex authorities is fairly consistent, with little difference observed between the authority – Braintree (8.1) – recording the highest score in terms of residents viewing their lives as worthwhile and the authority – Colchester (7.6) – recording the lowest score in terms of residents viewing their lives as worthwhile<sup>40</sup>. This is exemplified in **Figure 29**.



*Figure 29: North Essex Worthwhile Data (April 2021 – March 2022)*

<sup>39</sup> ONS. Personal well-being in the UK: April 2021 to March 2022. Source: [Personal well-being in the UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/healthandwellbeing/subject/articles/personalwellbeingintheuk)

<sup>40</sup> ONS. Personal well-being in the UK: April 2021 to March 2022. Source: [Personal well-being in the UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peopleinwork/healthandwellbeing/subject/articles/personalwellbeingintheuk)

The importance of these metrics to North Essex's 2-year delivery plan is understood when considering the impact life satisfaction, happiness, anxiety and perception of worthiness have on a resident's confidence and willingness to engage with economic opportunities available, such as those offered by the NEEB. As explored elsewhere, there is a need to further explore why some NEEB opportunities delivered have not seen the uptake expected from residents across the region. Accessibility is likely one reason for limited uptake in some instances, but there is also likely a confidence aspect to consider. The more that can be done to boost life satisfaction, increase happiness, reduce anxiety and advance the feeling of worthiness, the more likely the region's residents – in particular those that feel they are being left behind – will engage in economic opportunities available, supporting North Essex's economic growth ambitions.





The North Essex Economic Board (NEEB) is a partnership of district and county councils offering fully funded business support and skills programme to support economic growth across North Essex. The partnership consists of Maldon, Tendring, Braintree, Uttlesford District Councils. Chelmsford and Colchester City Councils, and Essex County Council. Find out more at [www.neeb.org.uk](http://www.neeb.org.uk) Socials @neebgrowth

Henham Strategy is a public policy and economic development consultancy with a focus on local growth, trade and investment and higher education. We aim to connect local, regional and international actors to stimulate economic growth across the UK.

# **DELIVERING FOR NORTH ESSEX**



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## The North Essex Vision

A proactive, productive and progressive North Essex that advances its economic potential through inward and outward-facing partnerships, with all residents, businesses and visitors benefitting from the region's economic prosperity.

The North Essex Economic Board (NEEB) is proud to present our ambitious North Essex vision, ready to collaborate with partners to seize the region's significant and diverse economic opportunities.

Established in 2019, the NEEB represents the economic ambitions of seven North Essex authorities – Braintree District Council, Chelmsford City Council, Colchester City Council, Essex County Council, Maldon District Council, Tendring District Council and Uttlesford District Council – catalysing collective action to drive economic prosperity within all parts of the urban, rural and coastal region. It provides the strategic oversight of North Essex's diverse, inclusive and productive economic priorities, ensuring tangible actions are delivered to support residents' and businesses' goals and aspirations. Promoting the region's potential, the NEEB presents the strong strategic rationale for further central government and private sector investment, needed to deliver North Essex's long-term ambitions.

Much has been delivered by the NEEB to date – including the distribution of critical COVID-19 support funding and career-enhancing business and skills support programmes – and the partnership is now positioned to go even further and deliver even more for North Essex's residents and businesses. The 2-year delivery plan and ambitions presented below have been developed by Henham Strategy, utilising 'North Essex's Strategic Narrative' and 'North Essex's Economic Baseline' to identify the short-term actions and long-term ambitions that will deliver economic prosperity for North Essex's residents and businesses.



**Working together, we can leverage North Essex's core strengths...**

**Our innovative and thriving SME community and cutting edge HE and FE institutions, delivering good, local jobs**

**Our dynamic and competitive renewable energy generation strengths, driving net zero progression**

**Our unique strategic location linked to regional and international partners, supporting inward investment**

**Our proud urban, rural and coastal communities, focused on supporting prosperous residents and businesses**

# The Economic Context

Much has changed since the NEEB published its 2019 economic strategy, with three critical events in particular shaping the opportunities and challenges of the North Essex economy.

Firstly, the UK's departure from the EU in January 2020 has changed the economic landscape of both North Essex and the country as a whole, with challenges still being worked through as the country seeks to prosper through its new post-Brexit economic position. For North Essex specifically, the region's significant number of SMEs are continuing to adapt to changes in the business and trading environment, changes that Office for Budget Responsibility (OBR) forecasts suggest could lead to a decline in the UK's long-run productivity, relative to remaining in the EU.

Alongside Brexit, there are lasting impacts caused by the COVID-19 global pandemic. Whilst Government-mandated lockdowns and restrictions are a thing of the past, their economic impacts remain, including economic inactivity remaining stubbornly high and hybrid working patterns embedded across the country. This national picture mirrors what has been observed within North Essex, with the region's economic inactivity currently 1.9% higher than figures recorded pre-COVID-19 and a much greater proportion of residents working from home<sup>1</sup>.

Finally, residents and businesses across the country have, most recently, been significantly impacted by cost-of-living pressures that have eaten away at disposable income and financial reserves. We know the damage inflation has had on many residents and businesses across North Essex – including the need to delay important life decisions<sup>2</sup> – with support for North Essex's residents and businesses at the forefront of our thinking as we look to progress actions to boost the region's economic growth.

## North Essex's Strategic Priorities

Despite recent challenging economic circumstances, the North Essex economy stands ready to build on the fantastic opportunities within the region, with its diverse urban, rural and coastal characteristics differentiating the region from other parts of the country.

With these diverse characteristics in mind, this 'Delivering for North Essex' plan has been founded upon four key strategic priorities.

### 1. Innovative Businesses and Skilled Residents

A resilient and outward-facing economy that builds on its incumbent strengths and is positioned to deliver economic opportunities for North Essex's residents, and drive inward investment to support businesses within the region's critical growth sectors.

### 2. A Green and High Growth Economy

A forward-looking economy that utilises the diversity of its resources in a sustainable way that furthers North Essex's clean energy strengths, boosts growth, and promotes residents' prosperity through net zero commitments.

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<sup>1</sup> NOMIS. Labour Market Profiles (Essex) (2022). Source: [Labour Market Profile - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://nomisweb.co.uk/labour-market-profiles/essex)

<sup>2</sup> Essex Open Data. Cost of Living Qualitative Research (2023). Source: [Cost of living qualitative research | Essex Open Data](https://essex.opendata.co.uk/cost-of-living-qualitative-research)

### 3. A Dynamic and Connected Region

A well-connected and digitally-linked region that provides residents with quick and reliable access to key services, encourages inward investment, and makes the most of ties to regional and international neighbours.

### 4. Prosperous and Inclusive Communities

A thriving and inclusive region where all residents and businesses have the opportunity to contribute and prosper, exemplifying the region as a great place to live, work and visit.



# North Essex's Opportunities

## 1. Innovative Businesses and Skilled Residents

### RESIDENTS

We want all North Essex's residents to have the opportunity to:

- Make the most of the region's excellent Higher and Further Education offerings.
- Benefit from good, career-enhancing jobs within the region's key growth sectors – construction and retrofit, clean energy, advanced manufacturing and engineering, digital tech, and life sciences.
- Engage with NEEB-led skills development programmes, building workplace confidence and the region's skills.
- Benefit from living and working within North Essex, with a desire to remain within the region and contribute to its economic prosperity.
- Retrain, ensuring the region's workforce has the ability to pivot towards jobs within the region's key growth sectors.

### BUSINESSES

We want all our businesses to have the opportunity to:

- Start and scale up within North Essex, benefitting from cutting edge commercial space.
- Engage with, and benefit from, the opportunities around Freeport East and its associated tax relief.
- Collaborate with other innovative businesses, sharing best business practices and supporting business growth.
- Secure inward investment, implementing cutting-edge innovations within business practices and boosting local economies.
- Employ an appropriately skilled workforce within North Essex, supporting resident and business ambitions and locally-sourced talent.

### The North Essex Snapshot

These opportunities reflect the region's incumbent business and skills strengths, with infrastructure and projects already in place that are driving innovative businesses and skilled residents within North Essex. Notably, North Essex benefits from a significant SME community, with current sector strengths including construction and real estate activities. Alongside incumbent sector strengths, the region is making positive strides towards seizing the opportunities associated with key growth sectors. This includes the excellent work being progressed in the Digi Tech sector through the AIXR: Centre for Immersive Innovation and the Life Sciences sector through Chesterford Research Park. Supporting growth sector progression are North Essex's leading Higher and Further Education institutions, including the University of Essex, Anglia Ruskin, University Writtle College, the Colchester Institute, Chelmsford College and Stansted Airport College. Education strengths include the University of Essex's expertise in computer and data science and the 'first of its kind' aviation training offered by Stansted Airport College.



## 2. A Green and High Growth Economy

### RESIDENTS

We want all our residents to have the opportunity to:

- Benefit from North Essex's net zero transition, securing good jobs within a green economy boosted by Freeport East and Bradwell B's potential.
- Positively contribute to current and future steps taken to achieve net zero within North Essex.
- Continue enjoying North Essex's rural and coastal characteristics, in conjunction with green infrastructure delivery.
- Benefit from North Essex's renewable energy strengths – offshore wind, onshore wind and solar power – providing cheaper, long-term energy sources and exciting employment opportunities.
- Benefit from the transition to electric vehicles, with a sufficient number of charge points available across all of North Essex.

### BUSINESSES

We want all our businesses to have the opportunity to:

- Form effective partnerships to progress net zero objectives, with a focus on linking national energy suppliers with local North Essex businesses to drive forward the net zero transition.
- Learn from successful green measures adopted by other North Essex businesses, ensuring best practice is adopted across the board.
- Better understand the green jobs required to deliver net zero objectives and how to create them locally.
- Articulate the green skills North Essex needs to fill green jobs identified, ensuring these jobs boost economic growth and attract inward investment.
- Build on North Essex's renewable energy strengths – offshore wind, onshore wind and solar power – benefitting from Freeport East and Bradwell B's potential.

### The North Essex Snapshot

These opportunities reflect the region's incumbent green economy strengths, with North Essex positioned to become a leader in several renewable energy sources. This includes offshore wind, onshore wind and solar power, with the region already generating a significant amount of electricity from these sources. Critically, North Essex's green economy strengths will be boosted by Freeport East which will see a 112 hectare area established in Harwich dedicated to the development of green energy. This green energy hub will focus on the manufacture of wind turbine components, as well as incorporating new nuclear sites at Sizewell and Bradwell. Progress is also being made with the East Anglia Green Energy Enablement (GREEN) project, which will reinforce the high voltage power network in East Anglia between the existing substations at Norwich Main in Norfolk, Bramford in Suffolk and Tilbury in Essex. This will also connect new offshore wind generation, boosting North Essex's strengths in this renewable energy source. In addition, CB Heating's partnership with EDF Energy – and the Heat Pump Installer Network's Academy – means Tendring is playing a critical role in the education and delivery of heat pumps across the country.

### 3. A Dynamic and Connected Region

#### RESIDENTS

We want all our residents to have the opportunity to:

- Benefit from ultrafast broadband, building on the Superfast Essex programme's successful rollout of superfast broadband.
- Utilise digital services in all parts of North Essex, not simply the region's urban centres.
- Regularly travel between the region's urban, rural and coastal authorities, confident in the reliable and high quality public transport offering.
- Participate widely in active travel schemes, making use of walking and cycling infrastructure where possible.
- Access key public services (e.g. schools and hospitals) in a timely manner, not inhibited by where they live within North Essex.

#### BUSINESSES

We want our businesses to have the opportunity to:

- Benefit from digital accessibility across North Essex, positioning all parts of North Essex as accessible and attractive places to do business.
- Benefit from quick and reliable transport links, with business decisions not impacted by North Essex's current congestion challenges.
- Feed into discussions on North Essex's transport needs, ensuring alignment with business needs.
- Attract inward investment, with investors having confidence in North Essex's transport infrastructure.
- Develop links with regional and national partners, with infrastructure developed to facilitate links to other parts of the country.

#### The North Essex Snapshot

These opportunities reflect the region's incumbent infrastructure strengths and the need to go further to enhance some aspects of North Essex's digital and transport infrastructure. Incumbent strengths include the region's outward facing transport terminals – including Stansted Airport and Harwich Port. With 23.3 million passengers passing through Stansted Airport in 2022 and Harwich Port importing and exporting 4.57 million tonnes of freight in 2021, these transport terminals provide North Essex with excellent global links that are vital to supporting the region's economic growth. In addition, the success of the Superfast Essex programme, has resulted in all of the North Essex authorities benefitting from over 90% of their premises having access to superfast broadband – a significant recent improvement in the region's digital connectivity. Despite these strengths, further improvements are required, with North Essex's critical roads – including the A12, A120 and A131 – suffering from high levels of congestion and the region inhibited by rural connectivity blackspots, especially when it comes to ultrafast broadband.

## 4. Prosperous and Inclusive Communities

### RESIDENTS

We want all our residents to have the opportunity to:

- Build closer connections with their local communities, helping boost pride in place.
- Participate more in community activities that help build a sense of North Essex belonging.
- Feed views into community developments, ensuring interventions best deliver for community needs.
- Understand how community progression can support their personal aspirations and goals.
- Benefit from a prosperous North Essex visitor economy through inclusive and year-round employment opportunities.

### BUSINESSES

We want our businesses to have the opportunity to:

- Benefit from a confident and proud North Essex workforce, engaged in supporting North Essex's economic growth.
- Engage with local communities, advertising good jobs available to kickstart and restart careers within North Essex.
- Support local residents to secure good jobs, working with community partners and organisations to enhance the region's skills offering.
- Further understand North Essex's local communities, ensuring business decisions reflect local needs.
- Promote themselves as part of North Essex's visitor economy, benefitting from more visitors all year round.

### The North Essex Snapshot

The opportunities above reflect the region's recent successes in progressing prosperous and inclusive communities within North Essex. Successes include authorities securing central government support to level up North Essex, with Colchester and Tendring to benefit from £19.7m and £19.9m of Levelling Up Fund round 2 funding. Tendring will also benefit through the Levelling Up Partnerships workstream, with £6.7m of additional funding announced during the 2023 Spring Budget. Alongside critical levelling up funding secured, North Essex benefits from effective initiatives aimed at boosting community cohesion and pride in place. This includes initiatives like Community 360: One Colchester and Chelmsford CVS that encourage communities to take charge of their own destiny, support and strengthen local charities, voluntary organisations and community groups. Further progress is required to enhance North Essex's prosperous and inclusive communities, ensuring all North Essex's residents feel pride in their communities and have the confidence to engage with the region's diverse and progressive economic opportunities.

# North Essex's 2-Year Delivery Plan

Delivering against the four strategic priorities – and the associated opportunities that will catalyse economic growth within North Essex – the NEEB will lead on delivering an ambitious delivery plan. This will be delivered **over the next 2 years** in partnership with North Essex's residents and businesses.

## 1. Innovative Businesses and Skilled Residents

### A. AUDITING DIGITAL SKILLS PROGRAMMES

The NEEB will review the delivery of its previous digital skills programmes, leading resident engagement to understand why some of the programmes previously run failed to stimulate demand. Audit outcomes will be fed into the region's Local Skills Improvement Plans.

**Desired Outcome:** Further understanding as to what makes a digital skills programme successful in North Essex, therefore adapting them better for the future.

**Delivery Date:** By Autumn 2023.

### B. CONVENING LOCAL BUSINESSES AND SUPPORT ORGANISATIONS

The NEEB will establish a 'North Essex Business Forum' which will invite key businesses and support organisations from across the region to quarterly meetings, with discussions to focus on highlighting initiatives underway, support available and business needs, to drive business growth and skills, aligned with ECC's efforts.

**Desired Outcome:** Increase in partnership working between North Essex's businesses and support organisations, with business needs addressed, and best practices adopted across the region – advertised through business best practice toolkits.

**Delivery Date:** By the end of 2023.

### C. PROMOTING NORTH ESSEX TO GRADUATES

Working with the region's Higher Education and Further Education institutions, the NEEB will develop promotional material advertising the region as a great place to work and live which will target the institutions' skilled graduates.

**Desired Outcome:** Promotional material on the benefits of living and working in North Essex shared during Further Education and Higher Education careers events and advertised through an online NEEB campaign.

**Delivery Date:** By the start of the 24/25 academic year (September 2024).

### D. DELIVERING THE NEEB'S 23/24 AND 24/25 BUSINESS SUPPORT PROGRAMMES

Building on the success of previous business support programmes, the NEEB will deliver its business support programmes planned for 23/24 and 24/25.



**Desired Outcome:** Continued positive business engagement with the NEEB's business support programmes, with more businesses receiving generalist support that reflects broad business needs within the region.

**Delivery Date:** By the end of 23/24 and 24/25.

## 2. A Green and High Growth Economy

### A. CONVENING GREEN BUSINESSES

Utilising the CB Heating and EDF Energy partnership in Tendring as an exemplar, the NEEB will convene local and national green economy businesses, highlighting the benefits of partnership working and encouraging further collaboration.

**Desired Outcome:** Further partnerships established between local and national green economy businesses that support delivery of North Essex's net zero commitments.

**Delivery Date:** By Autumn 2023.

### B. ESTABLISHING 'GREEN CHAMPIONS'

Working with local community and volunteer groups, the NEEB will identify 'Green Champions' within each authority, whose role will involve delivering resident engagement focused on articulating the importance of the net zero transition and how local characteristics can be protected as part of this.

**Desired Outcome:** At least one 'Green Champion' established within each local authority with increased resident support for net zero actions.

**Delivery Date:** By the end of 2023.

### C. PROMOTING NORTH ESSEX'S GREEN POTENTIAL

The NEEB will position itself as the region's green economy lead, lobbying central government for further funding and positioning the region as a green exemplar through maximising the benefits of Freeport East.

**Desired Outcome:** Dialogue with Government on the opportunities around securing future funding to deliver the region's net zero commitments.

**Delivery Date:** By mid-2024.

### D. DELIVERING STUDENT GREEN ECONOMY ENGAGEMENT

Working with North Essex's schools, Further Education, and Higher Education institutions, the NEEB will deliver engagement activities promoting the future opportunities available within the green economy, advertising roles that require both academic and more technical strengths.

**Desired Outcome:** Seminars delivered by leading local green economy stakeholders within schools, colleges and universities, promoting job opportunities within the region's green economy.

**Delivery Date:** By the start of the 24/25 academic year.

### 3. A Dynamic and Connected Region

#### A. ESTABLISHING A TRANSPORT EAST PARTNERSHIP

To better promote and address North Essex's strategic transport needs, the NEEB will establish a strategic partnership with Transport East, providing a North Essex collective voice to shape transport strategic thinking.

**Desired Outcome:** Strategic partnership with Transport East established, enabling one North Essex voice to be presented within strategic transport thinking.

**Delivery Date:** By Autumn 2023.

#### B. CONVENING LOCAL TRANSPORT OPERATORS

The NEEB will convene the region's local transport operators to discuss changes that can be made to service timetables to ensure residents in more rural areas are able to travel more easily across authorities.

**Desired Outcome:** Dialogue with transport operators around how services can be better tailored to meet all residents' and businesses' needs across North Essex.

**Delivery Date:** By the end of 2023.

#### C. FACILITATING EFFECTIVE EV CHARGING ROLL-OUT

To ensure the region's EV charging disparities are not solely considered within authority and county specific strategies, the NEEB will work with regional (e.g. SELEP) and national (e.g. National Grid) partners to articulate the particular challenges North Essex faces when delivering EV charging infrastructure, ensuring these challenges are acknowledged in regional and national EV charging strategies.

**Desired Outcome:** North Essex's EV charging needs effectively considered within regional and national strategies.

**Delivery Date:** By mid-2024.

#### D. LEADING DIGITAL INFRASTRUCTURE COMMUNITY ENGAGEMENT

To ensure the rollout of superfast and ultrafast broadband is effectively utilised within the region, the NEEB will lead resident engagement to educate and promote the benefits of digital use, focusing this engagement particularly on the region's elderly and digitally excluded population.

**Desired Outcome:** Increase in resident engagement with digital services available to them and an increase in digital literacy.

**Delivery Date:** By mid-2025.

## 4. Prosperous and Inclusive Communities

### A. CONVENING LOCAL THIRD SECTOR ORGANISATIONS

The NEEB will convene a 'Third Sector Volunteers Forum' which will invite key third sector organisations from across the region to quarterly meetings, with discussions to focus on highlighting initiatives underway that are being delivered to enhance communities and further support the work of the organisations to help them grow in stature. This forum will include a focus on facilitating intergenerational engagement through a mentorship scheme.

**Desired Outcome:** Increase in voluntary initiatives delivered across the region, with mentorship programme established to support intergenerational engagement.

**Delivery Date:** By Autumn 2023.

### B. DEVELOPING A NORTH ESSEX PRIDE IN PLACE EVIDENCE BASE

The NEEB will undertake a project to showcase the region's pride in place strengths and where further support can be best delivered. This will include a delivery plan on how North Essex can best improve critical community infrastructure across the region.

**Desired Outcome:** A well evidenced understanding of how North Essex can improve pride in place considerations, with a clear delivery plan outlining key partners' responsibilities published.

**Delivery Date:** By mid-2024.

### C. DELIVERING A VISITOR ECONOMY PROMOTION AUDIT

The NEEB will undertake an audit of the visitor economy promotional material delivered in other parts of the country with a positive history of attracting visitors (e.g. Scotland, Norfolk and Suffolk), drawing together best practice and working with North Essex partners to implement such practices to boost promotion of the region's visitor economy in alignment with Visit Essex.

**Desired Outcome:** A well evidenced understanding of best practice implemented within other regions with leading visitor economy offers.

**Delivery Date:** By the end of 2024.

### D. LEADING NORTH ESSEX'S VISITOR ECONOMY PROMOTION

Working with regional visitor economy partners, the NEEB will deliver promotional material that aims to promote the region's mix of urban, rural and coastal characteristics.

**Desired Outcome:** A coherent North Essex story presented that outlines how key partners will work towards boosting the region's visitor economy.

**Delivery Date:** By mid-2025.

# North Essex's Ambitions

Alongside North Essex's 2-Year Delivery Plan, the NEEB is an ambitious partnership that has a long-term outlook for the North Essex economy. With devolved power ever more present across the country, we have considered our long-term ambitions for the North Essex economy, providing an exciting and aspirational outlook for the region's residents and businesses. We will work collaboratively with our neighbouring Essex partners to make the strong strategic case for further private and public sector investment and support to deliver our North Essex ambitions.

## 1. Innovative Businesses and Skilled Residents

- A. DELIVERING SKILLS UNIFORMITY** – The NEEB would like skills attainment across the region to become more uniform, with a focus on upskilling authorities currently with a higher proportion of low-skilled workers.
- B. SECURING FURTHER R&D INVESTMENT** – The NEEB would like to have greater influence over – and ability to drive – R&D investment into the region, focusing this investment on the region's key growth sectors.
- C. DEVELOPING COMMERCIAL AND INCUBATION SPACES** – The NEEB would like to be the go-to partnership for business support within North Essex and would like greater funding to deliver further commercial and incubation spaces within North Essex.
- D. AGREEING INTERNATIONAL PARTNERSHIPS** – The NEEB would like to establish international partnerships with other regional economic development partnerships, universities and local government structures, promoting North Essex's businesses and potential to drive inward investment.

## 2. A Green and High Growth Economy

- A. FACILITATING FURTHER GREEN INVESTMENT** – The NEEB would like to lead on driving green investment into the region, drawing in more large energy companies and supporting innovative green start-ups within the region.
- B. SECURING LONGER-TERM GREEN SKILLS FUNDING** – The NEEB would like to secure longer-term funding to support green skills initiatives – like the 'I-Construct' programme – ensuring there is clear commitment to green skills investment within the region, giving confidence to businesses that North Essex is serious about delivering and benefitting from the green jobs of the future.
- C. LEADING THE EV CHARGE** – The NEEB would like to play a greater role in the delivery of EV charge points across the region, with further Local Electric Vehicle Infrastructure (LEVI) funding to help achieve these ambitions.
- D. LEADING ESSEX'S GREEN JOBS DELIVERY** – The NEEB would like North Essex to be the region leading delivery of Essex's green jobs, ensuring the county reaches its goal of delivering 18,000 green jobs by 2030.



### 3. A Dynamic and Connected Region

- A. SUPPORTING SUPERFAST AND GIGABIT BROADBAND UNIFORMITY** – The NEEB would like to see the availability of ultrafast broadband within North Essex's premises match that currently seen (i.e. 90% plus availability) when looking at the region's superfast broadband availability, and 85% for gigabit availability.
- B. SECURING MORE PUBLIC TRANSPORT SERVICES THAT CONNECT URBAN/RURAL AREAS** – The NEEB would like to see funding made available to deliver more public transport services (i.e. routes) between the region's urban and rural authorities, making it easier for residents to travel across the region.
- C. ESTABLISHING A NORTH ESSEX EV CHARGING EXEMPLAR** – Building on Braintree's GRIDSERVE EV Charging forecourt, the NEEB would like to see further EV charging points delivered across the region, positioning North Essex as an exemplar for other regions to follow.
- D. ENHANCING HARWICH PORT'S EU LINKS** – Supporting the UK's trade ambitions, the NEEB would like to work with Harwich Port to identify ways to boost inward and outward freight trade with the EU, given the port's incumbent links with this trading bloc.

### 4. Prosperous and Inclusive Communities

- A. INCREASING COMMUNITY INVESTMENT** – The NEEB would like to see North Essex have further powers over funding to invest in enhancing its prosperous and inclusive communities across, with a focus on local leaders knowing what is best for local areas.
- B. BOOSTING PRIDE IN PLACE** – The NEEB would like to see an increase in residents' pride in place, with opportunities for residents to have greater input into the ownership and delivery of assets of particular local importance.
- C. CREATING CONFIDENT COMMUNITIES** – The NEEB would like to see further investment focused on increasing 'soft skills' across the region, ensuring more of the region's residents are positioned to engage with North Essex's economic opportunities.
- D. MATCHING OTHER AREAS' VISITOR NUMBERS** – The NEEB would like to see North Essex rival other areas in the East of England (e.g. Suffolk and Norfolk) when it comes to the visitor economy, matching the popular visit destinations in terms of visitor numbers.



The North Essex Economic Board (NEEB) is a partnership of district and county councils offering fully funded business support and skills programme to support economic growth across North Essex. The partnership consists of Maldon, Tendring, Braintree, Uttlesford District Councils. Chelmsford and Colchester City Councils, and Essex County Council. Find out more at [www.neeb.org.uk](http://www.neeb.org.uk) Socials @neebgrowth

Henham Strategy is a public policy and economic development consultancy with a focus on local growth, trade and investment and higher education. We aim to connect local, regional and international actors to stimulate economic growth across the UK.

# North Essex Action Plan



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North Essex  
Economic  
Board



# North Essex Vision

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“A proactive, productive and progressive North Essex that advances its economic potential through inward and outward-facing partnerships, with all residents, businesses and visitors benefitting from the region’s economic prosperity.”



# North Essex's core strengths

Our innovative and thriving SME community and cutting edge HE and FE institutions, delivering good, local jobs

Our unique strategic location linked to regional and international partners, supporting inward investment

Our dynamic and competitive renewable energy generation strengths, driving net zero progression

Our proud urban, rural and coastal communities, focused on supporting prosperous residents and businesses



North Essex  
Economic  
Board

# North Essex's Strategic Priorities

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## Innovative Businesses and Skilled Residents

A resilient and outward-facing economy that builds on its incumbent strengths and is positioned to deliver economic opportunities for North Essex's residents and drive inward investment to support businesses within the region's critical growth sectors.

## A Dynamic and Connected Region

A well-connected and digitally-linked region that provides residents with quick and reliable access to key services, encourages inward investment, and makes the most of ties to regional and international neighbours.

## A Green and High Growth Economy

A forward-looking economy that utilises the diversity of its resources in a sustainable way that furthers North Essex's clean energy strengths, boosts growth, and promotes residents' prosperity through net zero commitments.

## Prosperous and Inclusive Communities

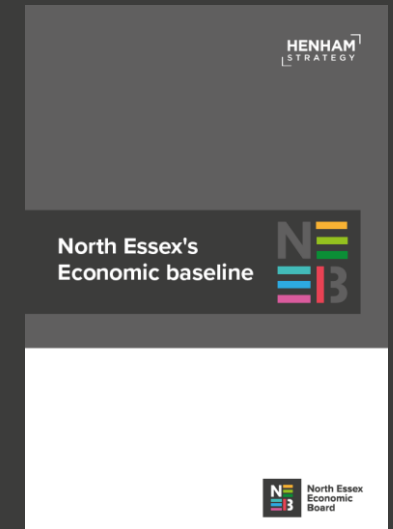
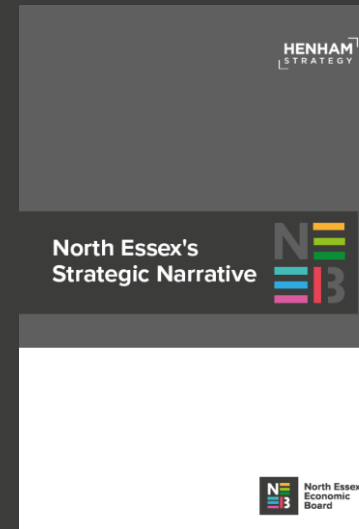
A thriving and inclusive region where all residents and businesses have the opportunity to contribute and prosper, exemplifying the region as a great place to live, work and visit.

# Implementation Plan – 2024 onwards

North Essex's Strategic Narrative sets out the key elements of a long-term plan that will lead to a significant and sustained increase in growth for North Essex.

This is targeted towards the specific needs of North Essex residents, which will assist in tackling wider problems associated with inclusion, communities, growth and inequalities of opportunities.

The NEEB Implementation Plan will ensure the strategic priorities can be achieved through a series of actions/interventions, which have been grouped into the four key strengths.





# Guiding Principals

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- The Action Plan collectively benefits all NEEB.
- Understanding the key incentives of each action to tailor it towards North Essex.
- Not every action identified will be applicable for all. Districts do not have to ‘join in’ every action.
- Decisions on budgets for projects and delivery will be discussed at the commissioning stage.

The delivery of the action plan is to add value to each district and strengthen our connection.

## Action Plan key

Indicative costs (to be calculated)		
£ - Low between £0 and £25,000		
££ - Medium between £25,001 and £100,000		
£££ - High between £100,001 and £250,000		
Short Term	Medium Term	Long Term
Within 12 months	1-5 years	5 years+

# Innovative Businesses and Skilled Residents

A resilient and outward-facing economy					
Link To Strategic Priorities	Action	Lead Organisation	Timescale	Funding /Source	What does success look like?
					Measure
<b>Auditing Digital Skills Programme</b>  Page 315	<b>Map existing skills provision.</b> Work with ECC Digital Inclusion Team to understand the skills landscape in North Essex. Using LSIP's, analyse the district skills gap and create a brief to present to local skills providers for course/qualification need intelligence.	NEEB LAs/ECC	Short/medium	NA	<ul style="list-style-type: none"> <li>Improved strategic opportunities through partnership working</li> <li>Increased provision of training and courses to match the need of the district</li> </ul>
	<b>ECC Business Intermediaries Forum</b> NEEB representative to join the forum to feedback to Steering Group.	ECC	Short	NA	<ul style="list-style-type: none"> <li>Increased business engagement.</li> <li>Informed service delivery</li> <li>Increased business support take up</li> </ul>
<b>Convening Local Business Support Organisations</b>	<b>North Essex Business Expo</b> North Essex business showcase to focus on facilitating connections, collaborations, and opportunities for local SMEs. With dedicated stands or booths, SMEs can showcase their offerings, engage with visitors and partners within their local business ecosystem.	NEEB LAs	Medium	£	<ul style="list-style-type: none"> <li>Economic growth</li> <li>Increased business engagement</li> <li>Increased take up of business support schemes</li> <li>Partnerships</li> <li>Business collaboration</li> </ul>
<b>Promoting North Essex to Graduates</b>	<b>Sector based job fairs</b> Each district to host a sector specific job fair to their region. Connecting skills to job opportunities.	NEEB LA's	Short/medium	£	<ul style="list-style-type: none"> <li>Improved support for high growth sectors</li> <li>Job creation</li> <li>Increased skills development in growth sectors</li> <li>Reduce unemployment</li> </ul>

# Innovative Businesses and Skilled Residents

A resilient and outward-facing economy					
Link To Strategic Priorities	Action	Lead Organisation	Timescale	Funding /Source	What does success look like?
					Measure
Page 316 Securing further R&D Investment	<b>Inward Investment campaign</b> Develop and promote the new place-based brand for North Essex which will be used to promote our rich economic opportunities to investor. Linking in with Extraordinary Essex work.	NEEB LAs/ECC	Short	£	<ul style="list-style-type: none"><li>Improved marketing</li><li>Increased inward investment</li><li>Job creation</li></ul>
	<b>Delivering the NEEB's 23/24 and 24/25 Business Support Programmes.</b>  Building on the success of previous business support programmes, the NEEB will deliver its business support programmes planned for 23/24 and 24/25.	Programme Manager/BDC	Medium	<b>Already funded</b>	<ul style="list-style-type: none"><li>Increased business engagement</li><li>Increased take up of business support scheme</li><li>Job creation</li><li>New business start ups</li><li>Jobs safeguarded</li><li>Improved productivity</li><li>Businesses receiving financial support</li></ul>

# Green and High Growth Economy

A forward-looking economy that utilises the diversity of its resources in a sustainable way

Link To Strategic Priorities	Action	Lead Organisation	Timescale	Funding /Source	What does success look like?
					Measure
Convening Green Businesses	<b>Green Opportunities for businesses</b> Identify opportunities to develop low carbon skills, education, training and employment opportunities and support ECC work.	NEEB LAs/ECC	Medium	NA	<ul style="list-style-type: none"> <li>Increased awareness of climate change issues</li> <li>Increased R&amp;D activity</li> </ul>
Page 317  Promoting North Essex's Green Potential	<b>NEEB 'Green credentials' website</b> Existing NEEB website used as the 'host' for green support. Downloadable travel plans, where to find grants. Monthly 'Green briefings' 15 minutes long on a green topic. Sustrains active/sustainable travel plans.	BDC/TDC	Short	£	<ul style="list-style-type: none"> <li>Increased awareness of sustainability</li> <li>Increased support to residents/businesses of green support</li> <li>Increased awareness of opportunities to become carbon neutral</li> <li>Increased sharing and recognition of best practice across businesses</li> </ul>
	<b>Understanding the green/net zero landscape.</b> Identify Funding needs and lobby government.	ECC NEEB LAs/ECC	Medium/Long	£	<ul style="list-style-type: none"> <li>Increased awareness of sustainability</li> <li>Increased awareness of opportunities to become carbon neutral</li> <li>Additional funding to businesses to 'green'</li> </ul>
Delivering Student Green Economy Engagement	<b>Engaging HE &amp; FE's to 'green courses' - North Essex Skills Board.</b> Create a skills board/link in with ECC plans across North Essex to link education and districts, promote working and good practice. Working with the Chamber to deliver LSIP's recommendations.	NEEB LAs/ECC	Medium	£	<ul style="list-style-type: none"> <li>Improved green skills provisions across North Essex</li> <li>Greater awareness of educational needs</li> <li>Awareness of green jobs potential to students</li> </ul>



# A Dynamic and Connected Region

A well-connected and digitally-linked region that provides residents with quick and reliable access to key services					
Link To Strategic Priorities	Action	Lead Organisation	Timescale	Funding /Source	What does success look like?
					Measure
<div> <div> Convening Local Transport Operators </div> <div> Page 318 </div> </div>	<b>Local transport plan – NEEB perspective</b> Gaps in district level provision, what is NEEB ambition - <i>top 5 transport/infrastructure asks?</i> Working closely with ECC to represent the North Essex landscape and increase connectivity with transport operators. Opportunities from North Essex devolution.	NEEB	Medium	£	<ul style="list-style-type: none"> <li>Improved rural connectivity</li> <li>Increased funding</li> <li>Improved strategic opportunities through partnership working</li> </ul>
	<b>Air quality designated area</b> Opportunities to leverage funding.	NEEB	Long	£	<ul style="list-style-type: none"> <li>Reduced carbon footprint</li> <li>Reduced CO2 levels</li> </ul>
Facilitating Effective EV Charging Roll-out	<b>Grants / ECC EV roll out</b> What is offered at district level? Map provisions of support/grants.	ECC	Medium	£	<ul style="list-style-type: none"> <li>Reduced carbon footprint</li> <li>Higher take up of electric vehicles</li> <li>Reduced CO2 levels through transportation</li> <li>Increased awareness of EV opportunities</li> </ul>
Leading Digital Infrastructure	<b>Lobby central gov for support to deliver rural digital connectivity (ECC Superfast Essex)</b>	NEEB LAs/ECC	Long	£	<ul style="list-style-type: none"> <li>Raised awareness of digital connectivity</li> <li>Improved opportunities for residents and businesses in rural areas of NEEB</li> <li>Partnership working</li> <li>Raised awareness of digital connectivity opportunities</li> </ul>
	<b>5G Innovation Zones</b> ECC bid submitted to DZIT for 5G innovation zone to cover Essex & Herts. NEEB has supported the bid and will support delivery where appropriate.	ECC/Herts/ NEEB LAs	Short/ medium	£	<ul style="list-style-type: none"> <li>Improved rural connectivity</li> <li>Increased funding</li> <li>Improved strategic opportunities through partnership working</li> </ul>

# Prosperous and Inclusive Communities

A thriving and inclusive region where all residents and businesses have the opportunity to contribute and prosper

Link To Strategic Priorities	Action	Lead Organisation	Timescale	Funding /Source	What does success look like?
					Measure
Developing a North Essex Pride in Place Evidence Base	<b>Co-ordinating young start-ups/young entrepreneurs</b> Support young entrepreneurship through the Young Entrepreneurs programmes. Supporting existing provision such as Princes Trust.	NEEB LA's/ECC	Medium	£	<ul style="list-style-type: none"><li>▪ New business start-ups</li><li>▪ Increased support for young business people</li></ul>
	<b>Pride of place surveys</b> Identify what is needed by residents. Exploring opportunities through thriving places. (existing survey data). Using thriving places index to help determine support.	NEEB	Short	£	<ul style="list-style-type: none"><li>▪ Improved resident health and wellbeing</li><li>▪ Pride of place (levelling up)</li><li>▪ Increased volunteering</li></ul>
Leading North Essex's Visitor Economy Promotion	<b>Business support for Tourism</b> Conduit for partnerships.	NEEB LAs/ECC	Short	£	<ul style="list-style-type: none"><li>▪ Economic Growth</li><li>▪ Increased jobs creation</li><li>▪ Support a struggling sector</li></ul>
	<b>Increase tourism across North Essex</b> 'Offer' trails etc to promote a continuous tourism journey. Online offers that move from one place to another to encourage sales.	NEEB/Comms Lead/Visit Essex	Short	£	<ul style="list-style-type: none"><li>▪ Improved marketing</li><li>▪ Increased inward investment</li><li>▪ Job creation</li></ul>

# Prosperous and Inclusive Communities

A thriving and inclusive region where all residents and businesses have the opportunity to contribute and prosper.

Link To Strategic Priorities	Action	Lead Organisation	Timescale	Funding /Source	What does success look like?
					Measure
Page 320 Conveying Local Third Sector Organisations	<b>Social enterprise</b> Supporting businesses with corporate social responsibility, linking businesses with charities and volunteering organisations.	NEEB	Long	£	<ul style="list-style-type: none"><li>Improved opportunities through partnership working</li></ul>
	<b>Inclusive business support</b> Each district to 'nominate/pick' a business park and introduce businesses to community support schemes to improve wellness. Working with Provide to support businesses with NHS health check and training available (e.g., mental health training).	NEEB LAs/Provide/NHS	Short	NA	<ul style="list-style-type: none"><li>Improved opportunities through partnership working</li><li>Improved health and wellbeing</li></ul>
Increasing Community Investment					

# NEEB Strategy four key delivery themes

Inclusive Business for Skilled Residents



## Skills & Sector support

- Opportunities that reflect North Essex's business and skills strengths.
- Seizing the opportunities associated with key growth sectors.



Green & High Growth Economy

## Young Entrepreneurs

Understanding young entrepreneurs' progression can support their personal aspirations and goals.



Dynamic & Connected Region

## Infrastructure

- NEEB – top 5 ask?
- Strategic partnerships enabling North Essex to be presented within strategic transport.



Prosperous & Inclusive Communities

## Inward Investment Campaign

Promoting North Essex's businesses and potential to attract inward investment.



North Essex  
Economic  
Board



# Next steps....

September 23

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**NEEB Board  
Members**

Member decision  
on Action Plan

October 23

**Strategy  
soft  
Launch**

Strategy adopted  
by NEEB LAs

November 23

**Action Plan  
Logistics**

- Budgets
- District spread
- Projects agreed

January 24

**Project  
programme**

Action Plan  
projects agreed  
and planned

April 24

**Delivery**

Delivery of  
identified projects



North Essex  
Economic  
Board



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## For further information



<https://neeb.org.uk/>



[NEEB@braintree.gov.uk](mailto:NEEB@braintree.gov.uk)



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## CABINET

10 NOVEMBER 2023

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### **A.5 CLAIM OF COSTS IN RESPECT OF DEVELOPMENT AT ST. JOHN'S NURSERY, CLACTON-ON-SEA**

##### **PART 1 – KEY INFORMATION**

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

To seek the Cabinet's decision on making a payment to the applicants for development at St. John's Nursery, Clacton-on-Sea following an award of costs by the Planning Inspector in deciding to overturn the Council's decision to refuse planning permission on appeal and finding the Council to have acted unreasonably.

###### **EXECUTIVE SUMMARY**

###### **Background**

Planning application Ref 21/01000/FUL, dated 3 June 2021 at 700 and 762 St Johns Road and St Johns Nursery, Clacton-on-Sea, Essex CO16 8BP was for demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units (mixed commercial units totalling 1,064 square metres with flats above), and roads, open space, drainage, landscaping and other associated infrastructure. This was refused by notice dated 18 May 2022 following a resolution by the Council's Planning Committee on 10<sup>th</sup> May 2022.

Subsequently, the decision was appealed under Appeal Ref: APP/P1560/W/22/3308647 and following a hearing held on 7<sup>th</sup> March 2023 was allowed by the Planning Inspectorate on 22<sup>nd</sup> March 2023 In addition, a full award of costs was granted by the Planning Inspector against the Council.

The Inspector allowed the application for an award of costs against Tendring District Council based on the Planning Practice Guidance (PPG), on 6 out of the 7 grounds, which permits costs to be awarded against a party that has acted unreasonably and caused the other party to incur unnecessary and wasted expenses in the appeal process.

On examination of both the Appeal Decision and Cost Decision (attached in full at Appendix 1 and 2) the Planning Inspectorate's reasons for a full award are summarised below.

- The Council's insistence on refusing planning permission based on outdated data for the Transport Assessment (TA), despite the applicant's submission of additional information that demonstrated the validity and robustness of the TA and failure to properly further survey data with the appeal related to traffic and highway safety grounds.



- The Council's lack of consistency in decision-making, as evidenced by their previous acceptance of a similar development on the same site in 2020, which utilised the same proposed access.
- The Council's failure to provide clear explanation or justification for a change in their approach to assessment, specifically regarding concerns related to light, vibration, and noise compared to the previous scheme and the appeal scheme.
- The Council's objections to the proposed development without proper consideration of how these concerns could be addressed through conditions, especially given the background provided by the previous 2020 scheme and the overall suitability of the location for development.

As a result of these actions, the Inspector found the Council to have acted unreasonably for its first and second grounds of refusal, and the remaining reasons for refusal could have been addressed prior to the grant of planning permission and ordered it to pay the full costs of the appeal proceedings to the applicants Kelsworth Limited. The Council has been invited to reach an agreement with the applicant regarding the amount of the costs; otherwise, the costs will be assessed in the Senior Courts Costs Office.

### **Cost Claim**

In conclusion, the sum of money being claimed by the applicants, reduced from a higher figure following challenge by Officers, currently stands at £101,886.00.

## **RECOMMENDATION(S)**

### **That Cabinet:**

- (a) agrees to pay the sum of £101,886.00 to Kelsworth Limited, in respect of its claim for costs, as ordered by the Planning Inspectorate on 22<sup>nd</sup> March 2023;**
- (b) subject to decision on a), notes that the above payment will be made from the budget for Planning Appeals Costs; and**
- (c) supports the outcome and impact of the Appeal Decision and costs Award being included within an annual report to Planning Committee on appeal decisions.**

## **REASON(S) FOR THE RECOMMENDATION(S)**

Failure to pay the award of costs will result in Tendring District Council being required to engage with the Senior Courts Costs Office that may result in reduced or increased costs. Any reduction of costs or increase in cost award would need to be balanced against the increase in costs to the Council to proceed further and defend any position. Officers are not able to find an adequate robust position for defence likely to reduce the cost claim sufficiently that would justify proceeding to the Senior Courts.

Failure to promptly pay the awarded costs would necessitate Tendring District Council's engagement with the Senior Courts Costs Office, potentially leading to adjustments in the costs awarded—either reduced or increased. It is crucial for the Council to carefully consider

the implications of such an action, weighing the possible reduction in costs against the potential expenses incurred in further defending its position.

After thorough examination that removed some costs, officers have been unable to identify a sufficiently robust defence that would likely result in a significant reduction of the cost claim, justifying the pursuit of the matter in the Senior Courts. The associated expenses and uncertainties involved in this course of action need to be taken into account.

In light of these considerations, it is advisable for the Council to evaluate the cost claim objectively and adhere to the awarded amount to avoid unnecessary complications and potential additional costs. Timely payment of the awarded costs will ensure a smoother resolution of the appeal process, bringing closure to the matter and minimising any further financial burden on the Council.

#### ALTERNATIVE OPTIONS CONSIDERED

Given the legal requirements, no alternative option to paying the award of costs or taking the claim to the Senior Courts is available.

### PART 2 – IMPLICATIONS OF THE DECISION

#### DELIVERING PRIORITIES

The Council's current (but soon to be updated) Corporate Plan 2024-28 identifies, under the heading of Strong Finances and Governance, a balanced budget and effective and positive governance as priorities. It also identifies effective regulation and enforcement under 'Delivering High Quality Services' and effective planning policies under the heading 'Building Sustainable Communities for the Future'. The outcome of this planning appeal and the award of costs against the Council demonstrates the potential implications of departing from established planning policies without suitable justification or evidence.

#### OUTCOME OF CONSULTATION AND ENGAGEMENT

N/a

#### 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	25 September 2023

		to the meeting date)	
X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
<p>The Planning Inspector's decision to award costs against the Council demonstrates the importance for decision makers on planning applications to base their decisions on grounds that are both defensible and reasonable. Significant costs can be incurred by both applicants and the Local Planning Authority, in defending their position on appeal and, if one party is found to have acted in an unreasonable manner in their approach they have taken, the Planning Inspectorate has the power, not only to overrule the authority's decision, but to also award costs to compensate for any wasted expenditure.</p> <p>It should be noted that the cost to the authority set out in this report represents only the unnecessary costs incurred by the appellants - it does not include the costs, including Officer time, to the Council in defending its position.</p>			
FINANCE AND OTHER RESOURCE IMPLICATIONS			
<p>Although subject to Cabinet's decision as highlighted within the recommendations above, an initial budget of £101,900 to respond to the costs associated with planning appeals was agreed by Cabinet on 6 October 2023 as part of the Financial Performance Report for Quarter 1 2023/24.</p> <p>This budget is therefore available to meet the cost set out in the recommendations above.</p>			
X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:		
<p>In terms of the wider impact on the Council's financial position, it is recognised that Local Authorities find themselves in very difficult circumstances in terms of managing the expectations from local residents against those of developers when major planning applications are considered. Although underpinned by key planning considerations such as those set out elsewhere in this report, exploring options to find the right balance will be important looking forward, especially given the Council's challenging financial position forecast over the coming years.</p> <p>If further costs arise from other potential planning appeal decisions during the remainder of the year, additional funding will need to be identified as the existing budget would be depleted by the costs set out in the recommendations above.</p>			
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;			
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and		The Planning Committee Reports do include a Finance Implications paragraph, which states Local Finance considerations are a matter to which local planning authorities are to have	

	regard in determining planning applications, as far as they are material to the application.
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.	
<b>MILESTONES AND DELIVERY</b>	
Would require immediate payment.	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
As outlined above.	
<b>EQUALITY IMPLICATIONS</b>	
None	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
None	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
None	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
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	None
Health Inequalities	None
Area or Ward affected	None

<b>APPENDICES</b>
Appendix 1. Appeal Decision Appendix 2. Costs Decision

<b>REPORT CONTACT OFFICER(S)</b>	
Name	John Pateman-Gee
Job Title	Head of Planning and Building Control
Contact:	Email: <a href="mailto:jpateman-gee@tendringdc.gov.uk">jpateman-gee@tendringdc.gov.uk</a>



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## Appeal Decision

Hearing held 7 March 2023

Site visit made on 7 March 2023

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 March 2023**

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**Appeal Ref: APP/P1560/W/22/3308647**

**700 and 762 St Johns Road and St Johns Nursery, Clacton On Sea, Essex CO16 8BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Kelsworth Limited against the decision of Tendring District Council.
  - The application Ref 21/01000/FUL, dated 3 June 2021, was refused by notice dated 18 May 2022.
  - The development proposed is demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units (mixed commercial units totalling 1064 square metres with flats above), and roads, open space, drainage, landscaping and other associated infrastructure.
- 

### Decision

1. The appeal is allowed, and planning permission is granted for demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units (mixed commercial units totalling 1064 square metres with flats above), and roads, open space, drainage, landscaping and other associated infrastructure, at 700 and 762 St Johns Road and St Johns Nursery, Clacton On Sea, Essex CO16 8BP in accordance with the terms of the application, Ref 21/01000/FUL, dated 3 June 2021, subject to the conditions set out in the schedule at the end of this decision.

### Preliminary Matters

2. Planning permission was partly refused on the basis that the Transport Assessment (TA) submitted with the application was insufficient to demonstrate that the proposal would not have a severe impact on highway safety, or the local road network. The underlying concern was the age and timing of the survey data which informed the TA. Further survey work was subsequently undertaken by the appellant and submitted with the appeal. Though the Council failed to acknowledge this evidence when preparing its own statement, it confirmed at the Hearing that the new data had addressed its concern. Except in relation to costs, the matter was not therefore the subject of further dispute between the main parties at the Hearing.

3. Planning permission was also partly refused due to the lack of a dormouse survey, and a Section 106 agreement securing a range of obligations. Again, the Council has confirmed that a survey submitted with the appeal addresses its concern in relation to dormice, whilst the other matters are addressed by the submitted Unilateral Undertaking (UU). I shall therefore consider these and the above matters only to the extent that they remain relevant below.
4. An application for costs was made by Kelsworth Limited against Tendring District Council. This application is the subject of a separate Decision.

### **Main Issue**

5. The main issue is the effect of the development on the living conditions of the occupants of 698 and 702 St Johns Road in relation to (a) noise, (b) vibration and (c) light.

### **Reasons**

#### *Background*

6. The Council's objections in relation to noise, vibration and light all relate to the proposed access road between Nos 698 and 702 and the future movement of vehicles along it. These were not however grounds for objection to a proposed 195-dwelling scheme on the same site that was dismissed at appeal in 2020 (the 2020 scheme). The current scheme features an access road in the same location. As the same amount of commercial floorspace is proposed as in the 2020 scheme, but less dwellings, fewer vehicle movements would be generated. Logically therefore, any effects of the current scheme in relation to noise, vibration and light would be less than those of the 2020 scheme. In this regard no objection to the appeal scheme was raised by the Council's Environmental Health Officer.

#### *(a) Noise*

7. The 2020 scheme was supported by a noise assessment, and a revised noise assessment has been submitted with the current appeal. This demonstrates that the occupants of Nos 698 and 702 would experience change, but that this would not be sufficient to give rise to an unacceptable effect upon their living conditions, either externally or internally. Insofar as this finding is subject to the boundaries along the access road being screened by timber fencing, greater protection would be provided by the masonry walls proposed.
8. The Council's case both is and was not supported by any specialist rebuttal of the noise assessment. Though aspects of the noise assessment were queried, these queries were in part based on a misunderstanding of its scope and required content.
9. Concerns that the access would see heavy use by HGVs are not otherwise reflected in the mix of uses that would be accommodated within the site, and which could be controlled by condition. Further concerns that incorporation of a traffic calming measure on the access road would generate increased vehicular noise through stopping and starting, are not supported by the modelling of vehicle movements. Moreover, as the Highways Authority is open to the proposed chicane being swapped for a raised table, scope exists to identify and to install the most noise sensitive measure. This can be secured by condition.

10. For the above reasons I am satisfied that no unacceptable harm would arise to occupants of Nos 698 and 702 in relation to noise.

*(b) Vibration*

11. The Council confirmed at the Hearing that it had no evidence or further comment to make in relation to vibration. I have therefore been presented with no reason whatsoever to conclude that future use of the access road would cause harmful vibration within Nos 698 and 702.

*(c) Light*

12. Insofar as the plots occupied by Nos 698 and 702 could be subject to an increased level of light intrusion from streetlights and headlights, the proposed boundary walls would be effective in blocking much of this light. The remainder could be satisfactorily addressed by design measures secured by condition, as was proposed by officers. In the absence of any evidence to the contrary, I therefore again find that no unacceptable harm would arise to occupants of Nos 698 and 702 in relation to light.

*Conclusion*

13. For the reasons outlined above I conclude that the effects of the proposed development on the living conditions of occupants of 698 and 702 St Johns Road in relation to noise, vibration and light, would be acceptable. The development would therefore comply with Policy SPL 3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 2022 (the LP2), which amongst other things requires that development will not have a damaging impact on the amenities of occupiers of nearby properties, and that any additional road traffic arising will not cause unacceptable levels of noise or vibration.

**Other Matters**

*Interested parties*

14. Interested parties have raised various concerns in relation to traffic generation and congestion. This includes cumulative effects in relation to other developments which either have been or which may be approved within the locality, seasonal variation, and safety. These concerns are broadly similar to those raised by the Council's Committee when the application was determined. As noted above, the appellant has submitted further survey and interpretive data with the appeal which both confirms the findings of the TA submitted with the application, and demonstrates that the development would have no unacceptable impact on the safe and efficient functioning of the highway.
15. Interested parties have additionally raised concern that occupants of existing dwellings facing onto St John's Road would see their privacy harmed by development to their rear. However, given that these dwellings all have reasonably long back gardens, generous separation distances would be achieved, thus limiting scope for overlooking. The boundary walls to be constructed either side of the access road would additionally limit any scope for public views into the gardens of Nos 698 and 702.
16. Though interested parties have questioned the appropriateness of the location, the site lies within the Clacton Settlement Development Boundary, which provides a general indication of its suitability for the proposed development.



### *Habitats sites*

17. The site lies within the zone of influence of the Colne Estuary Special Protection Area (SPA) and Ramsar, the Blackwater Estuary SPA and Ramsar, the Dengie SPA and Ramsar, and the Essex Estuaries Special Area of Conservation (together the habitats sites). Considered in combination with other plans or projects the development would have a likely significant effect on the integrity of the habitats sites due to the increased population that the additional dwellings would support, and the associated generation of recreational activity. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) an Appropriate Assessment is therefore required.
18. The designation of the habitats sites relates to the range of protected priority species that they support together with their habitats. In this context the habitats sites hold particular importance in relation to birdlife. Where available, conservation objectives seek to maintain or restore integrity, including that of qualifying features. Harm arising from increased recreational activity within the designated areas would be at odds with these objectives.
19. The Council's mitigation strategy is set out within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (RAMS). This comprises a range of strategic mitigation projects funded by developer contributions. The appellant has additionally proposed promotion of local footpaths and a circular walking route. Natural England has confirmed that a contribution provided in line with the RAMS, together with promotion of local walking routes would deliver mitigation.
20. Whilst promotion of local walking routes can be secured by condition, the UU contains an obligation securing payment of the required contribution. In light of the RAMS and my findings above I am satisfied that the obligation passes the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the National Planning Policy Framework (the tests). This allows me to conclude that the development would not adversely affect the integrity of the habitats sites, and that the scheme would comply with Policy SP2 of the North Essex Authorities' Shared Strategic Section 1 Plan, which supports application of the RAMS.

### *Other obligations*

21. The UU secures the provision of the proposed live-work units and 10% on-site affordable housing. This satisfies the requirements of Policy LP5 of the LP2.
22. Other obligations secure the provision and subsequent management of on-site public open space, including an equipped play area. This serves to address demand that will generated by the development, meeting the requirements of Policy HP5 of the LP2.
23. Contributions towards the costs of providing additional capacity within local GP facilities, upgrading existing facilities at the local library, and providing additional early years and childcare places, are also secured. Each would again directly service demand generated by the development, as informed by national and regional guidance relating to healthcare, the Essex County Council Developers Guide to Infrastructure Contributions 2020 (the Guide), and in accordance with the provisions of Policies HP1 and PP12 of the LP2.

24. Finally, and subject to a further Highways Agreement, the UU contains obligations securing the improvement of 3 nearby bus stops and upgrading of the pavement linking the site access to Earls Hall Drive. A subsidy of the local bus service is also secured, the level of which has been calculated on proportionate basis relative to the scale of the development. Though I have not been provided with the full details of the way in which the contribution has been calculated, neither party has given me cause to question its validity. Each of the above, together with a further obligation to provide and fund the monitoring of a Travel Plan, would promote sustainable modes of travel for future occupants. This would be in line with Policies CP1 and CP2 of the LP2, as informed by the Guide.
25. I am satisfied that all the above obligations above pass the tests.

#### *Bats*

26. Two roosts supporting common species of pipistrelle bats have been identified within one of the buildings on site. A European Protected Species License (EPS License) would therefore be required before demolition of the building could occur. Having regard to the licensing tests, I can see no likely impediment to an EPS License being granted. Mitigation measures have otherwise been proposed and can be secured by condition.

#### **Conditions**

27. Conditions (1) and (2) are standard conditions setting out the time period for commencement of the development and identifying the approved plans for sake of certainty.
28. Conditions (3) and (4) are imposed to address the range of potential contamination risks which have been identified on site, in the interests of public health and safety. Condition (3) is required to be pre-commencement given that risks may arise from the point at which the development is commenced.
29. Condition (5) requires provision of a Construction Management Plan, which, having regard to the scale of the development, is imposed in the interests of safeguarding the amenity of occupants of adjacent dwellings. The criteria include some necessary potential for overlap with Condition (3), and do not cover off-site matters in relation to which scope for enforcement is uncertain. The condition is again required to be pre-commencement given that adverse effects may arise from the point at which the development is commenced.
30. Condition (6) secures a scheme of archaeological work given that the site has been identified as holding potential, and the resource will most likely be lost in its absence.
31. Conditions (7) and (8) secures works in accordance with submitted statements in relation to ecology and trees, thus helps to avoid adverse impacts in relation to each.
32. Condition (9), which combines 3 suggested conditions, requires provision of a surface water drainage scheme, thus helping to ensure that the development is properly drained.
33. Condition (10) requires construction of walls along the side boundaries with Nos 698 and 702, which will mitigate the effects of increased noise.

34. Condition (11) requires the provision/maintenance of a visibility splay at the site access in the interests of highways safety.
35. Condition (12) secures a landscaping scheme, which includes boundary treatments, and Condition (13) approval of building materials/details. Each further incorporates provisions relating to biodiversity enhancement. The conditions will thus help to ensure high standards of design and amenity, and biodiversity value.
36. Condition (14) requires the provision of details of how energy efficiency and the use renewable energy will be maximised within the development. This meets the requirements of Policy PPL 10 of LP2. Though the Council had proposed a condition requiring that 20% of future energy needs would be provided renewable energy, no explicit policy basis for this has been identified.
37. Condition (15) requires provision of a lighting scheme, which is necessary both in the interests of bats, and avoidance of intrusion upon occupants of existing and proposed dwellings.
38. Condition (16) combines 2 proposed conditions relating to the construction and delivery of highways works within the development, together with a number of minor modifications to the submitted scheme. This will ensure timely delivery to a suitable standard, in the interests of highway safety.
39. Condition (17) combines 3 proposed conditions covering the provision of cycle storage/parking facilities, vehicular parking spaces/garaging, and refuse storage facilities. This is in the interests of ensuring that the development caters for the parking demand that it will generate, supports sustainable modes of travel, and general amenity.
40. Condition (18) secures the provision of information leaflets to new occupants promoting local footpaths, in line with the requirements of the AA.
41. Condition (19) is imposed to restrict the use of the live-work units. This is in order to both safeguard the amenity of future occupants, and to ensure that an element of commercial activity is retained within the development.
42. There is no need for a condition requiring installation of EV charging points as this is covered by the Building Regulations. There is also no reason to require details of the development's connection to the sewer network, as this is not in doubt. Insofar as separate conditions controlling hours of work, burning of waste and surface water runoff during construction have also been proposed, these are all addressed within the context of Condition (5).
43. I have not imposed a condition requiring a biodiversity enhancement plan, but instead incorporated various measures proposed within the submissions into Conditions (12) and (13). I have also not imposed a condition requiring finished floor levels, as the site itself is fairly flat, and likely to remain so.

## **Conclusion**

44. For the reasons set out above I conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified in compliance with the conditions below the development hereby permitted shall be carried out in accordance with the following approved plans: PL AAB-01 D; PL AAB-02; PL AAB-03 B; PL AAB-04 C; PL AAB-05; PL AC-01 E; PL AC-02 B; PL AC-03 B; PL DE-01 B; PL ADE-02 A; PL ADE-03 A; PL ADE-04 A; PL ADE-05; PL LW-01 C; PL LW-02 A; PL LW-03 A; PL LW-04 B; PL 2A-01 A; PL 2A-02; PL 3A-01 C; PL 3A-02 A; PL 4A-01 C; PL 4A-02 A; PL 4A-10 A; PL 4A-11 A; PL 4A-12 A; PL 4A-20 A; PL 4A-21; PL 5A-01 A; PL 5A-02 A; PL 3B-01 A; PL 3B-02; PL 3B-10 C; PL 3B-11; PL 3B-21; PL 3B-20 B; PL 4B-01 C; PL 4B-02 B; PL 5B-01 A; PL 5B-02 A; PL 5B-03 A; PL 3C-01 A; PL 3C-02; PL 3C-10 D; PL 3C-11; PL 3D-20 D; PL 3D-21 A; PL 3D-22; PL 3D-23; PL 3E-01 C; PL 3E-02 A; PL 3E-03 A; PL 0001 B; PL 0100 B; PL 1000 P; PL 1001 H; PL 1002 H; PL 1003 L; PL 1004 M; PL 1030 K; 1040 F; 1041 E; PL 1050 E; PL 1060 E; PL 1070 E; 21.5142.01 A.
- 3) The development hereby permitted shall not commence until a scheme addressing the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise:
  - a) a revised preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources; pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
  - b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) the results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken.
  - d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.The scheme shall then be implemented as approved.
- 4) Any contamination that is found during construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 5) The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall cover:
  - a) hours of work;
  - b) locations/arrangements for parking by site operatives and visitors;



- c) locations/arrangements loading and unloading of plant and materials;
- d) arrangements for access to/from the site;
- e) locations/arrangements for storage of plant, materials and waste;
- f) details of the erection and maintenance of security hoardings and lighting;
- g) measures to be taken to control the emission and spread of dust, dirt and mud during demolition and construction works;
- h) measures to be taken to control noise and vibration during demolition and construction works;
- i) measures to minimise surface water run-off during demolition and construction works; and
- j) arrangements for disposal of construction and demolition waste, including measures to maximise recycling.

The development shall then be implemented in accordance with the approved plan.

- 6) No excavation/groundworks shall be undertaken on site in relation to the development hereby permitted, until a Written Scheme of Investigation setting out a timetabled programme of archaeological work, including arrangements for post-excavation analysis, publication and archiving, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme.
- 7) The development hereby permitted shall be carried out in accordance with the Precautionary Method Statement set out within the Extended Phase 1 Update Survey Report with Protected Species Surveys dated Oct 2021; the mitigation measures set out in relation to bats within the Protected Species Report Addendum dated Dec 2022; and the measures set out in relation to non-native lizards also set out within the latter.
- 8) The development hereby permitted shall be carried out in accordance with the recommendations set out within Section 8 of the submitted Arboricultural Impact Assessment dated 3 June 2021.
- 9) Construction of the development hereby permitted shall not commence until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by an assessment of the potential for disposing of surface water by means of a sustainable drainage system, the results of which shall be provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted scheme shall:
  - a) provide fully evidenced details of the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - b) include a timetable for implementation; and,
  - c) provide, a management, maintenance and monitoring plan, including details of arrangements to secure the operation of the scheme throughout the lifetime of the development.

The approved scheme shall then be implemented in accordance with the timetable, and shall thereafter be managed in accordance with the managed, maintenance and monitoring plan.

- 10) Prior to the construction of the access road hereby permitted, masonry walls shall be built along the adjacent boundaries with 698 and 702 St John's Road in

accordance with design and construction details which have first been submitted to and approved in writing by the Local Planning Authority.

- 11) Prior the first use of the new access onto St John's Road hereby permitted a clear to ground visibility splay of 2.4 metres by 120 metres shall be provided in both directions. The splay shall thereafter be retained and kept free from obstruction at all times.
- 12) Prior to commencement of construction above slab level of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall cover/include:
- a) a design rationale;
  - b) surfacing materials;
  - c) boundary treatments, including measures to facilitate the free movement of hedgehogs;
  - d) a scheme of planting, whose specification shall maximise long term biodiversity value; and
  - e) a timetable for implementation.

The approved landscaping scheme shall then be implemented in accordance with the approved timetable. Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years thereafter shall be replaced in the next planting season with others of a similar size and species.

- 13) Prior to commencement of construction above slab level of the development hereby permitted, a detailed specification of the materials to be used in the construction of all external building surfaces shall be submitted to and approved in writing by the Local Planning Authority, together with details of the provision of in-built features to support nesting/roosting by bats and birds. The development shall then be implemented in accordance with the approved specification.
- 14) Prior to the commencement of construction above slab level of the development hereby permitted, a Renewable Energy Generation Plan shall be submitted to and approved in writing by the Local planning Authority. The plan shall set out the measures that will be incorporated into the design, layout and construction of the development aimed at maximising energy efficiency and the use of renewable energy. The development shall then be carried out in accordance with the approved plan.
- 15) Prior to the commencement of construction above slab level of the development hereby permitted, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate how the type, design, location and operation of all external lighting to be installed within the development will:
- a) not cause any avoidable intrusion to existing and proposed residential dwellings; and
  - b) be sensitive to bats.
- External lighting shall then be provided and shall thereafter be operated in accordance with the approved scheme.
- 16) Prior to the commencement of construction above slab level of the development hereby permitted, construction details relating to the highways works shown on approved plan PL 1000 P, together with a timetable setting out their phased delivery, and including:
- a) provision of a hardened forward visibility splay of 25 metres on each corner;

- b) continuation of the 2-metre-wide footway between plots 94 and plot 97;
  - c) extension of the raised table to include the drive to plot 173;
  - d) location of speed-restraint measures at maximum 60 metre intervals starting within 50 metres of the entry junction or zone; and
  - e) switching of the build-out on the access road to the opposite side, or modification to a raised table, whichever has least effect in relation to vehicles stopping and starting;
- shall be submitted to and approved in writing by the Local Planning Authority. The highways works shall then be provided in accordance with the approved construction details and timetable.

- 17) Prior to the first occupation of each of the dwellings and live-works units hereby permitted the related cycle storage/parking facilities; vehicular parking spaces/garaging; and refuse storage facilities shown on the approved plans shall be provided and made available for the storage/parking of cycles, the parking of vehicles, and storage of refuse respectively. The cycle storage/parking facilities, vehicular parking spaces/garaging, and refuse storage facilities shall thereafter be retained and kept available for such uses at all times.
- 18) Prior to the first occupation of the development hereby permitted, details of information leaflets to be distributed to new householders highlighting the location of local footpaths and areas of green space, including nearby country parks, shall be submitted to and approved in writing by the Local Planning Authority. The approved leaflet shall be provided to all new households.
- 19) Notwithstanding the provisions of Class E of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) use of the live-work units hereby permitted shall be restricted to uses within Class E(c) and Class E(g) at ground and first floor levels, and no other use, without express permission of the local planning authority.

## **APPEARANCES**

### **For the Appellant**

Stuart Berry	Entran Ltd
Richard Fitter	Entran Ltd
Richard Humphreys KC	No 5 Chambers
Michael Robinson	e3 Design

### **For the Council**

John Pateman-Gee	Planning Manager
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### **Interested parties**

Ray Crosier	Local resident
Michael Talbot	District Councillor

### **Documents presented at the Hearing**

Council's Costs response



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## Costs Decision

Hearing held 7 March 2023

Site visit made on 7 March 2023

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 March 2023**

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**Appeal Ref: APP/P1560/W/22/3308647**

**700 and 762 St Johns Road and St Johns Nursery, Clacton On Sea, Essex CO16 8BP**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The appeal is made by Kelsworth Limited for a full award of costs against Tendring District Council.
  - The appeal was against a refusal of the local planning authority to grant planning permission for demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units (mixed commercial units totalling 1064 square metres with flats above), and roads, open space, drainage, landscaping and other associated infrastructure.
- 

### Decision

1. The application for an award of costs is allowed in the terms set out below.

### Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant asserts that the Council acted unreasonably on a number of grounds which I summarise as:
  - a) preventing or delaying development which should clearly be permitted;
  - b) not reviewing the case promptly following the lodging of an appeal;
  - c) making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis;
  - d) failure to produce evidence to substantiate each reason for refusal on appeal;
  - e) not determining similar cases in a consistent manner;
  - f) persisting in objections to a scheme which an Inspector has previously indicated to be acceptable; and
  - g) refusing planning permission on a planning ground capable of being dealt with by conditions.

*Reason for refusal 1*

4. As set out in my main Decision, the Council confirmed at the Hearing that its reason for refusal on traffic and highway safety grounds had been addressed by the applicant's submission of further survey data with the appeal. The Council had however completely overlooked this data when preparing its own statement of case, thus triggering a further response from the applicant. Whilst the hearings timetable does not provide the opportunity for such a response, it was nonetheless reasonable in the absence of proper acknowledgement of the grounds of appeal. The Council's failure to properly read the applicant's appeal statement, as too its suggestion that the applicant should have prompted it to do so, both was and is unreasonable.
5. The Council nonetheless maintains that it was correct to refuse planning permission based on the age of the data on which the Transport Assessment (TA) was based. This it claims was out of date. However, the further information submitted with the appeal not only demonstrated that the TA was valid, but robustly so. Insofar as the validity of the TA, the data upon which it was based, and the methodology used had otherwise been clearly explained to Committee members by an officer from the Highways Authority, the provision of this further survey data should not have been necessary. Committee members are not bound by officer recommendations, however this does not mean that expert opinion and evidence can be set aside without good reason. As none has been given, the assertion that the TA was not sufficient to demonstrate the acceptability of the scheme was unreasonable.
6. The fact that as recently as 2020 (the 2020 scheme), a similar, albeit slightly larger development on the same site, utilising the same proposed access, had been found acceptable by an Inspector on traffic and highway safety grounds, should also have been taken as an indication of the acceptability of the proposed development. The Council's failure to take proper account of this previous decision was again unreasonable.
7. I thus find that in relation to the first reason for refusal of planning permission the Council acted unreasonably on Grounds (b), (c), (d) and (f).

*Reason for refusal 2*

8. As is again set out in my main Decision, the Council did not object to the 2020 scheme on the basis of light, vibration or noise. Consequently, they were not matters considered within the context of the related appeal. Though the Council claims that they remain legitimate areas of concern, it has failed to provide any clear explanation or justification for the apparent change in its approach to assessment. Given the above, these matters cannot have been reasonably anticipated as being grounds for objection by the applicant. The Council's lack of consistency in decision making was indeed unreasonable.
9. At the Hearing the Council provided no evidence or further comment in relation to light and vibration. In relation to vibration the Council's case was therefore wholly unsubstantiated, and its objection thus unreasonable.
10. In relation to light and noise, the likely existence of some impact on the occupants of dwellings either side of the proposed access road would be an obvious consequence of the development. Noise was however a matter that had been previously addressed in evidence in relation to the 2020 scheme, and

officers indicated that impacts in relation to both noise and light could be made acceptable by condition. Further scope for sensitivity in relation to street lighting was outlined by the Highways Authority at the Committee meeting. Again, Committee members were entitled to place greater weight on identified harm than had officers. However, in the absence of any reason why this could not be suitably addressed by proposed conditions, particularly when taking into account the background provided by the 2020 scheme, and the broader acceptability of the location for development, refusal on such grounds was unreasonable.

11. I thus find that in relation to the second reason for refusal of planning permission the Council acted unreasonably on Grounds (c), (d), (e) and (g).

*Remaining reasons for refusal*

12. Had the Committee not resolved to refuse planning permission for reasons 1 and 2, the applicant would have been invited to provide a Section 106 agreement (S106) prior to planning permission being granted. The Committee Report also states that a dormouse survey could be obtained at this point, albeit this was omitted from the recommendation. The addition of reasons for refusal based on the lack of a S106 and dormouse survey therefore simply followed on from identification of reasons for refusal 1 and 2. In this regard I have been given no reason to believe that these matters would not have been addressed prior to the Council granting planning permission had this been the Council's resolution. They have instead been addressed at appeal.

*Summary*

13. My findings above indicate that the Council's first and second reasons for refusal were unreasonable, and that following the Council's normal procedures, its remaining reasons for refusal could all have been addressed prior to a grant of planning permission. That being so, and with further reference to Ground (a), the Council's refusal of planning permission was itself unreasonable.

**Conclusion**

14. For the reasons set out above I conclude that unreasonable behaviour resulting in wasted expense as described in the PPG has been demonstrated, and that a full award of costs is justified.

**Costs Order**

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Tendring District Council shall pay to Kelsworth Limited the full costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
16. Kelsworth Limited is now invited to submit to Tendring District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*Benjamin Webb*

INSPECTOR



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## CABINET

10 NOVEMBER 2023

### REPORT OF PORTFOLIO HOLDER FOR HOUSING & PLANNING

#### **A.6 CONSIDERATION/ADOPTION OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY**

##### **PART 1 – KEY INFORMATION**

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

To request that Cabinet considers and, if satisfied, adopts a comprehensive and cohesive taxi and private hire policy recommended to it by the Licensing and Registration Committee on 16 October 2023. This proposed Taxi / Private Hire Policy is set out at Appendix A to this report.

The proposed Taxi / Private Hire Policy is submitted following a recent 8 week period of consultation on the Statement and consideration of the findings from that consultation by the Licensing and Registration Committee. Prior to that consultation, there has been an extensive programme of activity to develop the draft Policy and engage with stakeholders. Hackney Carriage and Private Hire Policy is a matter for the Council's Executive (Cabinet) and so the Portfolio Holder for Planning and Housing (who has licensing policy in his portfolio) has been engaged in the process leading to this point.

###### **EXECUTIVE SUMMARY**

The Licensing and Registration Committee, at its meeting on 16 October 2023, approved the submission of the Statement of Taxi / Private Hire Policy set out at Appendix A to this report for the consideration and adoption by Cabinet following the outcome of consultation. Set out below is a brief resume of the process of the review at this Council leading to this point.

The initial element of the work in regard to the development of the Taxi / Private Hire Policy was to consider the Department for Transport's best practice guide to Councils in respect of this area of licensing. The most recent issued version of that guidance dates to 2010. However, in 2022, Government issued its own consultation on possible revisions to that best practice guidance. This consultation documentation was also reviewed in the drafting of the Taxi / Private Hire Policy developed at this Council. The Government has not issued its response to the consultation which concluded on 22 June 2022. If, and when, a new Government best practice guidance is issued, it would be appropriate to review this Council's Taxi / Private Hire Policy.

The Licensing and Registration Committee on 8 March 2023 itself considered comments received to an initial consultation exercise undertaken between December 2022 to February 2023. The focus of that consultation was on potential measures identified in the Government's national consultation on best practice and considering the position locally on the questions raised in the national consultation. It also looked at local policies.

Following the March 2023 meeting, and based on the outcome of that meeting, a draft Taxi / Private Hire Policy was developed and submitted to the Committee's meeting 24 July 2023.

That Committee meeting then authorised consultation on the draft Taxi / Private Hire Policy. That consultation took place between July and September 2023.

The outcome of that most recent consultation was considered by the Licensing and Registration Committee on 16 October 2023. It was mindful of that consultation outcome that the finalised version of the Taxi / Private Hire Policy was approved for submission to Cabinet.

A key impetus towards the development of a cohesive licensing policy in this area has been the statutory taxi and private hire vehicle standards, issued by Government in July 2020. By virtue of Section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the standards issued by Government, and requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

In referencing licensing policies for taxi and private hire services, in the statutory taxi and private hire vehicle standards, it reads:

***“The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.***

***When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings.”***

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

It is recommended that:

- (1) As proposed by the Licensing and Registration Committee, Cabinet:**
  - a) Approves the final draft statement of Taxi / Private Hire Policy, as set out in Appendix A, for adoption and publication.**
  - b) Authorises Officers to develop (over the coming months) and implement a programme to bring the policy positions in the approved Statement references in a) above into operation; and**
- (2) Authorises Officers to make minor amendments to the Taxi / Private Hire Policy to take account of such matters as legislative changes and Government Guidance on taxi and private hire licensing.**

#### **REASON(S) FOR THE RECOMMENDATION(S)**

The development of a cohesive licensing policy reflects the recommendations from the Department for Transport as set out in its ‘Statutory Taxi and Private Hire Vehicle Standards’ (July 2020). The steps outlined in the recommendations above seek to support the Cabinet in good decision making in this area of licensing and, in this regard, recognise the legitimate rights of existing licensees to continue to hold their licences and the role of the Council in undertaking its regulatory role in relation to Hackney Carriage and Private Hire services. The

proposed draft policy builds upon two consultation periods to the development of the draft policy. As such, the Council has sought to engage with stakeholders at key formative stages of the development of this Policy (now submitted).

## **ALTERNATIVE OPTIONS CONSIDERED**

There is no good reason identified to depart from the recommendation to the Council from the Department for Transport review its Taxi Licensing Policy and develop a cohesive statement of policy in this area of licensing. In so far as the draft policy sets out how the Council, as licensing authority, will exercise its discretion, the alternatives were considered at the 8 March, 24 July and 16 October 2023 meetings of the Licensing and Registration Committee.

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

### **DELIVERING PRIORITIES**

While recognising that the primary and overriding objective of the licensing framework for hackney carriage and private hire services must be to protect the public, the proposed comprehensive Taxi / Private Hire Policy would support the following themes from the Council's Corporate Plan 2020-24:

- Delivering High Quality Services: Effective regulation and enforcement
- Community Leadership through partnerships: Law and Order - for a safer community
- Strong Finances and Governance: Effective and positive Governance.

Due regard has also been given to the emerging themes for the Corporate Plan 2024-28 which were the subject of consultation across the period of development of the draft policy set out in this report and its attachments.

### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

The Taxi / Private Hire Policy submitted to Cabinet by the Licensing and Registration Committee (at its meeting of the 16 October 2023) followed public consultation across July-September 2023. As part of that public consultation, the below were written to inviting them to comment on the draft policy:

- All licenced Hackney Carriage and Private Hire Drivers
- All vehicle licence holders
- All licenced Private Hire Operators
- All applicants with pending Hackney Carriage/Private Hire applications
- DVSA and ROSPA
- A range of partner organisations such as in health, universities and community groups (including Citizens Advice Tendring, Community Voluntary Service Tendring and Age UK) and business organisations such as the Federation of small businesses and local business associations of Clacton, Frinton and Manningtree.
- Responsible Authorities
- Essex County Council Child Protection Unit, School Contracts and Trading Standards.
- Essex Police
- Institute of Licensing
- A range of licence holders of local premises licences (including pubs, off-licences, late night refreshment premises and night time economy)



In addition to the consultation letters, the Licensing Team visited the taxi ranks and offices within the District handing out copies of the policy and consultation survey to encourage the trade to voice their opinions.

Using this link, the outcome of the consultation leading to the recommendation now being considered by Cabinet can be reviewed:

[Licensing and Registration Committee – 16 October 2023 \(Minute 19\)](#)

#### **LEGAL REQUIREMENTS (including legislation & constitutional powers)**

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>YES/NO</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<input checked="" type="checkbox"/> <b>Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>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)</b>	14 September 2023- Adoption of Taxi (Hackney Carriage & Private Hire) Policy

The primary pieces of legislation for taxi and private hire matters are set out in the Town Police Clauses Act 1847 ('the 1847 Act') and the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act').

Section 37 of the 1847 Act sets out the power to licence 'vehicles' ('wheeled carriages') as Taxis (Hackney Carriages). Section 40 of the 1847 Act requires an application for a Taxi vehicle licence (a signed requisition). Section 46 of the 1847 Act requires drivers of Taxis to have a licence (from the same body that licences the Taxi vehicle). Section 50 of the 1847 Act establishes the power to suspend or revoke a Taxi driver or vehicle licence. Section 47 of the 1976 Act permits the Council to attach conditions to Taxi Vehicle Licence.

Section 46 of the 1976 Act states that vehicles used for private hire need a licence as do those who drive them and who operate them. Section 48 of the 1976 Act provides a power to issue a private hire vehicle licence to suitable, safe, comfortable and insured vehicles (as long as by design and appearance they are distinct from Taxis). Section 48 also provides a power to attach conditions to a private hire vehicle licence.

Sections 51 (taxi drivers) and 59 (private hire drivers) states that licences can be granted if the applicants are fit and proper, have held a Full DVLA (or equivalent) driving licence for at least 12 months and is not disqualified under immigration rules.

By virtue of Section 55 of the 1976 Act private hire operator licences can be issued if the applicants are fit and proper and is not disqualified under immigration rules.

Section 47 of the 1976 Act empowers a Council to require applicants for taxi and private hire vehicle, driver and operator licences to submit information it reasonably considers necessary to determine the application. For drivers, this provision can include medical assessment,

knowledge test and suitability test results, criminal record/caution details held by the disclosure and barring service and test results from driving assessments and child sexual exploitation awareness.

Private hire operators are those who allocate private hire vehicles and drivers in response to pre-booked journey bookings made with the operators by the public/businesses. Taxis undertaking pre-booked journeys do not need to have the booking made through an operator.

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

The report sets out the relevant provisions. Any and all decisions concerning the implementation of the policy will follow the Council's decision making protocols; including those concerning publication of those decisions.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

The cost of the activity in support of developing the comprehensive Taxi / Private Hire Policy (in terms of production, and publication) will be met from the current service budget.

In the course of the development of the Policy, notice was served on the Council by the Disclosure and Barring Service that the Council's Registered Body Status was to be withdrawn as there was less than 100 disclosures sought directly by the Council each year. These direct disclosures relate solely to Hackney Carriage and Private Hire Drivers. Staff disclosures (for roles with the Council) are obtained through a private company contracted by the Council through the Partnerships Directorate. The withdrawal of the Registered Body status in January 2024 means that the Council will need to secure Disclosure checks through a third party for Hackney Carriage and Private Hire Drivers. As an interim position, while the market is explored, it is proposed to use the Council's existing contractor as the third party. This is likely to incur additional costs. The intention is to assess the impact of this additional cost in time for the review of licence fees and consideration of those fees by the Licensing and Registration Committee early in 2024.

The review of licence fees provides an opportunity to assess the impact on new Hackney Carriage and Private Hire Drivers of the total cost of submitting an application for a licence. This total cost includes not just the licence fee, but also training/tests for driving standards, child sexual exploitation prevention, topographical knowledge, medical and suitability.

☐ **The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

There are no further comments over and above those set out elsewhere in 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;

The development of a cohesive policy for this area of licensing will assist in the allocation of resources to achieve the intentions of the policy.

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	A cohesive policy will support a shared understanding of the Council's expectations in this area of licensing.
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.	Reporting on the application of the Council's policy is envisaged following its adoption. This will ensure resources can be focussed as policy is developed.
<b>MILESTONES AND DELIVERY</b>	
<p>This report sets out the approximate timescales/milestones for a draft Hackney Carriage and Private Hire licensing policy to be adopted. It is recognised that it will not be feasible or expedient to introduce all of the policy changes identified in the draft policy as soon as it becomes effective following the decision of Cabinet. As such a transitional programme is proposed to be developed by Officers in the months following that approval.</p>	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
<p>By not incorporating the stand-alone policies into one comprehensive policy it may result in drivers and vehicle standards falling below the professional levels expected from members of the public and may have an impact on their safety. The adoption of a comprehensive and cohesive Taxi / Private Hire Policy is intended to mitigate against that risk.</p>	
<b>EQUALITY IMPLICATIONS</b>	
<p>In developing a new cohesive Taxi / Private Hire Policy, the Council will have due regard to its public sector equality duty to:</p> <ul style="list-style-type: none"> <li>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;</li> <li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
<p>Well regulated activities should, of themselves, contribute to the overall economic and social wellbeing of the District. The adoption of a cohesive Hackney Carriage and Private Hire Licensing Policy seeks to support well regulated licensable activities.</p>	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
<p>There are no environmental implications arising directly from the content of this report.</p>	

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	In undertaking these licensing functions the Council will have regard to the duty upon it by virtue of section 17 of the Crime and Disorder Act 1998 (duty to take into account the prevention of Crime and Disorder).
Health Inequalities	There are no direct implications arising from the proposals set out in this report.
Area or Ward affected	All

### PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The links below provide the opportunity to explore further the development of the Taxi / Private Hire Policy now submitted for approval:</p> <p><a href="#"><u>Licensing and Registration Committee – 3 November 2022, Minute 134</u></a></p> <p>The Committee authorised Officers to develop a comprehensive policy statement in relation to the licensing of taxi and private hire services in the District.</p> <p>A pre-consultation questionnaire was published for a period of eight weeks commencing 14 December 2022.</p> <p><a href="#"><u>Licensing and Registration Committee – 8 March 2023, Minute 142</u></a></p> <p>The Committee agreed the following:</p> <ol style="list-style-type: none"> <li>1. a draft cohesive licensing policy statement be submitted to the first meeting of this Committee following the elections to the Council on 4 May 2023;</li> <li>2. it notes that the development of the cohesive licensing policy statement will involve a further period of consultation and all views received will then be submitted for consideration by this Committee prior to adoption of a finalised licensing policy statement; and</li> <li>3. Officers be requested to consider the implications arising from the physical capabilities of Hackney Carriage/Private Hire drivers when considering emergency evacuation or providing emergency assistance to passengers.</li> </ol> <p><a href="#"><u>Licensing and Registration Committee – 24 July 2023, Minute 9</u></a></p> <p>The Committee agreed that the draft Taxi/Private Hire Policy be circulated to the Council's stakeholders and interested parties in respect of this area of licensing for consultation purposes, including the questions relating to livery and the introduction of a points based enforcement system, and that the outcome of the consultation be considered at a future meeting of the Committee prior to its adoption of a finalised Taxi/Private Hire Policy.</p> <p><a href="#"><u>Licensing and Registration Committee – 16 October 2023 (Minute 19)</u></a></p> <p>The Committee considered the outcome of the consultation which was undertaken over a period of 8 weeks ending on 20 September 2023 and resolved to agree the draft Taxi / Private Hire Policy set out at Appendix A to this report be adopted for the period 2023-2028.</p>



**This report can be used to review the outcome of the consultation leading to the recommendation now being considered by Cabinet.**

Cabinet are formally requested to agree and adopt the Taxi / Private Hire Policy in relation to the licensing of taxi and private hire services. The policy statement sets out in one place the Council's approach to its licensing functions, within the legislative framework, and ensures that the various elements of the policy support the broad public and consumer protection role of the licensing authority.

At the Licensing and Registration Committee at its meeting on 16 October 2023, discussed and agreed the draft policy for the next 5 years.

#### **PREVIOUS RELEVANT DECISIONS**

Licensing and Registration Committee decisions as below:

3 November 2022 – Minute 134 refers

8 March 2023 – Minute 142 refers

24 July 2023 – Minute 9 refers

16 October 2023 – Minute 19 refers

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

Guidance – Government's taxi and private hire vehicle licensing: best practice

[Taxi and private hire vehicle licensing: best practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice)

Closed consultation – Government's taxi and private hire vehicle best practice guidance

[Taxi and private hire vehicle best practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-best-practice-guidance)

#### **APPENDICES**

**Appendix A - Taxi / Private Hire Policy recommended for adoption by the Licensing and Registration Committee.**

#### **REPORT CONTACT OFFICER(S)**

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# Tendring District Council



## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2023–2028

### **A.6 APPENDIX**

Adopted XXXXX

Tendring District Council: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

## **FOREWORD**

This Statement of Hackney Carriage and Private Hire Licensing Policy is produced by Tendring District Council and will be the basis for all Hackney Carriage and Private Hire related licensing decisions taken by the Council.

This Policy was approved on the \*\*\*\*\* 2023 and shall be effective from the \*\*\*\*\* 2023 and shall remain in effect for five years; The Policy will be reviewed at the end of this period, but may also be subject to review in response to changes in regulation or guidance or other relevant significant issues which necessitate a review of Policy.

The Council recognises that the industry plays an integral part in the running of what is a growing and inclusive economy within the District, as well as being a vital support for those residents requiring transport, particularly vulnerable residents. Well run operators and drivers will receive the support of the Council in order to support the sustainability and subsequent growth of the trade, which sustains large direct and indirect employment. However, the Council will not hesitate in dealing firmly and robustly where operator and driver standards fall short; therefore all drivers and vehicles will be licensed in accordance with Statutory provisions and this Policy to ensure the safety of the public when using this vital transport service. This Policy will be kept under review and will be amended when legislative amendments and issues arise that make change necessary.

All relevant application forms and guidance are available via the Tendring District Council website or from the Council's licensing services by email: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)

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## 1.0 **INTRODUCTION**

This is Tendring District Councils Statement of Hackney Carriage and Private Hire Licensing Policy. It is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on The Council, as Licensing Authority the duty to carry out its licensing functions in respect of hackney carriage drivers and vehicles, and private hire vehicles, drivers, and operators.

The licensing of hackney carriage and private hire drivers, vehicles and operators aims to secure the following objectives:

- All licensed drivers and operators are “fit and proper” persons in accordance with the statutory legislation
- All vehicles licensed by the Council are safe, comfortable, properly insured and available where and when required
- The safety and protection of passengers (and consumer rights) and others is paramount.

Any complaint or other intelligence relating to driver behaviour that puts passenger safety at risk will be investigated including working with other relevant and partner authorities.

The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

- Up to three yearly licensing of drivers including medical checks, criminal record checks, a good standard of driving ability with a comprehensive knowledge of the District. DVLA checks of all drivers’ licences at first application and upon renewal
- Five yearly licensing of private hire operators, subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances
- Routine inspections of records maintained by private hire operators to support compliance
- Annual licensing of vehicles will include mechanical vehicle testing, along with inspections conducted by an authorised Officer and confirmation of required documentation
- Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council’s Licensing Enforcement Policy
- Provision of information to the hackney carriage and private hire trades with members of the public through press releases and publications, the Council’s website and other relevant means

## 2.0 **DESCRIPTION OF THE DISTRICT**

The Tendring District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities.



The District forms a rural peninsular bounded by the Stour estuary to the North, the Colne estuary to the South and the North Sea to the East. The majority of residents in the District live in the well-established towns, the largest of which is Clacton on Sea.

Tendring is well known for having one of the longest coastlines and the sunniest, driest weather of any District in the country. Tourism thrives in the District with many former visitors choosing to settle here and with tourism being a main source of income for businesses in the District.

The District benefits from a good rail and road infrastructure and is within easy reach of London Stansted Airport. The District boasts no fewer than fourteen railway stations, with London Liverpool Street terminating at the end of the mainline. There are also excellent links to the continent via Harwich International Port and further port expansion in the Bathside area of Harwich has been approved which has lead to increased employment opportunities for the District.

The Council is a partner in the development of proposals known as “Freeport East” for the development of a freeport based on Felixstowe, Harwich and Gateway 14. The aim of the proposals are to attract inward international investment and drive domestic growth.

## 3.0 **PRINCIPLES, PROCESS, DELEGATION AND DECISIONS**

### 3.1 **Legislation**

In undertaking its Hackney Carriage and Private Hire licensing function, the Council will have particular regard to the relevant provisions of the following:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Health Act 2006

- Human Rights Act 1998
- Regulators Code
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

### **3.2 Statutory Taxi & Private Hire Vehicle Standards and Best Practice Guidance**

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire policy in England and Wales. In formulating this policy for the District of Tendring, advice contained in the DfT's "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" has been taken into account, in addition to aligning the local policy with the DfT's Statutory Standards.

Local circumstances and requirements have been taken into account in this policy, and the DfT itself recognises that individual Councils are best placed to "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes", providing they have regard to the Statutory Standards.

### **3.3 Decision Making at the Council**

The Council will be mindful of the needs of the applicant and licence holder, but this will be balanced against the paramount duty that the Council has to ensure the safety and protection of passengers and others.

The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders, including the provision of advice and guidance.

The Council has delegated its licensing function to the Council's Licensing and Registration Committee and further delegated authority to the Miscellaneous Licensing Sub-Committee (formally the Taxi Licensing Sub-Committee), and to Officers of the Council who will determine applications and licensing decisions in accordance with this Policy.

Whilst officers and the relevant Committee will, in the majority of cases, follow the Policy, there may be a limited number of occasions where specific circumstances require a departure from the Policy. In such circumstances, the reasons why departing from the Policy would be appropriate will be made clear. The Policy is intended to apply to a significant majority of all circumstances.

The Miscellaneous Licensing Sub-Committee consists of a selection of Members from the Licensing and Registration Committee. Three to five Councillors will sit on hearings to deal with new applications, renewals and reviews of licences that are referred directly to it. Councillors, when determining applications for a licence, renewal or a review of a licence, will have regard to hackney carriage and private hire legislation, this Policy and any other relevant legislation, legal case law and other relevant Council policies as appropriate to the licensing framework.

The Council has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions.

### **3.4 Miscellaneous Licensing Sub-Committee**

The following are circumstances where matters are referred to the Miscellaneous Licensing Sub-Committee:

- Renewal applications for hackney carriage and private hire licences where the applicant has more than 3 penalty points on his/her licence or does not meet the current policy requirements, save where the Committee has previously determined that an application



need not be referred back to it, and can instead be determined by officers under delegated powers;

- Applicants for licences who have convictions or who do not meet the current policy requirements;
- Applications for renewal of licences where the circumstances of the applicant have changed since the grant of the previous licence;
- Any other circumstances where Officers wish the case to be referred to the Committee.

All matters presented to the Sub-Committee will be in the format of a written report, a copy of which will normally be provided or made available to the applicant or licence holder no later than 5 days before the Committee meeting, unless emergency procedures are required.

Each case will be determined giving appropriate weight to:

- The relevant legislation and/or relevant case law (if appropriate)
- The information provided by parties at a hearing
- Available and appropriate guidance
- Expectations of this policy

Within that framework, each case will be determined on its own merits. The Sub-Committee will conduct administrative consideration of the application based upon the evidence presented and following a comprehensive set of procedural rules.

A legal advisor, advocate or friend may represent any applicant or licence holder where such person chooses not to represent themselves.

The Sub-Committee will usually meet in private in order to protect the personal and sensitive information relating to an applicant. Each meeting will have to formally decide to exclude the public. To ensure impartiality, all Officers (apart from the Council's legal advisor and the Democratic Services Officer) are absent during the decision-making process.

Applicants and licence holders will be informed of the decision of the Sub-Committee on a stated date after the hearing, whereupon a written copy of the decision will be provided. The decision determined by the Sub-Committee will be accompanied with the reasons for that decision.

To make a fair decision, it is important that the Sub-Committee is aware of all of the facts relating to any given case. Accordingly, the Committee will need to understand why the applicant feels that they should be granted a licence or why an existing licence holder should keep their licence within the context of the matters brought before the Committee. Where this would be contrary to the Policy of the Council, applicants/licensee should set out how their circumstances can be distinguished from the Policy position or otherwise there are sufficiently valid reasons for the Sub-Committee to consider departing from the Policy decision. The hearings procedure ensures that applicants and licence holders have the opportunity to present suitable and sufficient evidence to support their case.

In the unusual and rare event that a licence holder is unavailable for a hearing a matter may be heard by the authority in their absence.

## **4.0 REVIEW OF POLICY AND PROCEDURES**

### **4.1 Consultation**

The Council has consulted widely and invited comments from any interested party in particular those listed below.

- Tendring District Council licensed hackney & private hire drivers
- Tendring District Council taxi proprietors and private hire vehicle licence holders and operators.

- Tendring District Council Safer Communities Team
- Local businesses and residents
- The National Private Hire Association
- The National Taxi Association
- Institute of Licensing
- Essex County Council (School contracts) & (Trading Standards)
- Essex Police
- The Royal Society for Prevention of Accidents (RoSPA) & Driver and Vehicle Standards Agency (DVSA)
- Members of the Public through the Council's website

## **4.2 Implementation**

The Policy and associated documentation are available for inspection on the Council's Website. Paper copies are available upon request.

The Policy will remain in existence for a period of five years, however the Council will indicate interim reviews should there be sufficient issues arising that warrant this. Councillors sitting as the Licensing and Registration Committee will determine whether this position arises at any moment in the life of the policy.

The Policy will be approved, adopted and implemented by the Licensing and Registration Committee or Cabinet as appropriate.

Upon implementation of this Policy, the Council expects licence holders to comply with its terms immediately.

## **5.0 Information Sharing**

- 5.1** The Council encourages partnership working alongside many other enforcement agencies such as the Police, National Anti-Fraud Network (NAFN), HM Revenue and Customs, the Home Office, DVSA, Department of Work and Pensions, benefit fraud, other Licensing Authorities etc. The Council will ensure that information is shared lawfully and fairly in accordance with its information sharing agreement. The Council is legally required to provide information if lawfully requested to do so, which is normally pursuant to the investigation of a criminal offence, to detect fraud, investigate immigration offences, or enforcement.
- 5.2** A key source of information will be the DBS (Disclosure and Barring Service). However, the Council will lawfully share and seek information elsewhere where it is justified and necessary to do so under common law police disclosure in order to receive timely and relevant information as it might relate to an arrest, charge, caution etc. where there might be significant risk to the public in not doing so swiftly. The Council will also look at any history of complaints and concerns raised by the public or others when considering the 'fit and proper person test'. In the interests of public safety, The Council will not issue a licence to any individual that appears on the barred lists for children or adults.
- 5.3** The Council maintains close ties with all local authorities across the county of Essex through an established Licensing Officers Forum. Through this group we will seek to further share information, align policy and develop best practice in order to reduce attractiveness of being licensed outside of our area and thereby maintain the objectives of this policy. This information will not be personal data (or data not in the public domain).

- 5.4** In some circumstances it may be appropriate under the Safeguarding and Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS in this regard.

***A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to children or vulnerable adult, shall be referred to the DBS.***

- 5.5** The power for the Council to make a referral in this context arises from the undertaking of a safeguarding role. The DBS recommends that licensing authorities should make referral to the DBS when it is thought that:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult;
- An individual has satisfied the 'harm test'; or
- Received a caution or conviction for a relevant offence and;
- The person they are referring is, has or might in future be working in regulated activity. the Council are mindful of future proposals by Government, contained within the Finance Bill 2020-21 that are likely to require applicants to provide the council with proof of registration with HMRC as a requisite part of the initial and ongoing licence application process.
- If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to the barred list.

## 6.0 DRIVERS

### 6.1 Hackney Carriage and/or Private Hire Driver Licence – new and renewal applications

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a district council shall not grant a driver's licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person. The onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not. The Council must be "satisfied" if there doubt the law says a licence must not be granted.

In order for the Council to establish whether an applicant meets the fit and proper set out in the below the applicant must provide evidence of:

- Good character (honesty and trustworthiness)
- A high driving standard
- Medical fitness
- Criminal history
- Relevant and detailed knowledge of the District
- Understanding of English (spoken, written and reading)

Applicants must take note of the following requirements for the grant and renewal of a licence which has been recommended by the DfT statutory standards is amended to identify that those standards will be applied by Tendring District Council unless expressly stated alongside those standards.

Crimes resulting in death	Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
Exploitation	Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
Offences involving violence against the person	Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
Possession of a weapon	Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
Sexual Offences	Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.
Dishonesty	Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.



Drugs	<p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>
Discrimination	Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
Motoring Convictions	<p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Any motoring conviction <b>while</b> a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.</p> <p>See appendix A for further details.</p>
Drink driving/driving under the influence of drugs	Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. In relation to the above, a reference shall be made against the period identified for drink driving (7 years in the DfT standards) shall normally be extended to 10 years following conviction in respect of applicants to Tendring District Council.
Using a hand-held device whilst driving	Where an applicant has a conviction for using a held-hand mobile telephone or a hand- held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Cautions (Simple or Conditional)	Where an applicant has received a caution these will be accessed on its own merits and may mean that the application needs to be determined by the Miscellaneous Licensing Sub-Committee. References to convictions in this policy shall be taken to also encompass cautions for the offences concerned. The relevant period for a caution (normally) making an applicant/licensee unsuitable to hold a Hackney Carriage/Private Hire Driver Licence will be considered on a case by case basis up to the relevant period set out for a caution.
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Current licensed drivers with fixed penalty endorsements and previous convictions/cautions that fall under the above detailed limits will mean that the application will need to be determined by the Miscellaneous Licensing Sub-Committee.

Drivers must have held a full United Kingdom (UK) driver's licence for at least 4 years, however driving licences issued by EU/EEA States and Countries detailed in the driving licences (Exchangeable Licences) Orders are also permitted to count towards the 4 year period qualification requirement for the grant of a hackney carriage/private hire driver's licence.

Applicants who have held the necessary driving licence for the required length of time will be assessed on their individual merits.

## 6.2 Hackney Carriage and Private Hire Dual Driver Licence

This Council currently issues a Dual Driver Licence that authorises the holder to drive both Hackney Carriages and Private Hire Vehicles. Presently, for the purposes of this Policy, the Hackney Carriage and Private Hire Dual Driver Licence is referred to using the term 'Dual Driver Licence'

A Dual Driver Licence is issued for a maximum period of 3 yrs.

Application forms must be completed in full. Any incomplete forms will be returned to the applicant as invalid. An e-mail address provided by an applicant or licensed driver is deemed to be valid for all e mail correspondence sent by officers, and can only be updated by written notification of a change of e mail address.

Applications will only be accepted as valid if they include and/or are accompanied by the following:

- Application form provided by the Council, complete in its entirety and signed by the applicant
- The appropriate fee. The current fees are available from the Licensing Department or the Council's website.
- The applicant's original UK DVLA driving licence. Applicants must have held a full DVLA licence for at least 4 years for a new application (EU/EEA States and Countries detailed in the driving licences (Exchangeable Licences) Orders are permitted to count towards the 4 year period qualification requirement).
- A completed medical certificate. A medical and eye test document required must be no older than 3 months at the time a valid new driver application is determined.
- Driving Standards Assessment practical taxi test, delivered by an external company (cost met by the applicant) – This must be under one year from assessment.
- Passenger Assistant Training Scheme or equivalent, delivered by an external company (cost met by the applicant) – This must be under one year from assessment.
- Child Sexual Exploitation training.
- Successful completion of the Council's knowledge test (new applicants).
- One recent, colour, passport sized photographs of the applicant (signed during the medical assessment by the medical practitioner as a true likeness) (no sunglasses or hats. Headwear may only be worn for religious beliefs while displaying full facial features).

- Application for a Disclosure and Barring Service (DBS) Enhanced Check completed by the applicant with accompanying identification. The enhanced certificate must be submitted to the Council no more than 28 days from the issued date.
- For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate Embassy is required.
- For those applicants not holding a UK passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy/Authority. The Council may also contact the Home Office to carry out immigration checks if appropriate to do so.
- All applicants must provide original documentary evidence confirming their right to live and work in the UK. Any licence granted to drivers whose leave to remain in the UK is time limited will only be valid for the period for which they are entitled to work in the UK. In order for the licence to be extended, drivers must produce further evidence to prove they have the right to work in the UK.
- Two proofs of address (dated within the last 3 months at time of application or a current Council Tax bill) in accordance with the DBS requirements.
- Documentary proof of the applicant's National Insurance number.
- Individuals, companies and any type of partnership must complete a HMRC tax check and give their Council a tax check code.
- Any other documents as may be required.

### **6.3 Fee**

All applications must be accompanied by the appropriate fee as prescribed by the Council. Licensing fees are reviewed on an annual basis and approved by the Council.

Any outstanding application older than 12 months will be destroyed. Should the applicant wish to pursue the application after 12 months, a new application will need to be submitted, along with a new DBS application, medical certificate and application fee.

### **6.4 Fit and proper test**

In determining any application or considering a report relating to an applicant or existing licensee for a driver, operator or vehicle licence, the Council has to satisfy its duty in respect of public safety and make a judgement as to whether the applicant or existing licensee is a 'fit and proper' person to hold a licence.

The following tests are used for the basis of its decision:

#### **Drivers**

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

#### **Private Hire Operators**

"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"

#### **Vehicle Proprietors**

"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"

If the answer to the question is 'no', the individual should not hold a licence.

Councils have to make difficult decisions but the safeguarding of the public is paramount. An applicant or licensee should not be 'given the benefit of doubt'. If the Sub-Committee or delegated officer is only "50/50" as to whether the applicant or existing licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

## **7.0 National Anti-Fraud Network - National Register of Taxi Licensing**

All applicants are required to declare whether they have previously had any application for a driver licence refused by any other local authority and/or whether they have had any previously held driver licence revoked by any other local authority. To this end, the Authority may verify this information with the National Anti-Fraud Network (NAFN) National Register of Taxi Licence Revocations and Refusals database – known as [the] NR3. The Authority also contributes where an application has been refused or licence revoked by the Authority.

## **8.0 Suitability Test and Knowledge Test**

### **8.1 Suitability Test**

Before someone can request an application pack they will be required to undergo an applicant suitability test for which an initial fee is payable. This test covers numeracy, literacy, map reading, dates and times. When they attend this test they will need to bring along with them their DVLA drivers licence and proof of their national insurance number. If they fail to pass this test they will be required to wait 14 days before taking the test again to which a further payment is required. These tests can be arranged by contacting the Council's Licensing Team. Once this fee is submitted, no refund will be made should they wish to cancel their application. Should they fail to turn up to the appointment without notice, the Council's Licensing Team may withdraw their application. **See Appendix H for further information.**

### **8.2 Knowledge Test**

In order for someone to become fully licensed, they will be required to undergo and pass a Knowledge Test which will be computerised multiple choice questions.

The module test consists of questions under the following categories:- Road Signage, Highway Code, Routes of roads within the Tendring area, Places of Interest and Local Knowledge, Conditions, Law and Equality. **See Appendix I for further information.**

An applicant will be expected to have knowledge of the law in relation to Hackney Carriage/Private Hire Driver and Vehicles as well as the Licensing Conditions adopted by The Council. Applicants should also be familiar and have studied the Highway Code and the route areas shown in the driving knowledge test guidance. The test is computer based and the questions are automatically generated by the computer. The test is time limited and candidates will have a maximum time to complete it.

## **9.0 Driving Standards, Passenger Assistance Training Scheme and DVLA Licence**

It is a statutory requirement that a Hackney Carriage/Private Hire licence will not be issued to any person, who at the time of the application, has not held a full driving licence for a continuous period of 4 years immediately prior to the date of receipt of a valid application to the Council.

Driving licences issued by EU/EEA States and Countries detailed in the Driving Licences (Exchangeable Licences) Orders are permitted to count towards the 4 year period qualification requirement for the grant of a private hire and/or hackney carriage licence, but applicants must produce a UK driving licence.



In order to establish that an applicant has reached an acceptable driving standard, new applicants will be required to have successfully undertaken the driving standards practical taxi test and passenger assistant training scheme delivered by an external providers.

A typical driving standards practical taxi test assessment may require the applicant to perform various driving manoeuvres, possibly an emergency stop and to drive independently of direction following road signs and directions to a particular destination. A high level of driving competence is required. To pass the test, the applicant must have no serious or dangerous driving faults.

In regard to the Passenger Assistant Training (PATs), applicants will be expected to demonstrate a variety of skills such as correctly positioning the vehicle for disabled access, assembly of the wheelchair ramp/lift, securing the wheelchair passenger in place using clamping equipment, as well as safely unloading the wheelchair.

Existing drivers may also be required to undertake these tests where serious concerns are raised about the standards of their driving.

All new applications for a driver's licence will be required to successfully complete a practical taxi test and wheelchair test without exception.

DVLA status will be checked at ad-hoc intervals by the Council. Any discrepancies while doing the check may result in the licence holder having to appear in front of the Committee.

## **10.0 Age**

All applicants for Hackney Carriage/Private Hire driver licences will be assessed on their individual merits. The Council does not consider it necessary to set an age limit for drivers provided that regular medical checks are made and that the applicant has held a DVLA driving licence for at least 3 consecutive years at the time of application and duration of licence.

## **11.0 Medical fitness**

There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers due to the fact that they will be conveying members of the public and provide assistance to disabled passengers, as well as offering reasonable assistance with any luggage.

All applicants will be required to obtain a Group 2 medical standards certificate signed by their GP (or a Doctor listed under the British Medical Association (BMA), with full medical history supplied by their GP, may be used instead).

**Once licensed, a medical check will be required to be undertaken at renewal or annually once the driver reaches the age of 65 years.**

Should there be concerns about a licensed driver's health, a The Council may request further medical information or an additional medical check to be conducted, in order to ascertain whether the licensed driver is still fit enough to drive a licensed vehicle. The Council may suspend or revoke a licence if the information is not submitted within 3 months of being requested, or where the returned medical information states that the licensed driver is no longer fit to drive a licensed vehicle.

The medical examination will be at the applicant's own cost and also any additional cost that an eye sight test may attract.

## 12.0 Criminal Record

Prior to consideration of any application, the Council will obtain from the applicant a Disclosure & Barring Service Enhanced Certificate in respect of the applicant, to be assessed in accordance with the Council's statement of policy about relevant convictions. This must include a check for working with adults and children and be conducted by this Council.

All drivers will be required to submit an Enhanced Certificate, which includes whether an applicant is barred from working with children or adults, upon application and renewal.

The enhanced certificate must be submitted to the Council no more than 28 days from the issued date.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) (the applicant must meet the cost) this in addition to an Enhanced Certificate from the Disclosure & Barring Service. This can be applied for at the following link <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

A licence will generally not be granted to any applicant who does not comply with the minimum requirements as set out above. Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions and cautions when determining an application for a driver's licence as Licensing Authorities are exempt from the Rehabilitation of Offenders Act 1974.

A licence may be suspended or revoked pending the outcome of any investigation or trial where an existing driver has been charged with a serious crime relating to

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- Indecent exposure, indecent assault or any of the more serious sexual offences or
- Grievous bodily harm, wounding or assault
- Dishonesty
- Any other serious crime that may have an adverse effect on public safety

A licence may also be suspended or revoked where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

Any application from a new applicant charged with a serious offence as outlined above will not be determined until the outcome of that matter has been determined.

Where an existing driver commits an offence and/or breaches the licence conditions, the nature and number of incidents will be taken into consideration when determining if the driver continues to be considered suitable to retain a licence.

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt. Although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning. Where a licence is revoked for persistent breach of licence conditions a period of 4 years should generally elapse before a further application is favourably considered.

The licence holder shall notify the Council in writing immediately but no longer than 7 days of any caution/conviction (whether criminal or motoring) being imposed upon them during the period of the licence or within a period of 7 days of any fixed penalty offence (as defined in Section 51 of the Road Traffic Offenders Act 1988) being endorsed upon their driving licence during the period of this licence.

### **13.0 Disclosure and Barring Service – Update Service**

An enhanced DBS check shall be undertaken upon application (either new or renewal) and all currently licensed drivers will at the point of renewal be required to subscribe to the DBS Update Service within the specified timescale of receiving their DBS Certificate. Periodically, officers of the Council will undertake an online check of the DBS Update Service to check the driver's current status. Depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.

All licensed drivers will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to continue to hold a Hackney Carriage/Private Hire driver's licence from the Council.

Where an individual fails to maintain and/or renew their subscription before it ends, they will be required to apply for a new Enhanced DBS Check and register for the Update Service again. Licensed drivers will need to retain their DBS Certificate once they have subscribed as this may need to be provided to the Council when it undertakes the online check.

Disclosure status will be checked at ad-hoc intervals by the Council. While doing the check may result in the Hackney Carriage/Private Hire Driver's licence having to appear in front of the Sub-Committee.

### **14.0 Relevant Convictions**

Any person submitting an application for a Hackney Carriage or Private Hire driver's licence is required to declare any criminal convictions and/or cautions and any motoring offences in addition to an enhanced DBS check. The information supplied must be complete and accurate and will be treated in a confidential manner.

The relevant offences are detailed within this Policy at section 6.1. If it is provisionally deemed by the Council's officers that they cannot be satisfied that an applicant is fit and proper due to previous convictions/cautions/offences/complaints, the applicant may request to be referred the Miscellaneous Licensing Sub-Committee for their application to be determined there. The officer will advise the Sub-Committee why they reached the decision to provisionally refuse the application. Any determination to refuse the applicant may be appealed to the Magistrates' Court.

Applications will be determined on individual merits and there may be times when the Council needs to act outside of this policy if there are clear and justifiable reasons.

### **15.0 Renewal of licences**

It is not the responsibility of the Council to remind a licence holder that a licence is due to expire, however The Council will endeavor to issue a 'reminder' to existing licence holders that their licence(s) are due for renewal. Application forms can be requested by email or from the Council's Licensing Team who can also provide information relating to fees and supporting documentation. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Not being sent or not receiving a reminder is not an acceptable reason for late application for a 'renewal'.

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to approximately 4 weeks prior to the expiry date.

Any licence that has lapsed and is not the subject of an application for a new licence within 1 month following expiry will be considered a new grant application in full. In these circumstances a Driving Standards pass certificate and PATS will also need to be provided as well as passing the suitability and knowledge test.

Where an application is submitted for a new licence within 1 month of a licence lapsing will be exempted from these requirements (unless there is a reasoned decision to apply those requirements).

Where a licence holder will not be available at the time of renewal, for example due to hospitalization or an extended holiday, then they may apply in writing to the Licensing Team, prior to the expiry date, explaining their circumstances and request a waiver from the normal requirements. If granted, this waiver will allow the licence holder to renew their licence after the expiry date or depending on the circumstances the licence can be renewed early. The date of renewal of the licence will start from the day after the expiry of the previous licence.

In any case, following expiry of a licence (where no application was made for renewal prior to the expiry), the driver will not be licensed and will not be permitted to drive a licensed vehicle until such time as a new licence has been granted.

Applicants are encouraged to submit their applications as soon as possible within the timescales detailed above.

At each renewal, all documents in line with the current application pack in force along with the appropriate fee must be submitted in order for the application to be processed.

## **16.0 Suspension / revocation of licence**

In many cases suspension or revocation of a licence will be subject to the determination by the Miscellaneous Licensing Sub-Committee. However, in the event of a concern for public safety for the reasons set out in law, the Licensing Manager may issue an immediate suspension.

In the event of a driver's licence being suspended or revoked there shall be no refund of the licence fee.

## **17.0 Driver's dress code**

The Council strives to promote the professional image of the hackney carriage and private hire trade. It is the Council's view, that the travelling public expect drivers to conform to a minimum standard of dress.

Acceptable standards of dress include:

- Collared shirts or blouses or t-shirts of smart appearance (no inappropriate slogans or words/logos that may cause offence)
- Tailored trousers/shorts/skirts or jeans of smart appearance
- Plain jumpers/cardigans/jackets
- Appropriate footwear i.e. no flip-flops, no open toed or open heeled shoes
- All clothing must be of a clean and smart appearance and not ripped or torn



## **18.0 Right of appeal**

This Statement of Hackney Carriage and Private Hire Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on The Council the duty to carry out its licensing functions in respect of hackney carriage drivers and vehicles, and private hire vehicles, drivers, and operators.

Any decision to refuse to grant, refuse to renew or to suspend or revoke a licence will be determined by Officers through the scheme of delegation. The applicant will have a right of appeal to the Magistrates' Court.

Following the determination of an application which results in a refusal, or a decision to suspend or revoke a licence, the applicant will receive a copy of the decision in writing. The written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

## **19.0 Duration of a driver's licence**

A Hackney Carriage or Private Hire Driver's Licence shall be valid for a standard term of three years (unless, for administrative reasons at the Licensing Officer's discretion on a case by case basis, a shorter period is deemed to be appropriate).

## **20.0 Hackney Carriage and Private Hire Driver Conditions**

### **20.1 Dual Licence Conditions - See Appendix A for further information.**

### **20.2 Private Hire Drivers Conditions - Conditions - See Appendix B for further information.**

## **21.0 Child Sexual Exploitation and Vulnerable Persons**

All drivers will need to undertake Child Sexual Exploitation/Vulnerable Persons training carried out by a provider authorised by the Council.

## **22.0 VEHICLES**

### **22.1 Hackney Carriage / Private Hire Vehicle Licences**

Section 47(2) of the Town Police Clauses Act 1847 permits a Borough/District Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage licensed by that Council. The licence plate issued by the Authority must be displayed in a secure, unobscured manner unless the vehicle is exempt from displaying said licence plate.

The Council will consider giving its discretion to allow a licensed private hire vehicle not to display its plate, where the operator is able to supply documented confirmation that the specific vehicle is being used to provide an “executive” hire service by way of a contract with an individual or a company. A letter of authorization issued by the Council must be issued and the licence plate must be carried within the vehicle and produced upon request by a customer or authorized Council or Police Officer. Any other private hire “circuit” work undertaken by this vehicle will require the vehicle to display the relevant licence plate.

A vehicle licence is issued to a specific vehicle, and proprietor, therefore, any change of vehicle or proprietor during the currency of a licence would require the relevant application process to be completed.

Any vehicle which it is proposed will replace an existing licensed vehicle will be required to meet the current licence requirements for a new vehicle.

### **22.2 Taximeters**

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The taximeter shall be of a type which is approved and must be calibrated to the current fare tariff.

### **22.3 Fare Tariff**

A fare tariff (“the tariff”) is set by the Authority for Hackney Carriages, but this control does not apply to fares set by Private Hire Vehicle operators unless a taximeter is fitted.

Hires that end outside of the District boundary can be negotiated prior to the commencement of the journey but not exceed the maximum tariff.

A Table of Fares (“the tariff”) must be displayed within the vehicle fitted with a taximeter.

**Please see Appendix J - Current Fare Tariff for more information.**

### **22.4 Receipts**

Drivers shall, if requested by the passenger, provide a written receipt for fares paid.

### **22.5 Roof signs and Display of Licensed Plates**

The Authority requires all Hackney Carriage vehicles to be fitted with working roof mounted signs. The roof sign has to be standard white in colour from the front and no smaller than 30” in length and shall bear the words “Licensed by Tendring District Council – TAXI” on the front face of the sign (for new vehicles and upon replacement vehicles). If the vehicle is available for hire the roof light must be illuminated.

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

The Council's Licence Plates shall be affixed to the front and rear of the vehicle by the use of the plate platform and/or bracket provided in a position so that the details shown on the plate may be seen clearly and are not illegible, defaced or concealed from public view except where provided for by Statute. Such plate shall be affixed by use of the bracket beneath the registration number plate in accordance with the instructions provided or, in cases where this is not practical, by riveting the plate platform to the bodywork of the vehicle just above the bumper. The vehicle may not be used for the purpose authorised by the vehicle licence without such plate being so affixed.

## **22.6 Hackney Carriage Vehicle/Private Hire Vehicle Numbers limit**

The Council does not restrict the number of hackney carriage vehicles that are licensed in the District. The Council has no legal power to restrict numbers of Private Hire Vehicles as such it allows the market to respond as demand changes over time.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is:

- Suitable in type, size and design for the use of a Private Hire Vehicle
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- In a suitable mechanical condition
- Safe
- Comfortable
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance; or a qualified mechanic whilst undertaking a MOT or Council test (at a Council approved facility) and only for testing purposes.

Tendring District Council will not permit dual plating, therefore once a vehicle is licensed by Tendring District Council it cannot be licensed with any other authority or Transport for London.

## **23.0 Wheelchair accessible vehicles**

The DfT/Government's criteria for wheelchair carriage is that the user of a reference wheelchair is able to enter, leave and travel in the passenger compartment of the vehicle in safety and reasonable comfort whilst seated in their wheelchair.

All drivers of wheelchair designated vehicles will be required to comply with the Equality Act 2010 unless they have applied for and been granted an exemption from doing so on medical or physical grounds. Any refusal by the Council to grant such an exemption can be appealed by the driver to the Magistrates' Court within 21 days of the refusal notification.

It is an offence to refuse to carry a wheelchair seated passenger in a designated vehicle and the driver is liable to a fine of £1,000 on conviction and will also receive a criminal record if convicted.

Section 165 of the Equality Act 2010 places a legal duty on a driver of designated wheelchair accessible vehicles to carry out the following actions:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

**Mobility assistance is assistance—**

- to enable the passenger to get into or out of the vehicle;
- if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's
- into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Wheelchair accessible vehicles may be either rear or side loading.

It is strongly encouraged by the Council that drivers who are looking to purchase a new or replacement vehicle consider a wheelchair accessible vehicle.

## **24.0 Applications**

Applications will only be acceptable as valid if they include and/or are accompanied by the

- Application form provided by the Council completed in its entirety and signed by the applicant
- Appropriate Fee. The current fees are available from the Licensing Department or the Council's website.
- Valid certificate of insurance for the vehicle which covers the activity required. Such insurance to provide fully comprehensive cover.
- Current Mot (required after 1 year for Hackney Carriage and after 3 years for Private Hire)
- Current Mechanical Test
- Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles)
- Any other documents as may be required.

Incomplete applications may be returned to the applicant for resubmission when complete, and this may result in time off the road.

Provided all the documents are correct and the vehicle has passed the Council's mechanical test your application will be processed. The Council will aim to issue the licence and/or licence plate within 10 working days of a completed application and supporting documentation.

Where a decision to renew a licence is referred to the Miscellaneous Licensing Sub-Committee, this period may be extended. Every effort will be made to ensure continuity of trade, however, it would assist Officers if applications and supporting documentation are received at the earliest opportunity.



#### **24.1 Licence fee**

All applications must be accompanied by the appropriate fee as prescribed by the Council, the current scale of fees is available from the Council or on our website.

Licensing fees are reviewed on an annual basis and should they be subject to change will be approved by Council.

In the event of the surrender or revocation of a vehicle licence before its expiry there is no refund made.

#### **24.2 Insurance**

All hackney carriage and private hire vehicles must hold the relevant insurance for the activity and such insurance to provide fully comprehensive cover.

Evidence of continuous insurance cover throughout the period of the licence must be provided.

Failure to provide evidence of insurance will result in the vehicle licence being suspended.

It is not the responsibility of the Council to remind a licence holder that the insurance is due to expire, however The Council will endeavour to issue a 'reminder' to existing licence holders that their insurance proof is due to be submitted to the Council.

Not being sent or not receiving a reminder is not an acceptable reason for late documentation.

Insurance status will be checked at ad-hoc intervals by the Council. Any discrepancies while doing the check may result in the licence holder having to appear in front of the Sub-Committee.

#### **24.3 Testing of vehicles**

Hackney Carriage vehicles require a valid MOT certificate and are to be tested every year from when the vehicle reaches 1 year old. Private Hire vehicles will require a valid MOT certificate and are to be tested every year once the vehicle has reached 3 years old (as stated by Government MOT requirements).

In addition to the MOT testing requirements, all licensed vehicles are required to undertake the Council's vehicle mechanical test every 6 months at the Council's nominated testing station for compliance with the Council's policy.

All vehicles that are (10) ten years old plus, will be subject to an additional mechanical test within the year at the Council's nominated testing station for compliance with the Council's policy.

Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle, the Council may request a further test to be undertaken. However, the Council cannot require a vehicle to have more than 3 tests per year.

Where an application for a vehicle renewal is made 1 month after the expiry of the licence the application will be considered as a new application and any age restrictions will apply.

Any licence that has lapsed and is not the subject of an application for a new licence within 1 month following expiry will be considered a new grant application in full and any age restrictions will apply.

Where an application is submitted for a new licence within 1 month of a licence lapsing will be exempted from these requirements (unless there is reasoned decision to apply those requirements).

Any vehicle failing its examination test will be required to undertake and pass a further examination test before it can be licensed or, in the case of an existing licensed vehicle, before it can continue to be used as a licensed vehicle. This further examination is known as a retest. The proprietor is responsible for the cost of the retest and it must be paid directly to the nominated testing station in full prior to further testing taking place.

The Council will suspend a vehicle licence if the vehicle is not presented for its interim test (6 month) by the due date.

It is not the responsibility of the Council to remind a licence holder that the interim test is due to expire, however The Council will endeavour to issue a 'reminder' to existing licence holders that their interim test is due to be submitted to the Council.

Not being sent or not receiving a reminder is not an acceptable reason for late documentation.

#### **24.4 Routine Daily Vehicle Condition Checks**

The licensed driver driving the vehicle is responsible for its condition while in use. Drivers are therefore responsible for carrying out daily routine vehicle inspections with a walkaround check. Checks must include lights, tyres, wipers, mirrors, seatbelts and taxi plates to ensure the safety of the vehicle and carrying passengers.

#### **24.5 Temporary Insurance Vehicles**

Where an existing licensed vehicle is temporary replaced due to accident or major repairs, the replacing vehicle must meet all policy requirements in respect of its age and Euro 6 compliance. A replacement fee will be required and a temporary licence of a maximum of one month can be issued on satisfactory.

At the discretion of the Council (including where the issued plates are inaccessible or damaged beyond use), where a vehicle is replaced, the licence plates for the new vehicle will not be issued until the old plates have been returned to the Authority. Effectively the old licence is surrendered, and a new licence is issued although in practice this tends to be an amended vehicle licence.

Where the previously licensed vehicle needs to be returned back onto the original licence (for example, the replacement vehicle was a temporary arrangement due to accident damage or major repair to the original vehicle) then following a re-test of vehicle it can be reinstated onto the original licence with the age restrictions applied using the same previous criteria. The reinstatement will not be subject to a further replacement vehicle fee except a mechanical test re-inspection; however, fees may be levied where new licences, plates or door stickers have been damaged and require replacement.

## **25.0 Re-allocation of Expired Hackney Carriage Vehicle Plates**

It is not the responsibility of the Council to remind a licence holder that a licence is due to expire, however The Council will endeavor to issue a 'reminder' to existing licence holders that their licence(s) are due for renewal. Application forms can be requested by email or from the Council's Licensing Team who can also provide information relating to fees and supporting documentation. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Not being sent or not receiving a reminder is not an acceptable reason for late application for a 'renewal'.

It is the vehicle licence holder's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to approximately 4 weeks prior to the expiry date.

If, when a hackney carriage/private hire vehicle licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of their intentions, then the plate number will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the licence has expired.

## **26.0 Type of vehicle and age**

Granting of new vehicles must meet the minimum requirements of Euro 6 Emissions standards.

In the interests of improving air quality, any application for the renewal of a Taxi or PHV licence that fails to meet this standard will be refused.

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to assess vehicle suitability, the Council will take into account passenger safety, comfort, the design of the vehicle, and may consider the NCAP rating.

In order to be considered suitable to be licensed as a Hackney Carriage or Private Hire Vehicle the vehicle must comply with the basic specification set out below and pass the Council's vehicle inspection test.

Vehicle will only be licensed until they are (15) fifteen years old, from the date of first vehicle registration in accordance with the Vehicle log book.

For vehicles over (10) ten years of age there shall be a requirement for a third mechanical test.

## **27.0 Guidelines for saloon and estate vehicles:**

Please see Appendix F for more information.

## **28.0 Guidelines for multi-seater vehicles:**

Please see Appendix G for more information.

## **29.0 Licence Plate Exempt Vehicles**

The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company for carrying passengers for Hire or reward under a contract to be licensed as Private Hire Vehicles. As a general guide this includes executive Hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

Proprietors of executive type vehicles licensed as Private Hire Vehicles may seek the permission of the Authority to waive certain conditions of licence. Proof of contracts must be submitted to the Council with application.

- 29.1 Those wishing to licence an executive vehicle should contact the licensing authority, ideally prior to purchasing a vehicle, so as to avoid any unnecessary expense should the vehicle or business model not be appropriate to be licensed as executive type or granted plate exempt status.
- 29.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation also allows The Authority to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge (plate exemptions).
- 29.3 Vehicles that are issued with an exemption certificate are primarily expected to undertake executive chauffeur work and not normally be used for general daily private hire work e.g. normal airport transport. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 29.4 Examples of the services that may not be considered suitable for 'plate exempt' status are: • Council school and social services contracts • Routine journeys to airports, seaports or railway stations (where the provision of door stickers etc. are considered a safety feature upon arrival) • Routine theatre journeys and sporting events • Routine work within the nighttime economy to bars, restaurants and those facilitating 'stag' and 'hen' parties • Journeys to school proms (other than specialty vehicles)

The lists are not exhaustive and intended only to be indicative.

- 29.5 Additional conditions are applicable to exempted vehicles in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail.
- 29.6 If an exemption certificate has been issued and the vehicle will no longer be used for the purpose for which initially applied for then the exemption plate and certificate must be surrendered and returned to the council.

## **30.0 Funeral and Wedding vehicles**

### **30.1 Funeral Vehicles**

A vehicle does not need to be licensed as a Hackney Carriage/Private Hire Vehicle when it is used in connection with a funeral or is being wholly or mainly used by someone carrying out a business as a Funeral Director.

### **30.2 Wedding vehicles**

A vehicle does not need to be licensed as a Hackney Carriage/Private Hire Vehicle whilst being used in connection with a wedding. The exemption only applies to journeys directly relating to the wedding service. This could be, for example, taking the bride or groom to the service. Transport to other places, such as the airport, would require a licence.

### **31.0 Tinted Windows**

All tinted windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.



### 32.0 Vehicles powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

### 33.0 Advertising Door Signs on Hackney Carriage (Taxi) and Private Hire vehicles including third party advertising.

Each application for approval of advertising material will be considered on its own merits but advertisements will not be permitted which advertise or promote the sale of alcohol or tobacco products; nor if they contain political, ethnic, religious, sectarian, sexual or controversial text; display nude or semi-nude figures; or are likely to offend public taste; depict men, women or children as sexual objects; depict direct and immediate violence to anyone shown in the advertisement or observing it; advertise any racist group or organisation which intends to promote such a group or such organisation and/or any of its activities.

#### **In particular the Council will not give its permission for:**

- An advertisement which incites someone to break the law.
- An advertisement that is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement, or by way of inference.
- An advertisement which depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- An advertisement which relates to adult entertainment or activities such as lap dancing, escort agencies or massage parlours.
- An advertisement that promotes alcohol or tobacco.
- An advertisement which condones or provokes anti-social behaviour.
- An advertisement which contains images or messages which relate to matters of public controversy and sensitivity.
- An advertisement which contains negative references to Tendring District Council, its services, staff or Members.

\* All adverts must comply with the above code and be pre-approved by the Council before they are placed on any hackney carriage or private hire vehicle and permission should be sought in writing giving an example of the size of the door sign and content of the promotion.

**\* The Council reserves the right to refuse any request for door sign advertising that does not comply with the above code and to suspend the licence of any vehicle displaying signs that breach the above code or that have not been duly authorised by the Council.**

The licensee remains responsible for the content of any advertisement displayed on his/her vehicle, whether internal or external. It remains the licensee's responsibility to comply with the current law and British Code of Advertising Practice referred to above, irrespective of any consent to display the advertisement which may have been given by the Council.

It is the licence holder's responsibility to ensure that none of the advertising material obscures the driver's vision, the vehicle's licence plates, or constitutes a danger to passengers or the public or other road users where they are displayed on the vehicle.

**The maximum size of door sign that Tendring District Council will allow to be fixed to a hackney carriage or private hire vehicle licensed by the Council is as follows:**

**Large**

**(447 x 292 mm)**

**(17.5 x 11.5 inches)**

**The maximum number of door signs permitted per vehicle is four, but if two doors are being used to display the taxi company's own logo then any advertisement can only be placed on the remaining two uncovered doors. All door signs must be of the same size (see maximum size details shown above) and all advertising signs must carry/display the same identical advertisement. I.e. advertisements for different products on each sign will not be agreed or permitted.**

#### **34.0 CCTV**

The Council permits the installation of CCTV within a licensed vehicle but does not require it to be installed as mandatory and only where inspected by the Licensing Department.

No CCTV system shall be installed in a vehicle without the prior written consent of the Council.

No cameras shall be installed in the vehicle without prior written consent from the Council as to the number and location of such cameras.

The number and location of cameras shall not be varied without the prior written consent of the Council.

- 34.1** The installation of CCTV in licensed vehicles can be both a deterrent to would-be troublemakers and a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations and must be recording at all times when working as a licensed vehicle but this is a matter for each owner to assess and document the need in accordance with data protection legislation.
- 34.2** Where fitted, proprietors and/or operators will become 'data controllers' and must notify the Council prior to installation and pay the required fee to the ICO (Information Commissioners Office) - where required - and comply with all aspects of data protection and the CCTV codes of practice, including clear signage that the vehicle uses CCTV. Further information can be found on the following link <https://ico.org.uk/>
- 34.3** CCTV (and where applicable, dashcams) must be installed by a competent person to ensure no interference with other equipment and in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be clearly visible and the vehicle must display the required signage. It is not the intention of the authority to limit approval of devices and equipment to specific suppliers, only to ensure the safety of passengers and compliance with legislation.
- 34.4** CCTV must not routinely be used to record conversations of passengers. Sound must only be used by way of a panic switch as specified by the ICO and can be activated by either the driver or passenger which can be used in extreme circumstances such as in response to a threat of physical violence. The footage may only be accessed by the Police or authorised officer of the council, not by either the proprietor or driver. Footage must be kept for no longer than necessary and in accordance with the owner's own data retention policy.

- 34.5** Where CCTV (including audio recording) is in use there must be appropriate signage visible externally that informs passengers before they alight the vehicle.

**35.0 Vehicle Protection screens**

The Council does not require driver protection screens to be fitted as mandatory. However, Where these are fitted, the following requirements will apply and may be required as licence conditions. If a licenced vehicle is subsequently fitted with a driver protection screen, the Proprietor is required to notify the Authority as a significant alteration to the vehicle so that appropriate conditions can be attached to the licence.

Where a vehicle owner decides to have a protection screen fitted, they must do so at their own expense and:

- Inform their insurance company of the modification
- Ensure that the screen is certified as safe and meets appropriate safety standards.
- Should be of the solid polycarbonate type and not plastic sheeting
- Ensure that the screen does not interfere with the vision of the driver through the windscreen or left and right of the vehicle
- Ensure that the screen does not interfere with the airbags
- Ensure that any fixtures and fittings do not protrude such that they affect the safety of passengers
- Ensure that the screen is fitted by a competent person

***Before having a driver protection screen fitted, if there is any doubt as to whether it will meet safety standards, proprietors should seek advice from the Council's Licensing office before having one fitted.***

**36.0 Taxi ranks**

**36.1 Waiting on stands**

It is an offence for any person to cause or permit any vehicle other than a hackney carriage licensed by this Authority to wait on any rank or stand for hackney carriages within the Tendring District. Drivers of hackney carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence. Hackney Carriages licensed by this Authority are not permitted on any rank or stand outside of the Tendring District.

**36.2 Plying for hire**

For the avoidance of doubt, the Council does not have a byelaw requiring hackney carriages to return to a taxi rank between fares. Hackney Carriages can be hailed in the street, and can be hired whilst stationary from a designated rank.

**36.2 Taxi Rank Provisions**

Provisions are reviewed every three years in consultation with Essex County Council Highways as the majority of roads with taxi ranks are adopted by Essex County Council.

**37.0 Hackney Carriage Vehicle Conditions**

Please see Appendix C for more information.

**38.0 Private Hire Vehicle Conditions**

Please see Appendix D for more information.

## **39.0 PRIVATE HIRE OPERATOR LICENCE**

### **39.1 Private Hire Operator's Licence**

The objective of licensing Private Hire Vehicle Operators is, again, the safety of the public, who will be using operator premises, vehicles and drivers arranged through them. The Council will grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

Planning consent for the operator premises may be required and all applicants must ensure that they obtain the correct and necessary permissions before trading.

Any application for the renewal of a licence which is not made before the expiry of the previous licence will be treated as an application for a new licence.

Applications will only be acceptable if they include the following:

- Application form completed in its entirety and signed by the applicant along with all the information prescribed
- Application for a Disclosure and Barring Service (DBS) Enhanced Check completed by the applicant with accompanying identification.
- The appropriate fee. The current fees are available online on our website.

It is not the responsibility of the Council to remind a licence holder that a licence is due to expire, however Tendring District Council will endeavor to issue a 'reminder' to existing licence holders that their licence(s) are due for renewal. Application forms can be requested by email or from the licensing team who can also provide information relating to fees and supporting documentation. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Not being sent or not receiving a reminder is not an acceptable reason for late application for a 'renewal'.

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to approximately 4 weeks prior to the expiry date.

### **39.2 Criminal Records checks**

Private Hire Vehicle operators are not exceptions to the Rehabilitation of Offenders Act 1974. Private hire operators that are not licensed drivers, will be required to produce an basic DBS disclosure. An basic Disclosure from the DBS, or a certificate of good conduct from the relevant embassy for overseas applicants, is however, considered appropriate in promoting the objective of public safety.

Before an application for a private hire operator's licence will be considered, the applicant must provide a current (less than one months old) basic DBS (issued specifically for Tendring District Council), or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current Driver's Licence issued by the Council will be exempt from this requirement.

The basic certificate must be submitted to the Council no more than 28 days from the issued date.



Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to an basic Disclosure Certificate. A certificate of good conduct authenticated by the relevant embassy will satisfy this requirement.

### **39.3 Record keeping**

The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a prescribed booking pad, or on a spreadsheet, or on trade specific computer system. This software must be capable of providing the information listed below. The entries must be numbered consecutively, and no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- The time and date of the booking
- The name and address of the hirer
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick-up
- The point of pick-up
- The destination
- The time at which a driver was allocated to the booking
- The name and licence number of the driver and the registration number of the vehicle allocated for the booking.
- Fare (if agreed at the time of booking) or indication that the meter was used.
- The name of the booking staff
- The name of the dispatcher
- Remarks (including details of any sub-contract).

All records kept by the operator shall be preserved for a period of not less than 12 months, following the date of the last entry. In the case of computer records the entries must be capable of being printed on demand and/or emailed in a universal format at the request of a Police officer or the licensing officer.

### **39.4 Licence Duration**

The Council will, issue a successful applicant for a Private Hire Operator's Licence with a five-year licence from the date of grant.

### **39.5 Fees**

On receipt of the appropriate fee, the permitted number of vehicles can be increased at any time during the period of the licence. The application fee is for a 5 year private hire licence for 1 private hire vehicle. Additional fees are required for each further private hire vehicle to be added to the operator licence.

### **39.6 Operation**

A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

All three licences:

- private hire operator's licence,
- dual or private hire driver's licence and
- private hire vehicle licence

must be issued by the same Council.

**39.7 Private Hire Operator Licence Conditions**

Please see Appendix E for more information.

**39.8 Insurance**

The operator shall retain a copy of the insurance for any vehicle they use to fulfil private hire bookings.

Where the operator maintains a bookings office open to members of the public they shall ensure that the premises is covered by a suitable level of public liability insurance of at least £1million.

Where the operator employs people, suitable employees liability insurance should be in place.

**39.9 Address from which an Operator may operate**

Upon the grant of an operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form.

The operator must notify the Council in writing of any change of address during the period of the licence, whether this is a home address or the operating address, within seven days of such a change taking place.

The Council will not grant a licence to an operator whose premises are located outside the district of Tendring. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

**39.10 Gaming machines**

Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005.

**40.0 Departure from the Policy**

There may be instances whereby the Council may need to consider applications outside the policy.

Where it is necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing and Registration Committee or the Miscellaneous Licensing Sub Committee.

**40.1 Amendments to the Policy**

All changes to the Policy are agreed by the Licensing and Registration Committee and if necessary then considered by Full Council.

## **41.0 ENFORCEMENT AND COMPLIANCE**

### **41.1 Penalty Point System Hackney Carriage / Private Hire – Drivers, Vehicles and Operators.**

The penalty point system is for breaches of minor offences under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and the Council's Hackney Carriage and Private Hire Driver, Vehicle, and Operator Conditions. Offences may also be committed under other legislation, bye laws or conditions. Appendix L shows a copy of the penalty points system.

Points will be imposed on the appropriate licences by either Licensing Officers for minor breaches or by the Miscellaneous Licensing Sub Committee for more serious breaches regarding Public Safety. If a driver acquires more than 12 penalty points in 2 years, the Committee will determine whether the person is fit and proper to hold the relevant licence.

There is no financial penalty with a penalty points system and the licensee may continue to work unless the Committee determines otherwise. The Council reserves the statutory right to suspend or revoke the licence at any time if the particular circumstances of the case warrant such action, notwithstanding that less than 12 penalty points have been incurred.

#### **Options available to the Miscellaneous Licensing Sub Committee when considering cases of this type**

After taking into account all the evidence submitted by the Licensing Section and any comments made by the licence holder, Members will determine whether they consider the licence holder is fit and proper to hold a driver, vehicle or operator licence and the action (if any) that should be taken which could include suspension or revocation of their licences.

#### **Appeals against Member decisions**

The licence holder has a right of appeal to the Magistrates' Court within 21 days of receipt of the decision letter.

## **42.0 Complaints**

Complaints which are pursued by the Council are based upon the driver's fitness to hold a licence and/or the condition of the licensed vehicle or offences alleged to have been committed (including breach of licence conditions). Accordingly, any complaints about crime or driving manner will be directed to Essex Police.

Each step of any complaint investigation will be recorded as there is potential for the complaint to progress to being heard in Court and/or may be disclosable in connection with any police investigation.

The public can submit concerns about licensed drivers, vehicles (including proprietors) and operators by e-mail to [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)

In order to progress an investigation a complainant should aim to provide the following information where available:

- Date and time of the incident;
- Vehicle identification (plate number, description of vehicle etc.);
- Identification of Licensed Operator (if applicable);
- Identification of the driver (licence number, personal description);
- Description of the incident

The investigating officer may require the complainant to confirm information in writing.

A formal response outlining the conclusion of an investigation will be provided to the complainant.

Where a matter has been reported to the police - in order to avoid compromising any investigation - licensing officers will usually wait on the outcome of that investigation before considering any further action.

In order to help customers correctly identify and report a driver who may give cause for complaint, the Authority requires that certain information is to be displayed inside all licensed vehicles in the form of an internal vehicle notice.

The format of the notice will be provided by the Council and shall be clearly displayed and visible from the rear seating area of the vehicle. Driver identification can additionally be found either worn by the driver or on the dashboard of the vehicle.

Complaints that are made anonymously unless of a serious nature may be recorded for intelligence purposes only and may not be investigated unless substantiated by a secondary source.

Complaints of a minor nature may be recorded for intelligence purposes only but may not be pursued unless a history of complaints indicates a potential matter of wider concern.

Complaints will not be investigated if it is made with vexatious intention, frivolous or has been made repeatedly and previously been subject of investigation.

Where a complaint potentially indicates a criminal offence enforced by the police or another regulatory body or authority, the information relating to that complaint may be shared with that body or authority.

#### **43.0 Whistleblowing**

Tendring District Council is committed to the highest possible standards of openness and accountability and anyone can report any suspected malpractice or wrongdoing. <https://www.tendringdc.gov.uk/council/consultation-contact-and-complaints/how-complain>



## **APPENDIX A – PROTOCOL FOR APPLICATION OF THREE PENALTY POINTS**

Adopted Protocol for dealing with applications for Hackney Carriage and Private Hire Drivers' Licences where up to three penalty points have been endorsed on the applicants' Driving Licences

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### **1. Delegation to Corporate Director (Governance)**

That the Corporate Director (Governance) is authorised to determine applications for Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Operator, Private Hire Driver and Private Hire Vehicle Licences in accordance with the Council's policy or in cases where no more than three penalty points have been endorsed on the applicant's driving licence except in the case of mobile phone offences.

### **2. Submission of Fixed Penalty Notice**

In accordance with Condition 17 of the Dual Driver's Licence and Condition 12 of the Private Hire Driver's Licence a driver who has received a Fixed Penalty Notice shall submit to the Corporate Director (Governance) **the original of such Notice\* within seven days of receipt** thereof. If the original of the Notice\* cannot be produced, the application for any future renewal of the Licence will be referred to the next meeting of the Licensing Sub-Committee for determination irrespective of the number of penalty points endorsed on the Driver's Licence.

\* Notice must include the speed you were doing and the legal speed.

### **3. Factors to be taken into account when determining applications in accordance with the Delegated Power**

<b>Speeding</b>	
1-5 miles per hour in excess of mandatory speed limit	Licence granted for a maximum period of three years
6-10 miles per hour in excess of mandatory speed limit	Licence granted for a maximum period of two years
11 miles per hour in excess of mandatory speed limit	Licence granted for a maximum period of one year
<b>Failing to comply with Automatic Traffic Signal</b>	Licence granted for a maximum period of one year
<b>Pedestrian Crossing Offences</b>	Licence granted for a maximum period of one year

### **4. Serious Traffic Offences**

In cases where, in the opinion of the Corporate Director (Governance), a more serious traffic offence has been committed which has put passengers at risk but only three penalty points have been endorsed on the applicant's driver's licence, it will be at that Officer's discretion to refer the application to the Miscellaneous Licensing Sub-Committee for determination.

**APPENDIX B - DUAL LICENCE - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CONDITIONS**

**Conditions:**

1. The driver shall ensure that the Vehicle Licence Plates **are** clear and legible at all times.
2. The driver shall keep the dial of the taximeter lit during all hirings within the period of lighting-up time and any other time when required to do so.
3. The driver of a Hackney Carriage shall when plying for hire in any street and not actually hired:-
  - (a) proceed with reasonable speed to one of the stands fixed for the purpose;
  - (b) if a stand is occupied by the full number of carriages authorised to occupy it, proceed to another stand;  
on arriving at a stand not full, position the carriage behind the rearmost carriage, facing the same direction, and move forward when the carriage in front is moved forward or has driven off.
4. The driver when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
5. The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
6. Where a vehicle has been hired to be in attendance at an appointed time or place, the driver thereof shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time or place.
7. The driver when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
8. The driver shall not convey in the vehicle a greater number of passengers than the number of persons specified on the plate affixed to the outside of the vehicle., Children under the age of three years shall not be counted for the purpose of a fare but still count as a passenger and must at all times be under the supervision of a responsible adult other than the driver of the vehicle.
9. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
10. The driver of a Hackney Carriage constructed or adapted so as to carry luggage shall, when requested by any persons hiring the carriage:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building or place at which he may take up or set down such person.
11. Every driver who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Chief Environmental Health Officer of the Council and shall not further use the vehicle for public hire without the consent of that Officer.
12. The driver shall ensure that the fare table is unobscured and legible at all times.
13. The driver shall behave in a civil and orderly manner.

14. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
15. The driver shall if any property accidentally left in the vehicle by any persons who may have been conveyed in the vehicle be found or handed to him:-
  - (a) as soon as possible and in any event within 72 hours, return it to its owner or if not known to the nearest Police Station and obtain a receipt / reference number for the property, which must be passed to the Licensing Office;
  - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Council Offices, whichever be the greater) but not more than five pounds.
16. The driver shall notify the Council in writing within a period of seven days of any change in his permanent address and produce his licence for the change to be recorded thereon.
17. The driver shall notify the Council in writing within a period of **seven days** of any caution/conviction (**whether criminal or motoring**) being imposed upon him or her during the period of this Licence or within a period of seven days of any fixed penalty offence (as defined in Section 51 of the Road Traffic Offenders Act 1988) being endorsed upon his or her driving licence during the period of this licence.
18. Upon reaching the age of 65 and thereafter on an annual basis any driver wishing to continue to hold his/her licence or apply for a new or renewed licence shall provide to the Council a medical certificate in a format prescribed by the Council duly signed by a recognised General Practitioner certifying that the licence holder/applicant is fit to drive a Hackney Carriage. That in the case of existing licensed drivers the medical certificate shall be supplied to the Council within fourteen days of their 65th birthday and thereafter annually within the same period of time.

In the event of no medical certificate being provided within the prescribed period, or if the General Practitioner certifies that the driver is not fit to drive, the licence shall be revoked forthwith.
19. Unless medically exempt the driver shall carry, free of charge, guide dogs, hearing and certain other assistance dogs as may be prescribed from time to time, accompanying disabled people.
20. These conditions may be added to or varied by the Council at any time.

## **APPENDIX C - PRIVATE HIRE DRIVER CONDITIONS**

### **Conditions:**

1. The driver shall ensure that the Private Hire Licence Plates are clear and legible at all times.
2. The driver shall behave in a civil and orderly manner.
3. Where a vehicle has been hired to be in attendance at an appointed time and place, the driver thereof shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
4. The driver shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for this purpose.
5. If a badge has been provided by the Council the driver shall, when driving or attending to the vehicle, wear the badge in such position and manner as to be plainly visible.
6. The driver of a vehicle constructed or adapted so as to carry luggage shall, when requested by any persons hiring the vehicle:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building or place at which he may take up or set down such person.
7. Every driver who shall knowingly convey in the vehicle the dead body of any person shall immediately thereafter notify the fact to the Chief Environmental Health Officer of the Council and shall not further use the vehicle for hire without the consent of that Officer.
8. The driver shall not convey in the vehicle a greater number of passengers than the number of persons specified on the plate affixed to the outside of the vehicle, provided that for the purposes of ascertaining the number of persons travelling in the vehicle children under the age of three years shall not be counted and such children must at all times be under the supervision of a responsible adult other than the driver of the vehicle.
9. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
10. The driver shall if any property accidentally left in the vehicle by any persons who may have been conveyed in the vehicle be found by or handed to him;
  - (a) as soon as possible and in any event within 72 hours, return it to its owner or if not known to the nearest Police Station and obtain a receipt / reference number for the property, which must be passed to the Licensing Office;
  - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Council Office, whichever be the greater) but not more than five pounds.
11. The Driver shall notify the Council in writing within a period of seven days of any change in his permanent address and produce his licence for the change to be recorded thereon.



12. The driver shall notify the Council in writing within a period of **seven days** of any caution / conviction (**whether criminal or motoring**) being imposed upon him or her during the period of this Licence or within a period of seven days of any fixed penalty offence (as defined in Section 51 of the Road Traffic Offenders Act 1988) being endorsed upon his or her driving licence during the period of this licence.
13. Upon reaching the age of 65 and thereafter on an annual basis any driver wishing to continue to hold his/her licence or apply for a new or renewed licence shall provide to the Council a medical certificate in a format prescribed by the Council duly signed and recognised General Practitioner certifying that the licence holder/applicant is fit to drive a Private Hire Vehicle. That in the case of existing licensed drivers the medical certificate shall be supplied to the Council within fourteen days of their 65th birthday and thereafter annually within the same period of time.

In the event of no medical certificate being provided within the prescribed period, or if the General Practitioner certifies that the driver is not fit to drive, the licence shall be revoked forthwith.

14. Unless medically exempt, the Driver shall carry, free of charge, guide dogs, hearing and certain other assistance dogs as may be prescribed from time to time, accompanying disabled people.
15. These conditions may be added to or varied by the Council at any time.

## **APPENDIX D - HACKNEY CARRIAGE VEHICLE CONDITIONS**

1. The vehicle shall be suitable in type, size and design, for the purpose of public hire.
2. (a) The Council's Licence Plates shall be affixed to the front and rear of the vehicle by the use of the plate platform and/or bracket provided in a position so that the details shown on the plate may be seen clearly and are not illegible, defaced or concealed from public view except where provided for by Statute. Such plate shall be affixed by use of the bracket beneath the registration number plate in accordance with the instructions provided or, in cases where this is not practical, by riveting the plate platform to the bodywork of the vehicle on the rear right hand side on, or just above, the bumper. The vehicle may not be used for the purpose authorised by the vehicle licence without such plate being so affixed.  
  
(b) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the vehicle, except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle.
3. (a) The proprietor shall cause to be affixed and maintained on the roof of the vehicle a sign which will be lit during the time when it is obligatory to use side or head lamps which reads 'Taxi'. This condition does not apply when the vehicle is an FX4 (London Cab).  
  
(b) The proprietor may display such signs, etc., as may from time to time be approved by the Council.
4. The vehicle shall:-
  - (a) be equipped with sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) be equipped with any necessary windows and a means of opening and closing not less than one window each side;
  - (c) be kept weatherproof;
  - (d) be equipped with properly upholstered seats;
  - (e) be equipped with proper floor covering;
  - (f) be kept in a clean condition, well maintained and in every way fit for service;
  - (g) be equipped with means for securing luggage, if the vehicle is constructed or adapted to carry luggage;
  - (h) be equipped with an efficient fire extinguisher (British Standards Approved) which shall be kept in such a position as to be readily available for use;
  - (i) be equipped with at least two doors for the use of persons being conveyed in the vehicle and a separate means of entry and an exit for the driver.
5. The vehicle will be equipped with a taximeter which is so constructed, attached and maintained as to comply with the following requirements:-
  - (a) The taximeter should be fitted with a key, flag, button or other device the operation of which will bring the taximeter into action and caused the word 'Hired' to appear on the face of the taximeter;
  - (b) Such device should be capable of being locked or operated in such a position or way that the taximeter is not in action and no fare is recorded on the face of the taximeter;
  - (c) When the taximeter is in action there should be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;
  - (d) The word 'Fare' should be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) The taximeter should be so placed that all letters and figures on the face thereof are at all times plainly visible to any persons being conveyed in the carriage, and for that purpose the letters and figures should be capable of being suitably illuminated during any period of hiring;
  - (f) The taximeter and fittings thereof should be so affixed to the carriage that it should not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the fixings.

6. If seals are fitted or attached to the meter the Council should be notified forthwith if such a seal is broken through any cause.
7. A statement of the fares fixed by the Council shall be exhibited inside the vehicle and shall not be concealed or rendered illegible at any time whilst the vehicle is plying or being used for public hire.
8. A vehicle which has conveyed a dead body of any person shall not be used for public hire without the consent of the Head of Environmental Services of the Council.
9. The vehicle shall not be used for the conveyance of any fare which has been importuned in any way.
10. These conditions may be added to or varied by the Council at any time.

**Failure to conform to these requirements will result in a breach of policy and further action may be taken by the Council against the vehicle proprietor/s.**

## **APPENDIX E - PRIVATE HIRE VEHICLE CONDITIONS**

1. The vehicle shall be suitable in type, size and design for the purpose of private hire and shall not lead persons to believe that it is a Hackney Carriage.
2.
  - (a) The Council's Licence Plates shall be affixed to the front and rear of the vehicle by the use of the plate platform and/or bracket provided in a position so that the details shown on the plate may be seen clearly and are not illegible, defaced or concealed from public view except where provided for by Statute. Such plate shall be affixed by use of the bracket beneath the registration number plate in accordance with the instructions provided or, in cases where this is not practical, by riveting the plate platform to the bodywork of the vehicle on the rear right hand side on, or just above, the bumper. The vehicle may not be used for the purpose authorised by the vehicle licence without such plate being so affixed.
  - (b) The Proprietor shall cause signs to be affixed and maintained on the near side and off side front doors of the vehicle to the following specifications:-

“The sign shall be 8¼” x 11¾ “ overall with a white background and a border ¼” from the edge, the border to be the same colour as the lettering. The sign shall state only the name, address and telephone number of the operator of the vehicle, and the legend “Licensed Private Hire Vehicle”. The size of the lettering for the address and legend shall be ¾”; the name shall not be greater than 2” and the telephone number shall not exceed 2½”. The colouring of the lettering may be as chosen by the operator”
  - (b) No sign other than the foregoing shall be displayed on the vehicle in such a manner as to be visible to persons outside the vehicle, unless required by law or with the consent of the Council in writing.
3. The vehicle shall:-
  - (a) be equipped with sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) be equipped with any necessary windows and a means of opening and closing not less than one window each side;
  - (c) be kept waterproof;
  - (d) be equipped with properly upholstered seats;
  - (e) be equipped with proper floor covering;
  - (f) be kept in a clean condition, well maintained and in every way fit for service;
  - (g) be equipped with means for securing luggage, if the vehicle is constructed or adapted to carry luggage;
  - (h) be equipped with an efficient fire extinguisher [British Standards Approved] which shall be kept in such a position as to be readily available for use;
  - (i) be equipped with at least two doors for the use of persons being conveyed in the vehicle and a separate means of entry and exit for the driver.
4. A vehicle which has conveyed the dead body of any person shall not be used for hire without the consent of the Chief Environmental Health Officer of the Council.
5. The vehicle shall not be used for the conveyance of any fare which has been importuned by any person.
6. These conditions may be added to or varied by the Council at any time.

**Failure to conform to these requirements will result in a breach of policy and further action may be taken by the Council against the vehicle proprietor/s**



## **APPENDIX F - PRIVATE HIRE OPERATOR LICENCE CONDITIONS**

The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate. The current conditions are as follows:

1. The Operator shall record in a bound book before the commencement of each journey, the date and time of hiring; the name and address of the hirer; the date, time and place of commencement of the journey, the destination, number of passengers, plate number of the vehicle and badge number of the driver. If the booking is passed to another operator, the name of that operator and date and time of passing shall be recorded. This record shall be preserved for a period of one year from the date of the last entry, and shall be produced for inspection on request by any authorised Officer of the Council or any Police Constable and such Officer or Constable shall be entitled to make copies of any entries recorded therein.
2. The Operator shall maintain a proper record of all persons driving Private Hire Vehicles for which he invites or accepts bookings; such record shall show the driver's name and address, hours of work, rest periods and plate number of the vehicles driven. This record shall be preserved for a period of one year from the date of the last entry and shall be produced for inspection on request by an authorised Officer of the Council or any Police Constable and such Officer or Constable shall be entitled to make copies of any entries recorded therein.
3. The Operator shall provide and maintain the above records at his own expense.
4. If any Director or Partner ceases to be a Director or Partner, or if any person becomes a Director or Partner, or there is any change of Company Secretary or place or business, such fact shall be reported to the Council in writing within seven days.
5. The Operator must not use in any advertisement the words Hackney Carriage, Taxi or Cab if licensed Hackney Carriages cannot be supplied.
6. Notify the Council within 7 days of any change of business address or change of company trading name.
7. The Operator shall be aware that a booking accepted by telephone or otherwise verbally is a lawful agreement and they may be liable for breach of contract if a booking is not honoured. The accurate recording of booking details is a means of protecting themselves should such circumstances arise.
8. These conditions may be added to or varied by the Council at any time.

**APPENDIX G - GUIDELINES FOR SALOON AND ESTATE VEHICLES:**

The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and **NOT** adapted, for the conveyance of up to four passengers.

1. No vehicle will be licensed for less than four passengers.
2. The maximum number of passenger seats is four and the following will be taken into account when deciding seating capacity:-
  - (a) The width of each seat should not be less than 400mm per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
  - (b) There shall be sufficient room in the rear of the vehicle to accommodate three passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 870mm between the seat and roof of the vehicle and 180mm from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
  - (c) There shall be a separate front seat to accommodate one person in addition to the driver [excluding London style cabs].
  - (d) There shall be a minimum of four doors, each adjacent to and allowing direct access to and from the seats.
  - (e) Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
  - (f) All seats should face forward in the direction of travel [except London style cabs].
  - (g) The vehicle shall be right hand drive, with the driver's door to the offside.

## **APPENDIX H - GUIDELINES FOR MULTI-SEATER VEHICLES:**

The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and NOT adapted, for the conveyance of up to eight passengers.

1. The maximum number of passenger seats is eight and the following will be taken into account when deciding seating capacity:-
  - a) The vehicle shall be right hand drive, with the driver's door to the offside.
  - b) The vehicle will have a front nearside passenger door.
  - c) In respect of minibus and other MPV style vehicles a minimum of three doors to the passenger accommodation shall be provided.
  - d) Except where the vehicle is fitted with an offside passenger door, it shall be possible for a passenger to walk from the rear nearside passenger door through the vehicle and out of the rear door without having to step over any seats.
  - e) The width of each seat should not be less than 400mm per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
  - f) Each seat should face forward in the direction of travel unless, in the case of rear facing seats, there is supporting documentation to say that the seats conform to the relevant Ministry of Transport standards.
  - g) All seats, whether rear or front facing, shall be fitted with a seat belt. Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
  - h) There shall be sufficient room between the seats to allow adequate room for the movement of passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 870mm between the seat and roof of the vehicle and 180mm from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
  - i) Have proper signs on how to lift the second row of seats. The sign should be clearly visible to any persons seated in the rearmost seats providing customers with instructions on the operating mechanisms for the seat that may be required to be tipped/moved forward in order to gain access/egress from the vehicle.
  - j) The operating levers to be coloured yellow/orange so that they are easily identifiable. They can be coloured by using the appropriate colour tape. Tape should remain damage free at all times and replaced when worn.
  - k) When deciding the seating capacity of any vehicle, account will be taken of the weight bearing capacity of the rear axle and any other factors considered necessary in order to ensure the comfort and safety of the public. Applicants will be required to supply this information or take the necessary steps to contact the manufacturer of the vehicle in order that this information is available at the time the inspection takes place.
  - l) Taken from the area to the rear of the driver, the floor of the vehicle shall be of one level to the rear of the vehicle.
  - m) The vehicle shall be fitted with either a sliding or front pillar hinged door to the nearside passenger carrying area such additional door, if hinged to be capable of opening 90°, ideally with a step or similar device to assist passengers in entering or leaving the vehicle.

- n) If the vehicle is fitted with an offside rear passenger door, then the rear door may be of the hinged lift-up type such offside rear passenger door to be of the sliding or front pillar hinged type, capable of opening to 90°, ideally with a step or similar device to ease passengers to enter or leave the vehicle.
- o) Have windows on the near and offside in respect of the rear row of seats and that they be free from obstruction at all times to allow access in the event of an emergency.
- p) Have well positioned exit window signs (where appropriate).
- q) Have an internal device for the rear hatch door to be opened from the inside. This can be by way of an emergency 'quick release' button which can be fitted to the rear hatch door which can be operated by passengers in order to allow access/egress in the event of an accident and one of the side passenger doors being inaccessible.
- r) All vehicles must be capable of carrying a wheelchair in a reasonable manner. In the interests of passenger safety and comfort, should any vehicle be capable of carrying a person who remains in the wheelchair, or where the seating layout may be varied to accommodate a wheelchair, such vehicle must have adequate provision to enable the wheelchair to be fixed securely to the floor of the vehicle. The remaining seating capacity will then be determined in accordance with the conditions set out above but the total passenger carrying capacity shall not be less than four.
- s) Notwithstanding the seating capacity stated on the Vehicle Registration Document, in order to meet the above criteria for the safe conveyance and comfort of passengers it may be necessary for a seat or seats to be removed and any licence and subsequent licence issued by the Council in respect of the vehicle will be subject to such reduced seating capacity.
- t) An appeal against a decision on capacity may be referred to the Licensing Sub-Committee, provided that documentation in support of the appeal can be produced by the applicant.
- u) These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in their wheelchairs.

These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in wheelchairs.



## **APPENDIX I - SUITABILITY TEST**

### **Guidelines for Suitability Tests**

All applicants wishing to apply for a Hackney Carriage and Private Hire Drivers Licence are required to pass a suitability test before they can apply for a full application pack. These notes advise you on what you will need to know to pass the suitability test and how the test is conducted.

The test is computer based and the questions are automatically generated by the computer. The test is time limited and candidates will have a maximum of **24 minutes** to complete it.

The test will consist of:-

- Money & Finance
- Literacy
- Times & Dates
- A-Z (which will be provided at the test)

You will be asked 5 questions from each of the categories and the pass mark is 4 out of 5 per category. Should you fail any of the sub sections listed above you will have failed the complete test. You will not be able to take another test for a minimum of 14 days where a further £30 would be required.

### **Using the Suitability Test Software**

#### **Step 1.**

Read the question through **carefully**, and then select your answer from the four options.

#### **Step 2**

Once your answer has been selected (it will show a tick in the box next to the answer you have selected, and will be highlighted), press the 'Next Question' button as shown below. Please note that you can change your answer at any time by simply selecting an alternative answer.

#### **Step 3**

When you have finished the test it will not be possible to select the 'Next Question' button, and you should click on the button marked 'Finished'. The computer will then ask you if you are sure you have finished and will highlight any questions that you have not selected an answer for. You then have the opportunity to go back and enter an answer for these questions if you wish, or the opportunity to double check your answers. Once you are satisfied with your answers, you should end the test and inform the invigilator.

## **APPENDIX J - KNOWLEDGE TEST**

### **Guidelines for Knowledge Test**

All applicants for a Hackney Carriage and Private Hire Drivers Licence are required to pass a special test before they can be Licensed to drive Hackney Carriages and Private Hire Vehicles Licensed by this authority. In London this test is known as 'The Knowledge' and a similar, though less rigorous test is administered by Tendring District Council. These notes advise you on what you will need to know to pass the knowledge test and how the test is conducted.

Applicants will be expected to have a reasonable understanding of the streets and main buildings within the entire District of Tendring. Therefore, the test will incorporate all of the main areas of Tendring such as Clacton, Harwich, Manningtree, Frinton, Walton, Brightlingsea, Great Bentley and the surrounding areas as shown on the map below.



An applicant will be expected to have knowledge of the law in relation to Hackney Carriage / Private Hire Driver and Vehicles as well as the Licensing Conditions adopted by Tendring District Council. Applicants should also be familiar with and have studied the Highway Code.

The test is computer based and the questions are automatically generated by the computer. The test is time limited and candidates will have a maximum of **60 minutes** to complete it.

**The test will consist of:-**

- **Road Signage**
- **Highway Code**
- **Routes of roads within the Tendring area**
- **Places of Interest and local knowledge**
- **Conditions, Law and Equality**

## Test Information

The test is modular and a candidate must achieve a pass mark in each of the sections (shown below) to satisfactorily pass the test. The number of questions and the pass mark in each category is:

- Signage - Answer 5 out of 5 questions correctly
- Highway Code - Answer 5 out of 5 questions correctly
- Routes – Surrounding areas - Answer 1 of 2 questions correctly in each group  
(Clacton / Holland / St Osyth / Jaywick)  
(Harwich / Dovercourt / Parkeston)  
(Walton / Frinton / Thorpe / Weeley)  
(Manningtree / Wix / Mistle)  
(Brightlingsea / Thorington / Great Bentley / Alresford)
- Places of Interest / Local Knowledge – Surrounding area - Answer 3 of 5 questions correctly in each group  
(Clacton / Holland / St Osyth / Jaywick)  
(Harwich / Dovercourt / Parkeston / Manningtree / Wix)  
(Walton / Frinton / Thorpe / Weeley)  
(Brightlingsea / Thorington / Great Bentley / Alresford)
- Conditions, Law and Equality - Answer 4 of 5 questions correctly.

Should you fail any of the modular sub sections listed above, you will have failed the test, but can choose to return and resit the test at a later date and will only be required to undergo the sections that you have failed on. You will only ordinarily be permitted to undertake the knowledge test 3 times. **Should you not have completed the test after 3 attempts your application will be terminated. The following timescales apply if you fail the test:**

- **Fail first attempt - Wait a minimum 14 days before retest of the failed sections.**
- **Fail second attempt - Wait a minimum 14 days before retest of the failed sections.**
- **Fail third attempt - Your application will be terminated.**

There is an appeal procedure in place for a fourth attempt if you fail your third attempt which must be made in writing to the Licensing manager.

If your application is withdrawn, you cannot resubmit an application for 1 months. Any fees paid towards the grant of a hackney carriage/private hire drivers licence will be refunded if the licence is not granted to you.

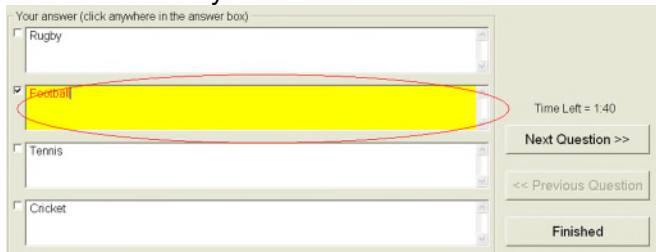
**It is strongly recommended that anybody wishing to be licensed as a new driver should take the time therefore, to familiarise themselves with the highway code, and the law relating to the driving of Hackney Carriage and Private Hire Vehicles, Tendring District Council Vehicle Licensing Conditions, Tendring District Council Hackney Carriage / Private Hire Driving Licence Conditions.**

The knowledge test will be administered in English. Assistance may be given, should an applicant have any difficulty in undertaking this test. Additional information is enclosed with this guidance to assist you.

## Using the Knowledge Test Software

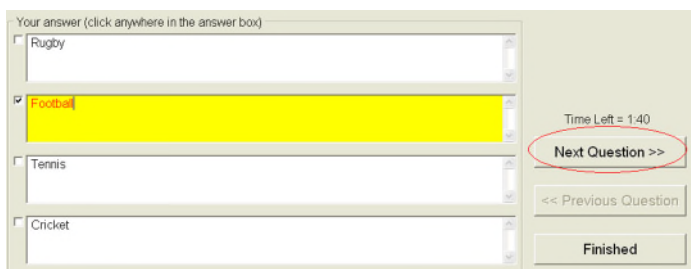
### Step 1.

Read the question through **carefully**, and then select your answer from the four options given as demonstrated by the circle below.



### Step 2

Once your answer has been selected (it will show a tick in the box next to the answer you have selected, and will be highlighted), press the 'Next Question' button as shown below. Please note that you can change your answer at any time by simply selecting an alternative answer.



### Step 3

When you have finished the test it will not be possible to select the 'Next Question' button, and you should click on the button marked 'Finished'. The computer will then ask you if you are sure you have finished and will highlight any questions that you have not selected an answer for. You then have the opportunity to go back and enter an answer for these questions if you wish, or the opportunity to double check your answers. Once you are satisfied with your answers, you should end the test and inform the invigilator.

## Guidance to the Knowledge Test (points to study)

There are no lists of roads, routes or places of interest to assist you in learning the area of Tendring. Experience has shown that an applicant could sit down and learn the list without knowing the area in which they will be working. In this day and age of GPS navigation it could be said that there is no requirement for a driver to learn the area as the device will take him or her to the destination. This is not the case. There can be no substitute for having a working knowledge of the area that you intend to drive. It conveys a wrong impression to the customer and is unprofessional when a driver has to fumble with his GPS before setting off on the journey. In undertaking the knowledge test there is no substitute for studying the area and where necessary driving around to familiarise yourself with the location.

**In this test you will be required to identify public buildings such as Police Stations, Courts, Job Centres, Social Services buildings, Hospitals, Hospice, Schools and Colleges, Cemeteries and Crematoriums. You should be able to identify all Pubs, Restaurants, Shops and Supermarkets, Hotels, Nightclubs and Places of Entertainment within the District together with Local Football and Rugby Clubs, Parks and Open Spaces, Golf Courses, Sports and Leisure Centres. You should be able to identify large businesses within the District and the industrial estates that they are located on. The list of places of interest is not exhaustive and applicants should actively research the area using such means as Google, Google Maps or Street View on the Internet for example, or hard copy such as Road Atlases or the Yellow Pages or Thompsons Local Directories. Where any doubt exists a visit to the area may be of benefit.**



**Please note that this policy is in draft and currently awaiting Cabinet Approval.**

The licence conditions and bye laws have been attached to these notes; however you should obtain the latest copy of the Official Highway Code and familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

### **Hackney Carriage and Private Hire Licence Conditions and Guidance**

As part of the knowledge test you will be asked questions on licence conditions. For reference and further help you, it is recommended that you have read the conditions as laid out in **APPENDICES** within the policy.

## **APPENDIX K - CURRENT FARE TARIFF**

### **TENDRING DISTRICT COUNCIL**

#### **HACKNEY CARRIAGE FARE SCALE TO TAKE EFFECT 11 AUGUST 2022**

- 1. MILEAGE**
  - (a) If the distance does not exceed 235 yards for the whole distance **£3.40**
  - (b) For each subsequent 235 yards or uncompleted part thereof in addition to (a) above **.30**
- 2. WAITING TIME**

For each period of 60 seconds or uncompleted part thereof **.30**
- 3. EXTRA CHARGES**
  - (a) For hirings throughout Sundays and throughout all Bank and Public Holidays and for hirings commencing after Midnight and before 6 a.m. Mondays to Saturdays inclusive **One-half of the above rate of fare**

**Note: When the Bank and Public Holiday charge is payable, the Sunday and night charges are not payable**
  - (b) For each article of luggage conveyed **.20**

[Luggage means suitcases or trunks but not smaller items such as a briefcase or carrier bag]
  - (c) For each person in excess of one **.20**
  - (d) For each bicycle or non-folding pram **.20**
- 4. MULTI-SEAT VEHICLES**

When used to carry more than 4 passengers or a greater amount of luggage than can be conveyed in a four-seater **Add one-half of the rates specified in 1 or 3(a) above**

**Note: When this charge is payable no further extra charges are applicable.**
- 5. CHRISTMAS AND NEW YEAR PERIODS**

For the Christmas Period – 6 p.m. on 24 December until 7a.m. on 27 December **DoubleTariff 1**  
For the New Year Period – 6 p.m. on 31 December until 7.am. on 2 January
- 6. MULTI-SEAT VEHICLES – CHRISTMAS AND NEW YEAR PERIOD**

When used to carry more than 4 passengers or a greater amount of luggage than can be carried in a four seater for the days and times set out in Paragraph 5 above **Double Tariff 1 plus 50%**
- 7. DAMAGE AND SOILAGE CHARGE**

The driver may recover costs under Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976 from the hirer who will be responsible for any damage to (or human discharge left in) the taxi, which has been caused by the action of the hirer or travelling companion(s), and the hirer will be liable to meet the full cost of restoration work required to make good the effects of the aforementioned damage and/or human discharge.
- 8. CARRIAGE OF PERSONS WITH DISABILITIES**

(No extra charges for wheelchairs) **Fares as specified in 1,2 and 3 above**

## **APPENDIX L – ENFORCEMENT - PENALTY POINTS SYSTEM**

### **PENALTY POINTS SYSTEM**

#### **HACKNEY CARRIAGE/PRIVATE HIRE - DRIVERS, OPERATORS AND VEHICLE LICENCES**

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows: -

1. Tendring District Council's Policies will be fully considered by the enforcing officer when determining the way any breach of the legislation or the requirements of this policy are dealt with. Where it is decided that the use of penalty points is appropriate, they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions.
3. Each case will be considered on its merits.
4. When points are issued to the vehicle licence, operator or driver, written confirmation will be sent within 10 working days. There is a right of appeal to the Licensing Manager.
5. Points issued remain live for a period of two (2) years from date of issue. Points will be deleted after this two-year period.
6. The Miscellaneous Licensing Sub-Committee may consider previous penalty points if a trend is identified or considered relevant by the members.
7. Any driver, vehicle licence holder or operator accumulating 12 points in a two-year period will be required to appear before a panel of the Miscellaneous Licensing Sub-Committee to consider whether they are still fit and proper to hold the licence.
8. When a driver, vehicle licence holder or operator is brought before the Miscellaneous Licensing Sub-Committee, the panel may exercise one of the following options: -
  - a. Suspend the licence.
  - b. Revoke the licence.
  - c. Issue written warning.
  - d. Extend the two-year period in which points remain live.
  - e. Take no further action.
  - f. Any other action the panel feels appropriate (including Penalty Points)
9. Any driver, operator or vehicle licence holder required to appear before the Miscellaneous Licensing Sub-Committee having accumulated 12 points shall be entitled to make representations to the panel or be legally represented at the hearing.
10. Nothing in this penalty points system will stop the council from taking action under any appropriate legislation.

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
1	LO/CTTEE	Providing false/misleading information for licence application, failing to provide relevant information, failure to pay relevant fees (including dishonoured cheques or other financial instruments)	6-12	✓	✓	✓
2	LO	Failure to notify the Council of a change of address as required in this Policy	2	✓	✓	✓
3	LO/CTTEE	Refusal to accept hiring/booking without reasonable justification	6-12	✓		✓
4	LO/CTTEE	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓		✓
5	LO/CTTEE	Plying for hire by private hire drivers, or hackney carriage drivers plying for hire outside of the Council's boundary	9	✓	✓	
6	LO	Private hire vehicle parking or waiting on a taxi rank, or waiting so as to imply a taxi rank is in place	9	✓	✓	
7	LO/CTTEE	Inappropriate behaviour whilst in charge of a licensed vehicle	1-12	✓		
8	LO	Leaving a taxi unattended (on a hackney carriage rank)	3-6	✓		
9	CTTEE	Using an unlicensed vehicle (as a private hire or hackney carriage)	12	✓	✓	✓
10	LO/CTTEE	Failure to produce suitable relevant documents or to fully assist an authorised officer with their reasonable enquiries within timescales when requested by an authorised officer	3	✓	✓	✓
11	LO	Unsatisfactory condition of interior or exterior of a licensed vehicle	3	✓	✓	✓
12	CTTEE	Using a vehicle that is subject to a suspension order issued by an authorised officer or a police officer	12	✓	✓	✓
13	CTTEE	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓	✓
14	LO	Failure to report an accident or damage to a licensed vehicle in accordance with this Policy, and which would bring the vehicle in breach of licence conditions	3	✓	✓	



	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
15	LO	Carrying more passengers than stated on the vehicle licence	6	✓		✓
16	LO	Failure to display or maintain external plate as issued by the Licensing authority or displaying incorrectly e.g., in the window of a vehicle	4	✓	✓	
17	CTTEE	Carrying or allowing to be carried an offensive weapon in a licensed vehicle	12	✓		
18	LO	Failure to notify a transfer of vehicle licence in accordance with this Policy	3		✓	
19	LO	Failure to carry a working fire extinguisher in a licensed vehicle	3	✓	✓	
20	LO	Displaying signage or advertisements otherwise than in accordance with this Policy	3	✓	✓	✓
21	LO	Failure to use a roof light where required	4	✓	✓	
22	LO/CTTEE	Obstruction of an authorised officer or police officer	6-12	✓	✓	✓
23	LO	Smoking or evidence thereof in a licensed vehicle and/or failing to display no smoking signs	4	✓	✓	
24	LO	Displaying any feature on a private hire vehicle that may suggest it is a hackney carriage	6	✓	✓	✓
25	CTTEE	Failure to carry an assistance animal without requisite medical exemption certificate	12	✓		
26	CTTEE	Driver not holding a current DVLA licence	12	✓		
27	LO	Failure to display driver's badge otherwise in accordance with this Policy	4	✓		
28	LO/CTTEE	Failure to notify a change in medical circumstances otherwise in accordance with this Policy	6	✓		
29	LO	Unsatisfactory appearance of driver	3	✓		

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
30	LO	Failure to issue receipt on request	3	✓		✓
31	LO/CTTEE	Using a licensed vehicle in a dangerous condition	9	✓	✓	✓
32	LO/CTTEE	Failure to return vehicle licence plate otherwise in accordance with this Policy	4	✓	✓	✓
33	LO/CTTEE	Unsatisfactory behaviour or conduct of a driver	1-12	✓		
34	LO/CTTEE	Failure to notify the Council of any motoring or criminal convictions otherwise in accordance with this Policy	12	✓	✓	✓
35	LO/CTTEE	Failure to provide reasonable assistance to a passenger	1-12	✓		
36	LO	Failure to display a correct up to date fare tariff	3	✓	✓	
37	LO/CTTEE	Use of licensed vehicle with a bald, dangerous, or defective tyre	3 (per tyre)	✓	✓	✓
38	LO/CTTEE	Failure to submit licence renewal application including documents	4	✓	✓	✓
39	LO	Waiting or stopping on a zigzags, red routes or bus stops.	3	✓		
40	LO/CTTEE	Driving whilst using a handheld electronic communications device or some other device	6-12	✓		
41	CTTEE	Plying for hire without a Hackney Carriage Driver Licence	12	✓		
42	CTTEE	Driving a licensed vehicle without the appropriate Council issued Driver Licence	12	✓	✓	
43	LO	Failing to produce upon request by an authorised officer any driver licences for whom they have permitted to drive that vehicle.	3		✓	✓
44	LO	Failure to present a vehicle for an inspection upon request	3		✓	

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
45	LO	Failure to return a plate/licence/badge after notice has been given following an expiry, revocation, or suspension of the licence	6-12	✓	✓	✓
46	LO/CTTEE	Failure to ensure the safety of passengers	3-12	✓	✓	✓
47	LO	Failure to attend on time for a pre-arrange appointment at the request of the Licensing Authority without reasonable cause.	3	✓	✓	✓
48	LO	Failure to give reasonable assistance with passengers' luggage (unless the holder of an exemption)	3	✓		
49	LO	Failure of a Private Hire Operator to request and keep a copy of all driver's licence in his employ	3			✓
50	LO/CTTEE	Failure of the Private Hire Operator to keep to proper records, or failure to produce them upon request of an authorised officer of the Licensing Authority or a Police Office within a reasonable time/or time specified.	3-8			✓
51	LO/CTTEE	Failing to comply with a requirement of an authorised officer of the Licensing Authority or Police Officer	3-12	✓	✓	✓
52	LO/CTTEE	Failure to give information or assistance to an authorised officer of the Licensing Authority or Police Officer	3-12	✓	✓	✓
53	LO/CTEE	Failing to adhere to any of the driver/vehicles or operator licence conditions	1-12	✓	✓	✓
54	LO/CTEE	Use of unacceptable behaviour and/or language towards staff/Councillors of Tendring District Council.	1-12	✓	✓	✓

## CABINET

10 NOVEMBER 2023

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### A.7 CONSIDERATION AND ADOPTION OF HOUSING POLICES ON REPAIRS, DAMP AND MOULD, AND FIRE SAFETY

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To consider the following draft policies prepared in relation to the maintenance and operation of the Council's retained housing stock:

- Repairs Policy
- Damp and Mould Policy
- Fire Safety Policy

##### EXECUTIVE SUMMARY

The Government has introduced regulation of the housing sector, the full effect of this will commence on 01 April 2024. Together with Tenants' Charter and potential revised Decent Homes Standards, fire safety requirements and disrepair claim proliferation the service faces major increased demands,

The provision of housing services is essentially self-funding with separate accounting processes to the Council's other, General Fund, functions. The increasing demands are likely to place significant additional pressures on finances and other resources.

Although the adoption of these policies is not of itself mandatory, there are legal and regulatory standards for performance, which these policies aspire to facilitate compliance with.

**Repairs Policy** establishes performance targets, and establishes a framework around compliance matters, information and property standards.

**Damp and Mould** policy sets out more detailed arrangements for dealing with damp and mould issues in the housing stock.

**Fire Safety Policy** identifies appropriate locations for evacuation and stay put policies, assessment of risk and provision of information.

##### RECOMMENDATION(S)

**That Cabinet, having considered the draft policies appended to this report, formally adopt the policies and authorises their direct and immediate implementation.**



**REASON(S) FOR THE RECOMMENDATION(S)**

In order to set in place clear policies to inform future maintenance and management activities and to set in place a clear policy framework to prepare for regulation.

**ALTERNATIVE OPTIONS CONSIDERED**

- Not setting in place policies in these areas – not proposed.

**PART 2 – IMPLICATIONS OF THE DECISION****DELIVERING PRIORITIES**

The delivery of safe, efficient housing maintenance and management is in accordance with a number of Corporate Plan priorities:

- Building and managing our own homes
- 24 hour a day digital services – My Tendring
- Use assets to support priorities
- Health and wellbeing – for effective services and improved public health
- Carbon Neutral by 2030

The emergent Corporate Plan priorities:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Championing our local environment

**OUTCOME OF CONSULTATION AND ENGAGEMENT**

The Council's Tenants' Panel exists to engage with tenants. The panel members have been keen to understand factors around a number of specific repair issues and have expressed a general desire for service evolution. Officers propose to review the Resident Involvement strategy in line with emerging regulatory expectations.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>No</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<input type="checkbox"/> <b>Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>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</b>	

		the meeting date)	
The principal legislative power to carry out our Housing functions is given by the Housing Act 1985 as varied by subsequent legislation. Significantly, events in Kensington and Chelsea and Rochdale Councils have generated and augmented a desire for sector regulation leading to the Social Housing (Regulation) Act 2023.			
Although none of the legislation mandates the introduction of the policies that are the topic of this report, the 2023 Act initiates the official regulation of the sector.			
X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
No additional comments to those set out in the report.			
FINANCE AND OTHER RESOURCE IMPLICATIONS			
There are no direct financial implications associated with the adoption of these policies.			
The wider effects of regulation, Tenants' Charter and potential changes to Decent Homes Standard as well as Minimum Energy Efficiency Standards have yet to be fully understood. Initial funding has been agreed separately to facilitate stock condition monitoring and enhanced estates functions. Further additional costs will be managed through the 30 year business plan.			
The increased regulation and service expectations will place additional financial stress that has not been matched by income growth. It is likely that significant short term prioritisation will be necessary.			
X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:		
No additional comments to those set out in the 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;		The Council has an adopted Financial Strategy.	
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,		The Council has a mature constitutional structure and framework of policy for decision-making. It is intended that the appended policies will augment that framework.	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and		The Council has an adopted Financial Strategy.	

performance to improve the way it manages and delivers its services.	
<b>MILESTONES AND DELIVERY</b>	
If Cabinet is minded to adopt the policies they will come into immediate effect, subject to any call-in. Work to implement physical improvements and maintenance will be ongoing throughout the business plan period. The review of the procedures will be carried out periodically as indicated in each of them.	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
<p>The policies are intended to set a compliant standard for maintenance and management of the stock.</p> <p>Failure to maintain and manage the stock appropriately has potential regulatory and other legal consequences. It is also essential to the health and wellbeing of our residents.</p> <p>The adoption and implementation of the policies is aimed at minimising the risks of harm and non-compliance.</p> <p>The increasing standards for maintenance and management are likely to impose increasing costs within the Housing Revenue Account, which will be managed within the 30 year business plan.</p>	
<b>EQUALITY IMPLICATIONS</b>	
The appropriate maintenance and management of the housing stock is an important progressive factor in enhancing equality.	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
The appropriate maintenance and management of the housing stock is an important progressive factor in enhancing the social wellbeing of the Council's tenants.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
The appropriate maintenance and management of the housing stock is a contributory factor in reducing energy use. Other measures linked to stock condition and other ongoing work are key contributing factors and will be evaluated within the 30 year business plan.	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b>	
<b>Crime and Disorder</b>	The appropriate maintenance and management of the housing stock is an important progressive factor in addressing the causes of crime and disorder.
<b>Health Inequalities</b>	The appropriate maintenance and management of the housing stock is an important progressive factor in terms of health equalities.

<b>Area or Ward affected</b>	All
<b>PART 3 – SUPPORTING INFORMATION</b>	
<b>BACKGROUND</b>	
<p>The Council has retained its housing stock and, although reduced by right to buy sales, still owns and manages 3,052 dwellings in addition to significant numbers of leasehold flats, garages and community property. The Council has historically enjoyed high tenant satisfaction levels and strong compliance with decent homes standard.</p> <p>High profile events in have highlighted aspects of social housing repair ad management. The Government has introduced regulation of the housing sector, the full effect of this will commence on 01 April 2024.</p> <p>Although the adoption of these policies is not of itself mandatory there are legal and regulatory standards for performance which these policies aspire to facilitate compliance with. The proposed policies appended are intended to augment the Council's policy framework. In addition to the appended and below policies a Housing Asset Management Plan is proposed.</p> <p>Existing policies will also be reviewed:</p> <ul style="list-style-type: none"> <li>• Jaywick Sands Local Lettings Sale Policy 2021</li> <li>• Homeless Reduction Rough Sleeping Strategy 2020-24</li> <li>• Housing Strategy 2020-2025</li> <li>• HMO Policy 2021</li> <li>• Summary of Housing Allocations Policy</li> <li>• Housing Allocations Policy</li> <li>• Private Sector Housing Enforcement Policy</li> <li>• Civil Penalties Policy 2018</li> <li>• Empty Homes Strategy 2016-2019</li> <li>• Housing Anti Social Behaviour Strategy 2016-2021</li> <li>• Recharge Policy</li> <li>• Decant Policy 2021</li> <li>• Alterations and Improvements Policy</li> <li>• Resident Involvement Strategy</li> </ul>	
<b>CURRENT POSTION</b>	
<p>Proposed new policies are attached:</p> <p><b>The Repairs Policy</b> is intended:</p> <ul style="list-style-type: none"> <li>• To ensure that we provide homes that are safe and in a good state of repair for our tenants and leaseholders</li> <li>• To ensure that, when tenants or leaseholders report a repair or receive a repairs and maintenance service from us, they are treated in a consistent manner and with empathy and respect</li> <li>• To provide clear information about the services provided and the responsibilities of the Council, its tenants and leaseholders</li> <li>• To provide an efficient, prompt and cost-effective repairs and maintenance service</li> </ul>	



- To comply with the statutory requirements, legislation and good practice relating to repairs and maintenance.
- To improve customer understanding and satisfaction with the repairs and maintenance service provided

**The Damp and Mould Policy** is intended to:

- To ensure that we provide and maintain dry, warm and healthy homes for our tenants and leaseholders
- To ensure that we take a zero tolerance approach to damp and mould
- To ensure that we undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp and mould, including managing and controlling condensation
- To ensure that, when tenants report damp and mould in their property, they are treated in a consistent manner and with empathy and respect.
- To comply with the statutory requirements, legislation and good practice relating to damp and mould issues.
- To work in partnership with contractors, tenants, and leaseholders to ensure that safe and healthy properties are maintained in relation to damp and mould matters.
- To ensure that tenants have access to and are provided with advice and guidance on managing and controlling damp, mould and condensation.
- To ensure that the fabric of our properties is protected from deterioration and damage resulting from damp, mould and condensation.

**The Fire Safety Policy** is intended to:

- Provide a Policy Statement
- Define responsibility for fire safety
- Identify properties where fire alarm systems and evacuation procedures are in place
- Identify requirement for Fire Risk Assessments
- Set out principal procedures with regard to
  - General Fire Risks
  - Fire Fighting Equipment and Fire Systems
  - Fire Signage
  - Escape Routes.

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

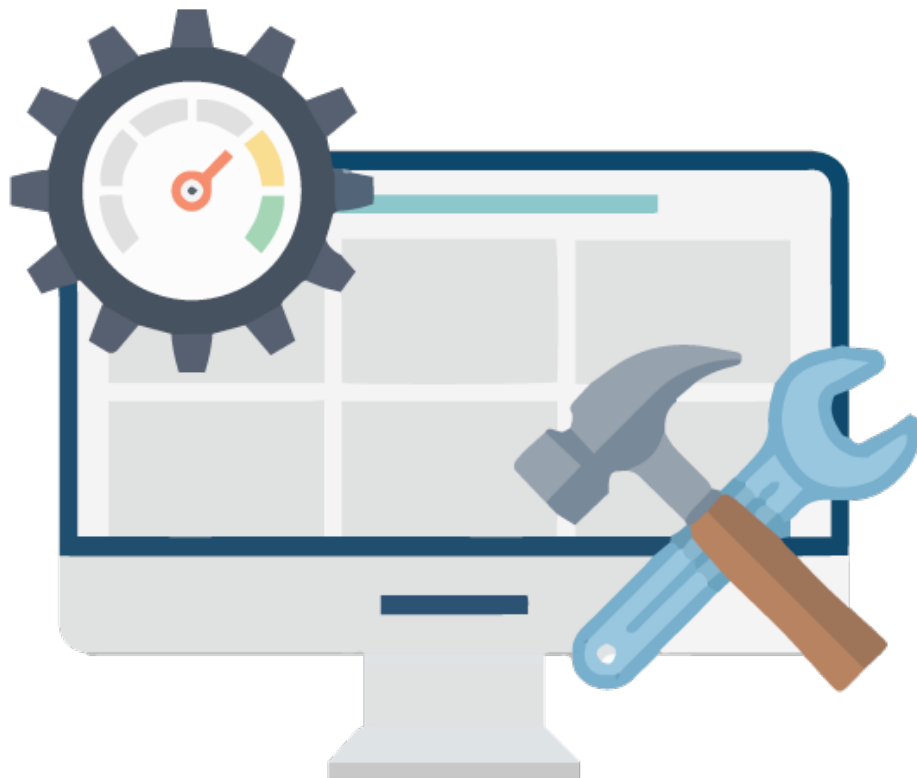
#### **APPENDICES**

**Appendix A – Housing Repairs Policy**  
**Appendix B – Damp and Mould Policy**  
**Appendix C – Fire Safety Policy**

REPORT CONTACT OFFICER(S)	
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## **A.7 Appendix A - Housing Repairs Policy**



November 2023



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## Introduction

Tendring District Council is committed to delivering a high quality, modern and effective repairs and maintenance service that ensures its homes are comfortable, well maintained and safe for people to live in.

This policy sets out the activities and responsibilities involved in our repairs and maintenance service in accordance with legislation and regulation and to meet the demands and expectations of our customers.

## Purpose of this Policy

- To ensure that we provide homes that are safe and in a good state of repair for our tenants and leaseholders
- To ensure that, when tenants or leaseholders report a repair or receive a repairs and maintenance service from us, they are treated in a consistent manner and with empathy and respect
- To provide clear information about the services provided and the responsibilities of the Council, its tenants and leaseholders
- To provide an efficient, prompt and cost effective repairs and maintenance service
- To comply with the statutory requirements, legislation and good practice relating to repairs and maintenance.
- To improve customer understanding and satisfaction with the repairs and maintenance service provided.

## Scope of Policy

This policy identifies how Tendring District Council, through its repairs and maintenance service will maintain its properties in good and safe condition.

This will cover:

- All Tendring District Council owned properties and their communal areas
- All leasehold properties within Tendring District Council owned blocks, where the structure and exterior and any common areas or items are the Council's responsibility to maintain
- The different types of repair, maintenance and improvement works carried out
- Identifying both Tendring District Council's and its tenants' and leaseholders' responsibilities for repairs and maintenance

## Types of Repair and Maintenance Works

### **Responsive Repairs**

Responsive or day to day repairs are those carried out when components fail and they cannot wait to be carried out under a cyclical, planned or improvement programme. These works typically include repairs to plumbing and sanitary equipment, door and window fittings as well as those to heating and electrical installations.

## **Cyclical maintenance**

Cyclical works are undertaken on regular planned cycles for servicing, inspection and testing of equipment, often as required by legislation or regulations

## **Planned Maintenance Works**

Planned maintenance programmes aim to achieve economies by replacing components just before they would otherwise require responsive repairs, anticipating changes in minimum acceptable standards and thus reduce future requirements for cyclical or planned work

## **Funding of the repairs and maintenance service**

The costs of undertaking and managing the repairs and maintenance activities of the Council are accounted for within the Housing Revenue Account. As part of the financial regulations in relation to Housing Revenue Account the Council is obliged to ensure that there are sufficient funds available to cover the costs of repairs and maintenance to all properties.

The annual budget for repairs is accounted for in the Housing Revenue Account Business Plan which is subject to ongoing review and amendment to take into account any significant changes to the policy and/or operating environment. These amendments may impact on the funding available for the Council's repairs and maintenance activities.

## **Legal and regulatory context**

There are legislative and regulatory requirements that set out the standards that social housing must be maintained to. These include (but are not limited to):

### **Landlord and Tenant Act 1985**

Section 11 of this legislation imposes an obligation on landlords to carry out basic repairs, covering the structure and exterior of the property and installations for the supply of water, gas and electricity and for sanitation and space heating and heating water. There is also an implied covenant to maintain the property in good order.

### **Housing Health and Safety Rating System**

The Housing, Health and Safety Rating System (HHSRS) was introduced in 2006 to provide an assessment tool for the 'Minimum Standard for Housing' (Criterion A of the Decent Homes Standard). It is a risk assessment tool designed to identify the risk to occupants in domestic properties.

### **Decent Homes Standard**

Announced in 2000 and updated in 2006, the Decent Homes Standard sets expectations for registered providers of social housing to provide tenants with quality accommodation and a cost-effective repairs and maintenance service. According to the standard, for a home to be considered 'decent' it must:

- Meet the current statutory minimum standard for housing
- Be in a reasonable state of repair
- Have reasonably modern facilities and services
- Provide a degree of thermal comfort



The Decent Homes Standard is currently under review and this policy will be revised to take account of any changes introduced as a result of this.

### **Commonhold and Leasehold Reform Act 2002**

This legislation sets out specific requirements relating to the consultation of leaseholders prior to major works being carried out to their properties and long term agreements for repairs or services being entered into where the leaseholder will be required to contribute towards the cost of these services.

### **Homes (Fitness for Human Habitation) Act 2018**

This amended the Landlord and Tenant Act 1985 with the aim of ensuring that all rented accommodation is fit for human habitation. Whilst it did not create new obligations for landlords, it required them to ensure that their properties, including any common parts of the building are fit for human habitation at the beginning of and throughout the tenancy. Where a landlord fails to do this the tenant has the right to take action in the courts for breach of contract.

### **Defective Premises Act 1972**

Section 4 of this Act places a duty on landlords to take reasonable care to ensure that anyone who might be expected to be affected by defects in a property is reasonably safe from injury or damage to their property resulting from defects.

### **Regulatory Framework for Social Housing**

The Home Standard, introduced in 2012, is one of the Regulator of Social Housing's current consumer standards and it covers both the quality of accommodation as well as the repairs and maintenance service. This sets required outcomes and the following specific expectations:

- To provide a cost effective repairs and maintenance service to homes and communal areas that responds to the needs of and offers choices to tenants and have the objective of completing repairs and improvements right first time.
- To meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

### **Social Housing Regulation Act 2023**

This legislation, which received Royal Assent in July 2023, builds upon the existing regulatory framework for housing and introduces a proactive rather than a responsive regulatory regime that is underpinned by inspection.

The proposed Safety and Quality Standard covers stock quality, decency, health and safety as well as repairs, maintenance and planned improvements.

These revised Consumer Standards are currently subject to consultation with the expectation that these will come into force in April 2024.

### **Tenant Satisfaction Measures**

As part of the new regulatory regime for housing, providers have been required to collect specified data in relation to their performance from 1 April 2023 known as Tenant Satisfaction Measures.

Of the 22 Tenant Satisfaction Measures, 12 are perception measures that will be informed by an annual tenant satisfaction survey and 10 will be informed from housing provider's own management information.

The measures relevant to repairs and maintenance are:

- Satisfaction with the most recent repair carried out
- Satisfaction with the time taken to complete most recent repair
- Satisfaction that the home is well maintained
- Satisfaction that the home is safe
- Percentage of homes that do not meet the Decent Homes Standard
- Percentage of repairs completed within our own published target timescales
- Percentage of properties that have had all necessary gas safety checks
- Percentage of properties that have had all necessary Fire Risk Assessments
- Percentage of properties in buildings that have had all necessary asbestos management surveys or re inspections
- Percentage of properties that have had all necessary legionella risk assessments
- Percentage of properties in buildings where communal passenger lifts have had all necessary safety checks

Housing providers will have to submit this information annually, commencing from April 2024 with the results being published later in the autumn of each year.

### **Right to Repair Regulations**

The Council operates within the statutory requirements of the 'Right to Repair Scheme', implemented in accordance with Section 96 of the Housing Act 1985 (as amended). This covers certain small, urgent or routine repairs costing up to £250, which are likely to jeopardise the health or safety of the tenant.

There are also specific regulations that relate to certain repair and maintenance aspects and these include (but are not limited to):

- Gas Safety (Installation and Use) Regulations 2018
- British Standard 7671 (Electrical Installations)
- Control of Asbestos Regulations 2012
- Regulatory Reform (Fire Safety) Order 2005
- Water Supply (Water Fittings) Regulations 2018

### **Responsibilities for Repairs**

The responsibility for repairing and maintaining Council owned properties is shared between the Council and its tenants, based upon legal requirements and the conditions of our standard tenancy agreements. A full list of responsibilities is outlined in Appendix A but these can be summarised as follows.

#### **The Council's responsibilities**

Keeping the structure and exterior in good condition. This includes:

- Drains, gutters and external pipes
- The roof
- Foundations, outside walls, outside doors, broken glass caused by fair wear and tear, windowsills, window frames, thresholds
- Internal walls, floors and ceilings
- Chimney and chimney stacks
- Access ways to buildings

All installations for the supply of water, electricity and sanitation facilities, provided we installed these. These include:

- Water pipes and tanks, gas pipes and electric wiring
- Electric sockets and light fittings
- Baths, basins, kitchen and bathroom sinks
- Toilets (but not the toilet seat)
- Water heaters, boilers, fireplaces and radiators
- Equipment for room and space heating
- Wired in smoke alarms and other detectors

Any garage, shed, porch or outbuilding we have provided which is situated within the boundary of the property, as long as it is economic to do so. We reserve the right to remove these structures when, in our view, they are beyond economic repair.

All shared areas and items that are our responsibility. This includes such things as communal entrance doors, roofs, guttering, staircases and lifts.

All shared services, such as lighting in the corridors and door entry systems.

Decoration of the outside of our properties, as well as any internal shared areas, as often as is necessary to keep them in good condition.

In relation to leasehold properties which have been purchased under the Right to Buy, the Council's responsibilities are detailed in each individual lease but include:

- foundations, drains, gutters and pipes on the outside of the property;
- roofs and chimney stacks;
- external fixtures, fittings and equipment;
- external walls and balconies;
- shared grounds, gardens and paths;
- shared services and facilities, such as door entry systems

### **Tenant responsibilities**

Keeping their property and any fixtures and fittings provided by the Council in good repair and condition.

Telling the Council about any repairs that are needed or any damage to their homes as soon as possible

Telling the Council about any faults that could cause injury or damage to other people or property.

Repairing, renewing or replacing a number of items in the property. Examples include but are not limited to:

- filling minor cracks in internal plasterwork including preparatory work for redecoration.
- replacing lost or broken keys.
- replacing fuses.
- changing light bulbs.
- replacing toilet seats.
- replacing plugs and chains to sanitary ware.
- replacing clothes lines in individual gardens.

Maintaining and repairing any damage caused by the tenant to their own fixtures and fittings and for any repairs needed to their own belongings.

Decorating the inside of the property as often as is necessary to keep it in good condition.

Taking all reasonable steps to heat and ventilate the property using any suitable means provided to prevent condensation and follow any reasonable advice given.

Sweeping any chimney as often as necessary to keep it in good working order. This should be at least once a year if an open fire is used.

Taking all reasonable precautions to prevent frozen and burst pipes in the property.

Installing, repairing and maintaining their own equipment, such as cookers and washing machines, and making sure should make sure that these are installed, repaired and serviced by suitably qualified and competent people.

Arranging and paying for the supply of supply of gas, electricity and water to the property.

Taking adequate precautions to prevent fire in the property.

Keeping all gullies, entrances to drains, external airbricks and vents clear and free from obstruction

Not doing anything that causes a blockage to the drains, pipes, gutters or channels in or about the property. Examples include pouring oil or fat down the drains or flushing inappropriate items, such as facial wipes, nappies and sanitary pads, in the toilet.

Using any gas burning appliances or equipment provided in accordance with the manufacturer's instructions, which includes making sure that any flues or ventilation is not blocked.

Safe keeping of door keys and fobs, window locks and the provision of additional locks

Moving furniture and any floor coverings supplied and fitted by the tenant where access is needed for repair, maintenance or improvement works



## **Leaseholder's responsibilities**

Leaseholders will normally own and be responsible for everything within the walls of their property, with the exception of pipes and drains that also serve other properties. This means that leaseholders will be responsible for maintaining and repairing:

- individual heating systems and appliances;
- internal doors;
- sanitary fittings, such as toilets, baths and basins;
- plumbing and pipework within the property;
- internal fixtures and fittings;
- internal decoration;
- floor coverings;
- non-structural walls;
- ceilings;
- replacing fuses, bulbs and plugs;
- chimney sweeping;
- arranging access if they lock themselves out of the property;
- any damage they cause or is caused by someone else who lives in or visits the property;
- any damage caused by their own fixtures and fittings; and
- any damage to their belongings.

Individual lease agreements normally give us the right to enter property to inspect its condition and, except in an emergency, we will give 14 days' notice of this. If repairs are needed that are the leaseholders responsibility, we will ask them to complete them within a set time. If not, we have the right to carry out the necessary works and the leaseholder will then be charged for the cost of us doing this.

Where repair or maintenance work is carried out to building components or services that the Council is responsible for, leaseholders will be required to contribute towards the cost of the works carried out, subject to the consultation requirements set out on the Commonhold and Leasehold Reform Act 2002 being complied with.

## **Responsive Repairs**

Reactive repairs to a property are those that are carried out in response to a tenant's notification of a problem or defect with their home. They tend to arise on a day to day basis and require attention within a short period of time. Examples include repairs to plumbing or sanitary equipment and heating appliances and electrical installations.

Before repair work is undertaken it is allocated to a response category using a set criteria to ensure that the repair is necessary and that the most urgent repairs are undertaken first

## **Reporting a Repair**

The Council provides a variety of ways for tenants to report repairs and these are:

- Online at [www.tendringdc.gov.uk/housing/council-housing/report-council-property-repair](http://www.tendringdc.gov.uk/housing/council-housing/report-council-property-repair)
- By emailing [housingrepairs@tendringdc.gov.uk](mailto:housingrepairs@tendringdc.gov.uk)
- Telephone on: 01255 686477
- In person at our Reception, Council Offices, 88-90 Pier Avenue, Clacton which is open Monday, Tuesday and Wednesdays between 10am and 1pm

Repairs can also be reported by Council officers, support workers or carers using any of the methods above.

It is the tenant's responsibility to report repairs promptly as and when they become needed. This is particularly important if leaving the repair unattended could cause further damage or deterioration to the property or risk of injury to residents or others. Failure to report repairs may be considered neglect of the property and is a breach of the tenancy agreement.

When a tenant wishes to notify us of something that needs repair, the following information should be provided:

- Name of tenant
- Address of the property
- Contact telephone number and email address
- As much information as possible about the repair that is needed
- Days / times when the tenant will be available
- Information on any vulnerabilities or special needs

## Repair Categories

To help deliver an efficient and cost effective service, repairs will be prioritised according to the nature of the work involved. This means that repairs required as a result of component failure or breakdowns that put tenants' health and safety, or the property, at risk will be dealt with faster than those that can safely wait.

Prioritisation will also reflect the vulnerabilities of the tenant and current weather conditions.

Our current repair categories are:

- 1 = Emergency 24hrs
- 2 = Urgent 3 Days
- 3 = Routine 14 Days
- 4 = long-term 56 Days

### Emergency repairs

These are repairs that need to be carried out to avoid serious danger to the health and safety of the occupants or where a failure to carry out the repair could cause extensive damage to the property.

Examples of emergency repairs would include loss of all electrical power to the building, loss of all heating and hot water, blocked toilet, insecure main entrance to the building.

Emergency repairs will be attended to on the same day as they are reported.

## **Urgent repairs**

These are repairs that may affect the comfort of tenants and may cause damage to the property if not carried out urgently.

Examples include a leaking roof, rotten timber flooring or stair tread, loose or detached banister or handrail, blocked sink, bath or basin

Urgent repairs will be attended to within one to three days.

## **Routine Repairs**

Routine repairs are defined as work requested by the tenant to existing elements of their property due to fair wear and tear.

Examples of routine repairs include easing an internal door or clearing an overflowing gutter

Routine repairs will be attended to within 14 days

## **Long Term Repairs**

Long term repairs refers to those where the work is more involved than a standard day to day repair and involves replacement of elements of the building which needs planning but where these works are not included on a forward planned programme.

Examples of long term repairs include replacement of all the gutters on a property, replacement of fascias and / or soffits and damp proofing works.

Long term repairs will be attended to within 56 days.

## **Appointments to carry out repairs**

When a customer notifies the Council of a repair they will be advised that the contractor will contact them directly to arrange a convenient date and time for the works to be carried out.

Wherever possible, a range of available appointments will be offered including morning, afternoon and to avoid schools run times.

The Council always aims to complete repairs within its published and / or mutually agreed timescales. However, this may sometimes not be possible, such as if special parts have to be ordered or if repairs are dependent on other organisations or suppliers. If there is a delay in being able to complete a repair then tenants will be notified, advising of the reason and when the repair is likely to be completed.

If an appointment has been arranged that cannot be kept, tenants are asked to tell us as soon as possible so that an alternative appointment can be arranged.

If we or our contractor needs to rearrange an appointment that has been arranged with you, we will contact you as early as possible and offer you an alternative time.

## **Pre-inspections**

For some jobs, one of our surveyors will need to carry out an inspection before the repair can be arranged. This may be where the scope of the repair is not known or clear or where we do not have sufficient details to order the repair.

An appointment for the pre inspection will be made when the repair is reported to us and the surveyor carrying out the inspection will then confirm what work needs to be carried out and arrange this after their visit.

## Out of Hours Emergencies

The Council operates an out of hour's service to complete emergency repairs in order to make the property safe until a full repair can be undertaken. This service is available through 01255 222022.

An emergency repair is restricted to circumstances where there is a danger to life, a safety hazard, the potential for more extensive damage or is needed to ensure a home is secure.

Examples include:

- Major electrical faults.
- Severe water leaks.
- Major drainage problems.

If a repair is reported in this way but is not assessed to be an emergency, the tenants will be asked to call back during normal office hours.

In situations where an operative attends the property but finds that there wasn't a genuine emergency, the Council may recover the cost of the call out in accordance with its Recharge Policy. An example would be where a fault with a gas heating or electrical installation is found to have been caused by there not being any credit on the meter.

The priority in instances of emergency repairs will be to make the property safe and follow up visits may be required to undertake a full repair. These will be carried out at a convenient date and time agreed with the tenant in line with the approach to routine repairs.

During the winter period, the out of hour's service for emergency repairs will include heating and hot water repairs. During the summer period, these repairs will be undertaken as a routine repair.

## Allowing Access

In accordance with the terms of the Council's tenancy agreements, tenants are required to let our employees, contractors or anyone else working on our behalf into the property to inspect its condition or that of any fixtures and fittings, or to carry out repair, maintenance or improvement works or for any other reasonable purpose. Unless in an emergency, we will give a minimum of 24 hours' notice

Where access cannot be gained to undertake a repair the Council will take appropriate measures to make further arrangements for works to be carried out.

These measures may include some or all of the following:

- Leaving a card asking the tenant to rearrange a visit
- Telephoning the tenant to rearrange the visit
- Writing to the tenant requesting that they contact the Council to rearrange a visit
- Sending a surveyor out to inspect in instances where the tenant's original repair report suggests a potentially hazardous situation exists



In some circumstances, and depending on the nature of the repair, a request may be cancelled if repeated attempts to gain access are not successful.

However, if the repair is considered necessary for health and safety or other reasons, preventing access to a property may be considered a breach of their tenancy and result in legal action being taken to gain access. The cost of this will be passed on to the tenant in accordance with our Recharge Policy

In addition to allowing access, tenants are responsible for cleaning surfaces, moving furniture and personal belongings from the area that the repair will be carried out in. work area.

Tenants are also required not to obstruct access to their property indirectly, for example by the accumulation of furniture, personal belongings, stored items or unhygienic conditions.

## Recharging for Repairs

In some circumstances, the Council will recharge tenants the amount it costs to carry out repairs to their home.

A rechargeable repair is one that is normally the result of neglect, misuse, unauthorised works or damage caused by a tenant, leaseholder or third party and examples include damage caused by vandalism, blocked drains or sanitary ware caused by the tenant and clearing a property at the end of a tenancy where this has not been carried out by the outgoing tenant.

Further information is included in our Recharge Policy.

## Decanting Tenants

Major repair and maintenance works will normally be carried out whilst tenants remain in their property. However, there will be certain situations, such as those when the health and safety of the tenant would be at risk or the works are so extensive, when works cannot be carried out with the tenant in the property.

Where this is the case, the Council will arrange to move the tenant and their household. This will either be done on a temporary or permanent basis, depending on the nature of the works and the tenant will normally be given this option.

This will be carried out in accordance with the Council's Decant Policy

## Void Works

This is the collective name for the range of repairs, improvement works and checks that are carried out once a tenant has vacated a property and prior to it being relet.

The Council is committed to only letting good quality and safe homes and details about the standard of works carried out are contained within the Empty Property Standards for Council Tenants.

## Cyclical Maintenance

These are works carried out on regular planned cycles for the servicing, inspection and testing of equipment, often as required by statute or regulations or to maintain the generation condition of the stock.

The Council carries out cyclical maintenance to ensure that appliances and equipment are maintained to safe operating standards and to comply with legislation and associated guidance.

Examples of cyclical maintenance include:

- Servicing of gas heating systems/installations (to include the statutory requirement for an annual gas safety check).
- Smoke detector testing
- Servicing of communal boilers.
- Periodic inspection of electrical installations.
- External painting and the decoration of internal communal areas.
- Servicing of passenger lifts and stair lifts
- Water hygiene and legionella testing

## Planned Maintenance and Improvement Works

Planned maintenance and improvement works are programmed in advance and usually involves the replacement of external or internal elements of properties such as kitchens, bathrooms, windows, central heating and roofing.

These works are programmed according to stock condition survey information and components will be replaced in accordance with their anticipated lifespan. These contracts normally provide economies of scale by including a large number of properties usually within the same area.

Example of planned maintenance and improvement works include

- Kitchen replacements
- Bathroom replacements
- Boiler replacements
- Fitting of new windows and doors

When replacing building components or facilities the Council will aim to use superior quality items that are more sustainable, offer better value for money over time and improve the environment of estates and communal areas.

## Properties Beyond Economic Repair

In accordance with the Council's Property Strategy and Property Dealing Procedure, the Council may dispose of properties where they are considered to be beyond economic repair.

The intention is that, rather than spend large amounts of money trying to repair, maintain and improve properties which fall into this category, the opportunity will be taken to remodel or replace it with redesigned or new, high quality properties which are better suited to the future needs of tenants.

As and when obsolete properties are identified and programmed for replacement, the Council will move to limit the amount of resources it spends on the subject properties in carrying out day to day, cyclical and planned maintenance works. This is to avoid financial resources being wasted on repairing and maintaining properties that are not going to be kept.

However, the Council will continue to meet all its legal and regulatory obligations in carrying out essential day to day repairs, cyclical and planned maintenance, notably including annual gas servicing and safety check works and periodic electrical testing works.

## Right to Repair and Compensation

Under 'The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994' Secure and Introductory tenants are entitled to have certain repairs, known as qualifying repairs, carried out within a prescribed period of time. Tenants may be entitled to compensation of up to £50.00 where the repair is not completed within the specified time limits.

However, this only applies to 'qualifying repairs', that the Council is responsible for, which are below the value of £250.00 and these include the following:

Right to Repair jobs and time to complete	Repair to be completed within (working days)
Total loss of electrical power	1
Partial loss of electrical power	3
Unsafe power, lighting socket or electrical fitting	1
Total loss of water supply	1
Partial loss of water supply	3
Total or partial loss of gas supply	1
Blocked flue to open fire or boiler	1
Total or partial loss of heating or hot water between 1 <sup>st</sup> November and 31 <sup>st</sup> March	1
Total or partial loss of heating or hot water between 1 <sup>st</sup> April and 31 <sup>st</sup> October	3
Blocked or leaking foul drain, soil stack or toilet pan (where there is only one in the property)	1
Toilet not flushing (where there is no other working toilet in the property)	1
Blocked sink, bath or basin	3
Tap which cannot be turned on or off	3
Leaking from water or heating pipes, tanks or cisterns	1
Insecure window, door or lock	1
Leaking roof	3
Loose or broken banister or handrail	3
Rotten timber flooring or stair treads	3
Door entry system not working	3
Mechanical extractor fan in internal kitchen or bathroom not working	3

If any of these repairs are not completed within the specified time, tenants will be entitled to £10 compensation plus a further £2 for each working day that the repair remains outstanding up to a maximum of £50.00

## Our Service Standard for Repairs and Maintenance

When requesting or discussing repairs and maintenance, our staff and contractors will

- Be polite and courteous
- Take the time to fully understand the repair you are reporting and confirm whether this falls within our responsibility
- Book an appointment with you that works best for you
- Check any special arrangements, for example relating to pets or children in the property and make sure that our operatives understand the requirements
- Identify any special needs or vulnerabilities a tenant or member of their household may have
- Respect tenant's privacy

The person carrying out the repair or maintenance work to your home will:

- Wear an identity badge clearly showing their name and company name.
- Carry out works between 8am and 6pm Monday to Friday. Except in an emergency, our contractors will only work outside these hours if you have agreed it.
- Make and keep appointments or if they cannot, they will give 24 hours' notice, and arrange a new appointment with you.
- Treat you and your family in a polite, courteous and reasonable manner.
- Not play music without your permission.
- Park sensibly so you and your neighbours are not inconvenienced.
- Keep disruption to a minimum including noise levels and any nuisance arising from smoke, dust, rubbish or other cause.
- Protect fixtures, fittings and possessions.
- Make sure that your home is kept secure
- Check with you before using your water or electricity.
- Not unplug any of your equipment without permission.
- Reconnect and test any services if they have been disrupted.
- Let you know if they need to turn off electricity, water or other services to your block unless it is an emergency.
- Provide temporary heating or water facilities if they are needed.
- Clear all rubbish and debris at the end of each day
- Show you how to use and set up any new installation or equipment, and/or give you any instructions manuals (if applicable).
- Not use your toilet facilities without your consent.
- Not leave communal doors open.
- Not enter your private garden to complete repairs to another property or block without your consent.

## How You Can Help Us

- Let us know as soon as possible if you or any member of your household has any medical condition that may be affected by the works.
- Keep any appointments that are made with you and let contractors into your home.
- Phone us or the contractor as soon as possible if you cannot keep an appointment.
- Check the identity badges of contractors before letting them into your home.
- Move any items and small appliances that will be in the way of the works including anything outside in the garden and make sure you protect items which have special value.
- Do not smoke in the areas of your home that our contractors will be working in.
- Do not leave any children alone in your home whilst work is being carried out.



- Keep your children away from our contractors' tools, materials, rubbish and make sure that they do not climb on any scaffolding or in any skips.
- Do not leave pets unattended and make sure they are kept away from contractors working area as well as their tools and other equipment.
- Be considerate towards our contractors.
- Understand that we will always do our best but there may be disruption and things do not always go to plan.

## Measuring Quality and Performance

The Council is committed to ensuring that its repairs and maintenance services are delivered to a high standard, providing high levels of customer satisfaction and value for money. To make sure that we do this, we monitor and manage performance through a range of methods including.

- Comparing our performance against key performance indicators and relevant tenant satisfaction measures with other social housing providers
- Carrying out a number of inspections after repairs and maintenance work has been carried out to check for quality
- Asking tenants and leaseholders for their views on the works carried out to identify any specific issues as well as any trends over time
- Measuring whether repairs are completed within the target times.
- Measuring whether repairs are completed on the first visit wherever possible.  
Respond to identified *trends in repairs in certain locations or property types and use this to inform planned works.*
- *Where possible identify homes where repairs haven't been reported for more than a year or where frequent repairs are reported in order to seek to identify any additional support or other needs.*

## Complaints Procedure

The Council's Housing Complaints Policy is also available to any resident who is dissatisfied with any aspect of repair and maintenance work carried out.

Further information can be obtained from the Council's Housing Complaints Policy.

## Equalities Statement

The Council recognises that it delivers Housing Revenue Account services to communities within which there is a wide social diversity, and is committed to providing equal opportunities and valuing diversity.

Through the management of its repairs and maintenance service, the Council and its contractors aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable and the Council will ensure that The Council will tackle inequality, treat people with dignity and respect and continue to work to improve services for all service users

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimization and to advance equality of opportunity and foster good relations between people with differing characteristics

To enable customers to have clear information and equal access to our repairs and maintenance service information will be made available in a range of appropriate languages and formats, when requested.

## Restrictions to the Repairs and Maintenance Service

There are some circumstances where the standard repairs and maintenance service may not be provided and these include:

### **Right to Buy**

Under the Housing Act 1985 (as amended) most secure tenants have the right to buy their property providing they occupy the property as their only or main home and meet the qualifying period of having held a public sector tenancy for three years.

Once a tenant has applied to purchase their Council property under the Right to Buy legislation, we will only carry out emergency or urgent works to the property. These include:

- Repairing and maintaining the structure and exterior of the property
- Heating and hot water appliances
- Pipes and wiring within the property

We will only place repair orders for repairs that are required by legislation. Repairs that are not required by legislation will not be ordered or completed.

Properties that are subject to a Right to Buy application will also be excluded from planned maintenance and improvement programmes. The only exception to this is when works are planned to be carried out to a communal item or area, which the Council will retain responsibility for repairing after the sale of a flat or maisonette takes place.

Once a house is sold under the Right to Buy, the new owner becomes responsible for all repairs and maintenance

Once a flat or maisonette is sold under the Right to Buy, the leaseholder becomes responsible for all internal and non-structural repairs whilst the Council retains responsibility for the exterior and structure of the building and any shared areas, items or services. The leaseholder will be required to contribute to any works carried out to these items.

### **Mutual exchange**

In accordance with the Housing Act 1985, secure tenants have the right to exchange their properties with another council or housing association tenant, providing each party obtains their landlord's written agreement. A mutual exchange is an assignment of the tenant's existing secure tenancy and a fresh tenancy is not created as a result of any assignment.

Tenants that move home via a mutual exchange take the property as seen and all of the responsibilities of the outgoing tenant will pass to the incoming tenant. Any other repairs that arise after the mutual exchange has taken place will be dealt with in accordance with this policy

### **Tenant alterations or improvements**

In accordance with the Housing Act 1985, secure tenants have the right to carry out improvements to their property, subject to obtaining their landlord's prior written consent.

Where tenants have carried out alterations or improvement to the property, the Council will not accept responsibility for carrying out repairs, maintenance or servicing to these alterations to these alterations

At the end of their tenancy, tenants will not be permitted to remove fixtures that are an essential feature of the structure or installations.

## Review of Policy

The policy will be reviewed every three years in consultation with tenant representatives, staff and other stakeholders unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier.

## Appendix A – Who is responsible for repairs?

Repair	Us	You	Further details or exceptions
Adaptations carried out to your property to help you with a disability	√		Unless this relates to equipment installed by Social Services or portable equipment
Banisters and handrails	√		
Baths and basins	√		
Bathroom fixtures and fittings		√	Including bathroom cabinets, mirrors, shower curtains, towel rails and toilet roll holders
Blinds, blind fittings and cords		√	We are responsible for these items in the communal areas of our sheltered housing schemes/
Brickwork including air bricks	√		
Car parks	√		
Carpentry	√		
Carpets		√	
Ceilings	√		It is also your responsibility to remove these to allow any work to be carried out to either the floor or sub floor area
Chimneys including chimney pots and covers	√		
Chimney sweeping		√	
Clothes lines and rotary driers in shared gardens	√		
Clothes lines and rotary driers in individual gardens		√	
Coal bunkers	√		
Communal areas	√		Including lighting, doors and locks, door entry systems, bin chutes and stores and any lifts
Cookers		√	
Damp proof course	√		
Decoration inside home, including filling minor cracks in plaster		√	
Decoration outside your home, including in any shared areas	√		
Doorbells		√	
Door furniture	√		Including locks, handles and letterboxes
Door entry systems	√		
Doors inside your home	√		Including doors and frames
Doors into your home and in any communal areas	√		Including doors and frames

Downpipes	√		
Drains	√		Including blocked or damaged drains outside
Driveways	√		
Drying areas in shared areas	√		
Electric central heating systems and appliances	√		
Electric plugs		√	
Electric wiring including sockets and switches	√		
Electrical appliances		√	Including cookers, fridges and washing machines
Electricity supply and meter		√	You are responsible for arranging this with a supplier
Extractor fans	√		
Fences	√		
Fires – gas or electric	√		
Fixtures and fittings		√	Including coat hooks and curtain rails
Floorboards	√		
Floor tiles	√		
Flourescent strip lights	√		
Foundations to the property	√		
Fridges		√	
Furniture		√	
Fuse boxes	√		
Garages including door locks	√		
Gardens to individual homes		√	Including turf, recycling and refuse containers
Garden sheds	√		
Garden walls	√		
Garden gates	√		
Gas central heating systems including flues, pipes, radiators, timers and pumps	√		
Gas pipes	√		
Gas supply and meter	√		You are responsible for arranging this with a supplier
Glass to windows and doors	√		
Guttering	√		
Immersion heaters	√		
Keys – replacement of keys to your home		√	
Keys – replacement of keys to a communal entrance door	√		



Kitchen cupboards	√		
Kitchen worktops	√		
Lifts and stair lifts	√		
Light bulbs		√	
Light holders including fittings	√	√	
Lighting to shared communal areas, such as hall ways	√		
Locks	√		
Loft hatches	√		
Manhole covers and frames	√		
Oil fired central heating systems	√		
Outbuildings	√		
Overflow pipes	√		
Parking areas	√		
Pathways	√		
Plaster	√		
Plugs or chains for sinks, wash hand basins or baths		√	
Porch	√		
Rendering – rough plaster on the outside of your property	√		
Roofing including tiles,	√		
Roof lights	√		
Sash cords in windows	√		
Showers and shower trays	√		
Sink or wash hand basin blockages	√		
Skirting boards	√		
Smoke detectors	√		
Solid fuel heating systems	√		
Stairs	√		
Steps to front or back doors	√		
Taps	√		
Toilet bowl	√		
Toilet seats		√	
Tumble driers including their vents		√	We will be responsible for the vent if we have installed it to help you tackle condensation.
TV aerials and satellite dishes		√	

Ventilation system	√		
Wall tiles	√		
Washers on taps	√		
Water heating	√		
Water supply including hot and cold water tanks and pipes	√		
Window fittings including locks and catches	√		
Window frames	√		
Window sills	√		
Woodwork on the outside of your home	√		

**Please note that:**

If you have carried out alterations or improvement to your home, the Council will not accept responsibility for carrying out repairs, maintenance or servicing to these alterations

If the repair is needed because of damage caused by you or anyone who lives with or is visiting you, we may charge you for these repairs.

If the damage is the result of vandalism, burglary or other criminal activity, we will not charge you if you have a crime reference number from the Police.

You may also be charged for clearing blockages in drains or to sinks and wash hand basins, if these have been caused by you putting inappropriate items down the waste.

## **A.7 Appendix B - Housing Damp and Mould Policy**



November 2023

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## Introduction

Tendring District Council is committed to ensuring that the homes it provides are well maintained and of a decent standard.

This policy sets out the activities and responsibilities involved in the control of damp and mould within properties owned by Tendring District Council. It is a companion policy to the Repairs Policy.

The Council recognises the importance of addressing the problems damp and mould and of having measures in place to tackle and reduce these issues and condensation in its properties.

The Council treats all reports of damp and mould seriously and understands the physical and mental health implications it can cause.

The Housing Ombudsman's Spotlight on: Damp and Mould (October 2021) highlighted the need for landlords to deal effectively with damp and mould in properties, following a high number of complaints from tenants regarding landlords did not act appropriately to deal with these issues. This policy has been developed to address the problems associated with damp and mould highlighted in the Ombudsman's report.

## Purpose of this Policy

- To ensure that we provide and maintain dry, warm and healthy homes for our tenants and leaseholders
- To ensure that we take a zero tolerance approach to damp and mould
- To ensure that we undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp and mould, including managing and controlling condensation
- To ensure that, when tenants report damp and mould in their property, they are treated in a consistent manner and with empathy and respect.
- To comply with the statutory requirements, legislation and good practice relating to damp and mould issues.
- To work in partnership with contractors, tenants, and leaseholders to ensure that safe and healthy properties are maintained in relation to damp and mould matters.
- To ensure that tenants have access to and are provided with advice and guidance on managing and controlling damp, mould and condensation.
- To ensure that the fabric of our properties is protected from deterioration and damage resulting from damp, mould and condensation.



## Scope of Policy

The scope of this policy identifies how Tendring District Council, through both responsive repairs and its planned maintenance and improvement programme, can work with its tenants, leaseholders and contractors to control, manage or eradicate damp and mould. This will include:

- All Tendring District Council owned properties and their communal areas
- All leasehold properties within Tendring District Council owned blocks, where the structure or exterior of the building could be causing an internal defect
- Identifying the different types of damp and their causes
- Informing tenants and leaseholders about the different types of damp and their causes
- Identifying both Tendring District Council's and its tenants and leaseholders responsibilities for managing and dealing with damp and mould
- Providing guidance to tenants and leaseholders on how to manage and eradicate damp and mould within their property.
- Identifying situations where the Council will not be able to undertake works to rectify reported problems of damp and mould.

## Types of damp

The types of damp covered by this policy are:

### Rising Damp

This is where there is a movement of moisture from the ground rising up through the structure of the building through capillary action. Properties are normally built with a layer of waterproof material in the walls (and floor if it is solid concrete) of the building and this stops moisture rising above it. However, if it is defective, damaged or covered over or if a property was built without one, rising damp can occur.

Rising damp will only affect basements and ground floor rooms and it will normally not rise any more than 1.5 metres above the ground.

### Penetrating Damp

This is where water penetrates the structure of the building (external walls, roofs) or if there are internal leaks Penetrating damp can be the result of, for example:

- Water ingress due to defective or poor original design / workmanship of the structure
- Defective components for example roof coverings, external wall doors and windows.
- Defective or blocked rainwater gutters and pipes.

- Defective or leaking internal waste pipes, hot and cold water and heating systems.
- Flooding due to burst or leaking pipes.

### Condensation Damp

This is where moisture held in warm air comes into contact with cold air or a cold surface. The moisture vapour held in the warm air condenses producing water droplets. The building conditions and features that can increase the risk of condensation include:

- Inadequate ventilation of a property (for example via trickle vents, mechanical extraction, non-mechanical ventilation)
- Inadequate heating of a property, (for example undersized radiators, draught proofing)
- Inadequate or defective thermal insulation of a property, (for example lack or shortage of cavity wall insulation, loft insulation, external wall insulation)
- High humidity within a property, (for example from a leak or by penetrating damp or rising damp )
- Poor design, construction or a defect, (cold bridging: gaps in insulation caused during building or a problem that has developed since then)

The living conditions that can lead to condensation include:

- Lack of ventilation (not opening windows, blocking up vents, not using extractor fans, not allowing air to circulate around furniture)
- Not heating the property adequately
- High humidity – for example, not covering pans when cooking and drying laundry in the property can contribute to this
- Lack of space around furniture and possessions that prevents air flowing through the property

### Legal and regulatory context

There are legislative and regulatory requirements that set the standards that social housing must be maintained to. These include:

- Landlord and Tenant Act 1985

Section 11 of this legislation imposes an obligation on landlords to carry out basic repairs, covering the structure and exterior of the property and installations for the supply of water, gas and electricity and for sanitation and space heating and heating water. There is also an implied covenant to maintain the property in good order.

## Housing Health and Safety Rating System

The Housing, Health and Safety Rating System (HHSRS) was introduced in 2006 to provide an assessment tool for the 'Minimum Standard for Housing' (Criterion A of the Decent Homes Standard). It is a risk assessment tool designed to identify the risk to occupants in domestic properties.

## Decent Homes Standard

Announced in 2000 and updated in 2006, the Decent Homes Standard sets expectations for registered providers of social housing to provide tenants with quality accommodation and a cost-effective repairs and maintenance service. According to the standard, for a home to be considered 'decent' it must:

- Meet the current statutory minimum standard for housing
- Be in a reasonable state of repair
- Have reasonably modern facilities and services
- Provide a degree of thermal comfort
- Homes (Fitness for Human Habitation) Act 2018

This amended the Landlord and Tenant Act 1985 with the aim of ensuring that all rented accommodation is fit for human habitation. Whilst it did not create new obligations for landlords, it required them to ensure that their properties, including any common parts of the building are fit for human habitation at the beginning of and throughout the tenancy. Where a landlord fails to do this the tenant has the right to take action in the courts for breach of contract.

## Defective Premises Act 1972

Section 4 of this Act places a duty on landlords to take reasonable care to ensure that anyone who might be expected to be affected by defects in a property is reasonably safe from injury or damage to their property resulting from defects.

## Regulatory framework for social housing

The Home Standard is one of the Regulator of Social Housing's consumer standards and it covers both the quality of accommodation and the repairs and maintenance service and sets required outcomes and specific expectations in relation to each of these. Registered providers should provide a cost-effective repairs and maintenance service and meet all applicable statutory requirements that provide for the health and safety of all occupants.

## Right to Repair regulations

The Council will operate within the statutory requirements of the 'Right to Repair Scheme' which covers certain small, urgent or routine repairs costing up to £250, which are likely to jeopardise the health or safety of the tenant.  
Social Housing Regulation Act 2023

This legislation, which received Royal Assent in July 2023, builds upon the existing regulatory framework for housing and introduces a proactive rather than a responsive regulatory regime that is underpinned by inspection.

The proposed Safety and Quality Standard covers stock quality, decency, health and safety as well as repairs, maintenance and planned improvements.

These revised Consumer Standards are currently subject to consultation with the expectation that these will come into force in April 2024.

### Tenant Satisfaction Measures

As part of the new regulatory regime for housing, providers have been required to collect specified data in relation to their performance from 1 April 2023 known as Tenant Satisfaction Measures.

Of the 22 Tenant Satisfaction Measures, 12 are perception measures that will be informed by an annual tenant satisfaction survey and 10 will be informed from housing provider's own management information. The measures are listed in the Council's Repairs Policy.

## Responsibilities

### Tendring District Council Responsibilities:

- Meet statutory repairing responsibilities as well as those set out in our tenancy agreements
- Maintain our properties so that they meet the Decent Homes Standard
- Be responsible for maintaining homes to avoid penetrating and rising damp and for carrying out reasonable remedial action if either of these do occur
- Treat tenants who report problems with damp and mould in a consistent manner and with respect and empathy.
- Recognise the impact that living in a property where there is damp and mould can have on residents health and well-being.
- Investigate reports of damp and mould in a timely manner and implement all reasonable repairs and improvements to eradicate or manage damp, including the management of condensation in a property
- Aim to diagnose the cause of damp and mould correctly and deliver effective solutions based on dealing with the cause of the damp rather than just the symptom
- Keep tenants informed about the findings of the investigation undertaken, including the cause of damp and mould, details of any remedial works to be carried out together with the estimated timescale for these and any other effective solutions to mitigate the cause of damp
- Keep the tenant updated in connection with their report of damp or mould from their initial report until the completion of any works

- Ensure that the fabric of the Council's property is protected from deterioration and damage resulting from condensation
- Ensure that tenants and leaseholders have access to and are provided with, comprehensive advice and guidance on how to deal with damp and mould within their home
- Ensure that staff have adequate training and equipment to effectively determine the cause of damp and, where practicable, provide reasonable solutions and/or remedial actions,
- Ensure competent contractors are employed to undertake remedial works to rectify root cause/s of damp and mould
- Where required, engage with specialists to undertake detailed surveys of the property and provide advice and recommendations to rectify any causes of damp and mould
- Provide all tenants with the opportunity to provide feedback on any remedial works carried out.
- Undertake follow up visits by a surveyor, after works have been completed and where necessary, to check that the measures put in place have been effective in resolving the issues of damp and mould in the property and to identify whether any further measures are required.

### Tenant Responsibilities

Tendring District Council tenants are required to:

- Report any concerns of damp, mould or condensation to Tendring District Council as soon as possible using any available repair reporting method and giving as much detail as possible
- Tell the Council about any faulty equipment that will hamper the management and control of damp and condensation, for example faulty extractor fan, heating not working or windows not able to be opened
- Regularly check for mould and remove any signs of mould as soon as they are discovered
- Follow advice and guidance provided by the Council and as set out in the tenancy agreement
- Allow access for inspections and for carrying out remedial works to rectify causes of damp and/or mould
- Manage, where practicable, condensation within the property by reducing the conditions that can cause it, for example not drying clothes on radiators, opening windows where possible, using extractor fans provided ensuring vents are not blocked and that they are open and adequately heating the property



- Redecorate the property, as required, following repair works carried out for damp and mould issues using anti-fungal paint

Any neglect by the tenant to follow the advice given or to carry out repairs for which they are responsible for and where this has a direct impact on the condition of a Council owned property will be dealt with in accordance with the terms of the Council's tenancy agreement.

### Leaseholder responsibilities

Leaseholders are required to manage and maintain their properties, including damp and condensation, in accordance with their lease agreement. The Council will not carry out damp and condensation remedial works to leasehold properties unless these are covered by the landlord responsibilities in the lease

Any neglect by the leaseholder to follow the advice given or to carry out repairs for which they are responsible for and where this has a direct impact on the condition of a Council owned property will be dealt with in accordance with the terms of the lease agreement.

### Responding to reports of damp and mould

On receiving a report of damp and / or mould, the Council will:

- Arrange and carry out a repair within its published timescales if the cause of the problem can be identified from the information given on the phone or via the online form submitted, for example if the problem is being caused by a leak from a gutter or faulty plumbing.
- If mould is reported that has already been cleaned and treated by the tenant but returned , we will arrange for our in house team or contractor to carry out a mould wash within three days or as agreed with the tenant after that to ensure that any detrimental effect of this is minimised for the tenant.
- If further investigation is required, a surveyor will visit the property, with appropriate equipment to determine the cause and identify measures aimed to eradicate or reducing the problem to a tolerable and/or manageable level. This could be a combination of measures carried out to the building or its ventilation and advice to residents on how to minimise condensation in their home.
- Where the cause cannot be determined by Tendring District Council's Building Surveyors, consideration will be given to engaging 'external' mould and damp specialists to provide detailed reports and recommendations to eradicate and/or provide further advice to residents,
- If the outcome of initial inspections shows that condensation is causing the problem and that all reasonable measures are in place for the tenant to adequately manage the situation, suitable advice and guidance will be provided in connection with heating and ventilating the property. If fuel poverty is identified as a factor, then we will offer support via our Tenancy Sustainment and Fuel Poverty staff

- Where remedial works and mould wash treatments have been undertaken by the Council, we will ensure that surfaces are prepared to a condition ready for the tenant to redecorate with the recommendation that anti-fungal paint is used
- All tenants will be given the opportunity to provide feedback on any remedial works that have been undertaken
- Where considered necessary, the surveyor will visit the property again within six to ten months after the remedial work is carried out, to make sure the damp and mould problem has been resolved
- Where conditions within a home are having a detrimental impact on the health and wellbeing of the occupants or are preventing inspections or remedial works being carried out, such as the excessive hoarding of items, the Council will provide suitable support and assistance to the tenant. In these instances, effective remedial action for any damp and mould issues may not be possible until the situation has been resolved.
- If it is considered unsafe for the occupants to remain in the property while the works are carried out, alternative accommodation arrangements will be made. This will be arranged in accordance with the Council's Decant Policy.

The Council will always have regard to the constraints of the existing building design and structure. This means that it will not be possible to control or eradicate damp, mould or condensation where it would be unreasonable or impractical to do so or where remedial action would be ineffective. These circumstances include:

- Poor construction or design
- Non habitable rooms
- Unheated or uninsulated external toilets or store rooms

In certain situations, the Council may seek to sell or otherwise dispose of the property and this will be done in accordance with the Council's Property Dealing Procedure.

## Missed appointments

In accordance with the Council's tenancy agreements, tenants are required to allow access for Council employees, contractors or anyone else working on our behalf into their property to inspect its condition, including that of any fixtures and fittings, or to carry out repair, maintenance or improvement works. Unless it is an emergency, or otherwise agreed, a minimum of 24 hours' notice will always be given.

Tenants are also required not to obstruct access to the property either directly (by refusing permission to enter or cancelling appointments) or indirectly (by the accumulation of furniture, personal belongings, stored items, pets or unhygienic conditions).

Where an appointment is missed by the tenant, a record of this will be made by the visiting surveyor and the appointment will be rebooked. If (two / three) appointments are missed, a repair request would normally be cancelled. However, if there is considered to be a health and safety risk, these missed appointments will be taken as refused access and further action may be taken to gain access to your property.

Missed appointments may also be subject to a charge, as set out in the Council's Recharge Policy.

## Property Visits

To assist with the early identification of potential issues, every visit to a property by either the Council's own housing staff or its contractors will be taken as opportunity to identify signs and damp and mould and to report these through appropriate channels.

## Mutual Exchanges

Before any mutual exchange takes place, the property will have been inspected. Outgoing tenants will be required to adequately clear areas to allow inspection and complete any repairs that are the tenant's responsibility before the exchange takes place. This inspection will also identify whether there are any damp and mould issues and appropriate advice will be given at this time and / or remedial repairs requested by the member of staff visiting the property.

Properties moved into as a mutual exchange are accepted as seen. This means that any large scale works such as kitchen refurbishment will only be completed when and if they are due to be completed via an ongoing planned improvement programme. However, responsive repairs will be carried out following our standard procedures and this includes the response to reports of damp and mould.

## Empty Properties

When a tenancy has ended, work will be undertaken before the next tenant moves in to make sure that the property meets our agreed Void Letting Standard. This aims to ensure that the property is safe, secure, clean and in a good state of repair.

To assist with the eradication, control or management of damp, mould and condensation, this will include:

- Completion of any works required to eradicate rising or penetrating damp
- Cleaning of any extractor fans to ensure they are working properly
- Replacement or upgrading of any faulty fans
- Installation of mechanical ventilation to any property showing signs of damp, mould or condensation
- Ensuring that doors and windows are serviceable and can effectively ventilate the property
- Application of any damp and mould treatments, where necessary

## Planned Maintenance and Improvement Programme

Through its planned maintenance and improvement programme, the Council will

- Target and improve the thermal efficiency of any poorly insulated homes, where measures are practical and affordable, and ensure the associated heating system is working as effectively as practicable,
- Explore and use new technologies to monitor humidity levels in properties and evaluate the results, identifying solutions for those properties,
- Carry out regular surveys to identify mould and damp within the Council's housing stock and use that data to inform works required within the capital investment programme
- Ensure that the fabric of buildings is protected from deterioration and damage, thereby minimising the potential for condensation or damp to occur
- Install extractor fans as part of all kitchen and bathroom refurbishment works
- Replace inefficient heating with efficient or renewable heating
- Allocate funding through the Housing Revenue Account (HRA) to carry out preventative maintenance to reduce the occurrence of damp and mould

## Training

We will ensure that all relevant staff and contractors have training to raise their awareness of damp and mould issues, its impact on residents and its causes and control measures

This will include:

- Induction and refresher training will be provided for all technical and visiting staff to raise and awareness of and create a good understanding of damp and mould issues
- Ensuring that all staff are aware of this policy and have the skills and knowledge to comply with it and its associated procedures
- Providing our staff with equipment to assess damp in properties and training in how to use this in order to find a resolution to the problem
- Developing relevant staff and contractor's knowledge on our stock, archetypes and components of properties that are likely to suffer from damp and mould so that these can be monitored during property inspections and this information used to inform future programmes of work.

## Contents Insurance

Whilst the Council arranges buildings insurance, tenants are responsible for arranging adequate household contents insurance to protect their home from damage caused by damp, mould, or condensation.

## Rechargeable Repairs

If a tenant or leaseholder fails to take the advice and reasonable steps to reduce damp and mould in their property they may be recharged for any resulting repairs required which are considered to be result of this neglect. Missed appointments may also be charged for. Both of these would be carried out in accordance with the Council's Housing Recharge Policy

## Equality and Diversity

The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010.

In delivering this policy, the Council will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.

The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.

## Monitoring

The Council will monitor the effectiveness of this policy by collecting data on:

- Number of cases of damp and mould reported to and responded to
- Number of formal complaints received relating to damp and mould
- Number of reported cases and complaints resolved

Other performance information on the general state of the stock and on performance of the organisation through its stock condition survey programme and through tenant feedback as well as other means as identified in the repairs and other policies.

## Complaints

If a tenant or leaseholder is not satisfied with the way in which their report of damp and mould has been dealt with or the response provided, they will be advised to raise a formal complaint in accordance with the Council's Housing Complaints Procedure.

Complainants may also seek advice and support while their complaint is going through our internal complaints process. However, the Housing Ombudsman cannot formally investigate or make a decision on a case until it has exhausted a landlord's complaints process and suitable advice will be provided at each stage of the complaints process.

## Review

The policy will be reviewed every three years or earlier if there are any changes to legislation or to the Council's strategies or policies.



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## **A.7 Appendix C - Residential Building Fire Safety Policy**



November 2023

# Contents

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## 1. Policy Statement

1.1 Tendring District Council (hereafter TDC) is committed to meeting our obligations as a landlord and ensuring that fire safety is adequately managed, ensuring the safety of our residents and those visiting our residential properties.

1.2 The purpose of this policy is to ensure that TDC residents and visitors can use our residential buildings and facilities safely. This extends to taking all reasonable steps to mitigate any foreseeable risks associated with fire in domestic properties.

1.3 This policy complies with all relevant legislative requirements. TDC has chosen to apply fire safety standards to a more rigorous degree than is required in the regulations.

## 2. Scope

2.1 This policy applies to all of TDC's dwellings, except houses and bungalows.

2.2 Tenants of houses and bungalows are urged to familiarise themselves with fire prevention and precaution advice available from Essex County Fire and Rescue Service <https://www.essex-fire.gov.uk/> and provided in their tenancy information pack.

## 3. Legislative context

The Regulatory Reform (Fire Safety) Order 2005 creates duties for the Council to take general fire precautions including fire risk assessments, clear escape routes, maintenance and providing information. It applies to all dwellings except houses.

The Fire Safety (England) Regulations 2022 create further duties of increasing degrees of rigor, that apply to:

1. all premises where there are communal areas.
2. All buildings including more than one dwelling with a height over 11m
3. All buildings including more than one dwelling with a height over 18m

The order only applies to the communal areas and excludes private dwellings and residents' accommodation. Residents within their individual accommodation will be protected by the level of structural fire precautions implemented during the construction of the building or subsequent work.

Building heights are to be measured from external ground level to the finished floor level of the uppermost dwelling.

TDC does not own any residential buildings falling into categories 2 or 3. The Housing regulator has made enquiries of local authorities on a slightly differing basis: either 11m or 5 storeys. TDC has 3 buildings that fall into the 5 storey category, although just short of 11m.

Part B1 of The Building Regulations 2010 amended 2020 and 2022 provides standards for fire precautions in new buildings and when alterations are carried out. Other parts of the regulations govern matters such as conservation of energy, access and safety.

## 4 Responsible Person

4.1 The responsible person under this policy and the Fire Safety Order is the Corporate body Tendring District Council.

## 5. Stay Put Approach

5.1 TDC operates a 'stay put' approach across all blocks apart from

- Rivers House, Spendells Close, Walton on the Naze
- Rochford House, Spendells Close, Walton on the Naze
- Darcy House, Spendells Close, Walton on the Naze
- Sayers House, Victoria Place, Brightlingsea
- Mayflower House, Church Street, Harwich
- White Hart Court, West Street, Harwich
- All Sheltered Housing Units

In these buildings an evacuation policy applies in conjunction with fire alarm systems that are installed in these particular blocks.

5.2 The stay put policy takes into account recent reflections across the sector and is consistent with both statute and current best practice for housing of the type owned and managed by TDC.

5.3 TDC fire signage is clear in relation to actions required of the residents with regards to the stay put policy with the general principles being:

5.3.1 If the fire is in your flat, you should close the door to the room affected and leave the flat immediately, closing the main entrance door and alerting the fire brigade immediately.

5.3.2 If the fire is in another part of the building, you should stay in your flat keeping windows and doors closed. You should alert the fire brigade immediately by telephone. You should only leave your flat if it is directly affected by smoke or heat, or if directed to do so by the fire brigade.

5.4 TDC has an evacuation process in place at the blocks identified in 5.1. The evacuation procedures are documented in information given direct to the tenants and are recorded in the building's Fire cabinet and information.

## 6. Prevention and Risk Management

6.1 In order to protect all persons from the hazards of fire, TDC will:

6.1.1 Perform fire risk assessments on all applicable blocks managed by TDC.

6.1.2 Implement appropriate measures to eliminate, reduce or control the risk of fire and the spread of fire as recommended by the fire risk assessments.

6.1.3 Carry out fire door checks to all buildings with communal areas.

6.1.4 Provide and maintain appropriate means of escape in the event of fire.



6.1.5 Provide appropriate training to relevant employees in fire precautions, emergency procedures and actions in the event of fire.

6.1.6 Provide appropriate guidance and advice to all employees, residents and contractors on how to prevent fires.

6.1.7 Provide and maintain all fire equipment and systems.

6.1.8 Provide and maintain appropriate fire signage.

6.1.9 Liaise with appropriate enforcing authorities as necessary.

6.1.10 Regularly communicate key fire safety messages to all residents and staff members

## 7. Fire Risk Assessments

7.1 A fire risk assessment is a method of identifying fire hazards and assessing the likelihood and potential safety of buildings, so that appropriate general fire precautions can be implemented to reduce the risk of fires starting and to ensure that residents and visitors are as safe as possible in the event of a fire.

7.2 Fire risk assessments are undertaken by a competent person, as defined by the Fire Risk Assessment Competency Council (FRACC), to all buildings that require one under the Regulatory Reform (Fire Safety) Order 2005 at the following frequencies:

- All three storey and above blocks with the exception of Sheltered Housing blocks – Every 2 years,
- Sheltered Housing blocks – Annually

7.3 Fire risk assessments will also be reviewed sooner when any of the following occur:

- A full block refurbishment
- Structural changes are proposed
- Change of use or layout
- New plant, equipment, processes or procedures are introduced which involve fire hazards
- It is proposed to store any flammable substances

7.4 TDC will review fire risks assessment actions actively across the financial year ensuring actions are completed within the timeframes highlighted by the assessment.

7.5 Completed fire risk assessments are held centrally on the asset management database. As well as in the red emergency fire cabinets in each block.

7.6 Fire Risk Assessments will be made available to residents on request and broader lessons will be communicated to residents. Opportunities will be taken to raise awareness and capture resident feedback.

## 8. General Fire Risks

8.1 To prevent the outbreak of fires in general needs communal areas and in corridors and stairwells of sheltered schemes, TDC tenancy agreements specify that there should be no storage of any items in communal areas, whether combustible or non-combustible. Escape routes are to be kept clear at all times across all blocks. Tenancy Management Officers complete block inspections to ensure that this is adhered to.

8.2 It is considered the residents' responsibility for the use/storage of any flammable liquids at their home and they do so at their own risk.

8.3 Under the TDC tenancy agreement, it is prohibited for residents to store flammable liquids which pose a fire and/or explosion risk in communal storage areas of blocks.

8.4 Smoking is prohibited in any internal communal areas of blocks owned by TDC. Smoking is permitted in individual resident's flats or external communal areas.

8.5 To limit the risk of arson, staff should be aware of strangers and challenge them politely, especially if they are in restricted and/or isolated areas.

8.6 Residents and visiting staff should ensure the block is kept secure and all communal main entrance doors are closed when entering and leaving the blocks.

## 9. Fire Fighting Equipment and Fire Systems

9.1 TDC. will provide appropriate fire equipment and systems where appropriate in line with regulations, guidance and recommendations from the fire risk assessments.

9.2 All of the equipment and systems will be serviced by TDC. and/or replaced in line with statutory requirements.

9.3 All fire equipment and systems will consider the capabilities of the existing and potential residents.

9.4 Firefighting equipment, where provided, is not for use by residents or staff members unless specifically trained.

## 10. Fire Signage

10.1 TDC will ensure fire escapes routes, fire doors, fire alarm call points and, where appropriate, firefighting equipment are all clearly marked.

10.2 TDC will ensure that the action to be taken on discovering a fire or fire alarm sounding is prominently displayed on Fire Action Notices; these notices are to comply with the UK Association for Accessible Formats (UKAAF) best practice guidance for clear and large print.

## 11. Escape Routes

11.1 All buildings will conform to the building regulations in force at the time of construction.

11.2 Buildings undergoing alterations will conform to the Approved Document B (Fire Safety) Volume 1 in order to achieve and maintain the fire compartment integrity for the required time period.

11.3 Any openings or apertures, to existing buildings, between fire compartments such as door openings or letter boxes shall be smoke sealed, designed and constructed to maintain fire compartment integrity.

11.4 All corridors and staircase enclosures, to existing buildings, that are designated as escape routes will be protected routes. These routes should be unobstructed and clear of any items at all times.

## 12. General Procedures

12.1 Sheltered Housing residents will not be subject to Personal Emergency Evacuation Plans (PEEP's) because the schemes are provided as independent living and not classified as residential care.

12.2 If residents are affected by a fire and the property is deemed non-habitable, suitable temporary accommodation will be provided. Further details are set out in TDC's Decant Policy for.

12.3 Residents who require oxygen cylinders for temporary/permanent health issues are required to make TDC aware which is then notified to the local fire service.

12.4 Each three storey and above blocks is fitted with a red fire cabinet which houses all documentation relating to emergency light testing, fire alarm testing, where applicable, and copies of the fire risk assessment and any related certificates of works carried out.

## 13. Review

13.1 The policy holder will review this policy every 12 months, or as legislation, current thinking or best practice change

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## CABINET

10 NOVEMBER 2023

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

#### A.8 THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS / PREMIUMS FOR 2024/25 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2024/25

##### 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 2024/25
- Exceptional Hardship Policy
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2024/25
- Annual MRP Policy Statement for 2024/25

###### EXECUTIVE SUMMARY

- This report outlines the proposed Local Council Tax Support (LCTS) scheme and council tax exemptions, discounts and premiums for 2024/25.
- Given the on-going cost of living challenges faced by residents, it is proposed to continue with the principle of providing financial stability wherever possible to Tendring claimants.
- It is therefore proposed to keep the 2024/25 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.
- In respect of existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care), it is not proposed to make any changes for 2024/25, with the same levels applying as in 2023/24.
- The Levelling Up and Regeneration Bill, which recently received royal assent, set out a change to one of the 'bandings' applied to premiums charged on long term empty properties - Local Authorities can now charge a 100% council tax premium on properties empty for 1 to 5 years instead of 2 to 5 years as is currently the case. In addition to this change, the same piece of legislation now also allows Local Authorities to introduce a council tax premium of up to 100% on properties occupied periodically ('second homes'). It is proposed to implement both of these from the earliest permissible date set out in the newly enacted legislation - i.e. the first item being introduced from 1 April 2024, with the second from 1 April 2025.



- The Government are also considering introducing council tax premium exemptions as they recognise that there are circumstances where it may not be appropriate for premiums to apply e.g. properties undergoing probate. It is understood that these will be mandatory exemptions, which will therefore be applied from 2024/25 alongside the newly enacted legislation.
- The Annual Minimum Revenue Provision Policy Statement has also been reviewed for 2024/25 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 2023, 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 28 November 2023.

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

##### **It is recommended:**

- a) **That Cabinet agrees that the LCTS scheme for 2024/25 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 and Planning Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2024;**
- 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 2024/25 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 a discretionary council tax premium of 100% is charged on properties occupied periodically ('second homes') from 1 April 2025;
v)	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 2024; and
d)	that Cabinet recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2024/25 as set out in Appendix F be approved.

<b>REASON(S) FOR THE RECOMMENDATION(S)</b>
To enable the implementation of an LCTS Scheme in 2024/25 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement.

<b>ALTERNATIVE OPTIONS CONSIDERED</b>
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 2024/25 are 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.
The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended) and The Council Tax Reduction Schemes (Detection of Fraud and Enforcement)			

(England) Regulations 2013 provide the basis for the design and implementation of Local Council Tax Support Schemes.

In respect of the Council Tax Exceptional Hardship Policy, S13a of the Local Government Finance Act 1992 allows Councils to reduce the amount of Council Tax payable. The same legislation would also enable the Council to provide a council tax discount for young people leaving care.

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 2024/25, consultation is not required. However, should Council make any amendments to the scheme, consultation will be necessary before the scheme can be approved and adopted.

The Local Government Finance Act 1992 (as amended) sets out relevant council tax exemptions and discounts (mandatory and discretionary). The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (as amended) sets out the various class of properties for the purpose of exemptions and discounts. Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 amended the Local Government Finance Act 1992 in respect of the Council Tax premiums 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 were 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 introduced the following two changes to the council tax premiums that can be charged, which were included within the Levelling Up and Regeneration Bill that received royal assent on 26 October 2023:

1. Enabling Local Authorities to charge a premium up to a maximum of 100% for properties that are unoccupied and unfurnished for 1 year – this therefore extends the range covered in the first bullet point above to 1 to 5 years instead of 2 to 5 years. It is important to highlight that the recent legislative changes amend the relevant ‘banding’ rather than introduce a further ‘banding’. The only discretion local authorities therefore have is whether to apply the premium for that ‘banding’ and the percentage up to the maximum allowed.

2. Enabling Local Authorities to charge a premium up to a maximum of 100% on properties occupied periodically ('second homes').

It is proposed to introduce the above two changes as soon as permissible i.e. item 1 above from 1 April 2024 and item 2 above from 1 April 2025.

In respect of item 2. above, the Levelling up and Regeneration Bill stated that a billing authority's first determination under this section must be made at least one year before the beginning of the financial year to which it relates, which is reflected in the recommendations above. The Bill also stated that a billing authority may make a determination varying or revoking a determination under this section for a financial year, but only before the beginning of the year. Therefore the Council has the flexibility to review the decision to introduce a second home council tax premium in November next year when the discounts and premiums are considered for 2025/26.

The Levelling Up and Regeneration Bill also stated that the Secretary of State, via regulations may set a different percentage. The proposals set out in this report therefore reflect the maximum allowable set out in the Bill, which can be reviewed as part of next year's decision.

As highlighted earlier, the Government may by regulations prescribe one or more classes of dwelling in relation to which a billing authority may not charge a premium, which remains subject to consultation. It is understood that such exemptions will be mandatory and will therefore be applied as set out in legislation / regulations. (11b (2) (3) of the Local Government Finance Act 1992)

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

<b>Yes</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
------------	--

There are no further comments over and above those set out elsewhere in this report.

## **FINANCE AND OTHER RESOURCE IMPLICATIONS**

### **LCTS scheme for 2024/25**

As at the beginning of October 2023, the total estimated annual 'cost' of the LCTS scheme in 2023/24 is **£12.403m**, which is broadly in-line with the 'base' position budgeted for the year.

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** to **£100,000** 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 2024/25, 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 2023/24 is **£50,740**. For any awards over and above this annual amount, 100% of the cost is met by TDC.

The current hardship budget in 2023/24 is **£420,200**, which consists of the underlying budget highlighted above, in addition to Government grant funding carried forward from 2022/23 along with additional grant receivable in the year. Support to households is via the application of the existing hardship policy, with **£42,386** being paid out to eligible households at the end of September 2023.

As no changes are proposed to either the LCTS Scheme or Hardship Policy in 2024/25, no unavoidable / additional underlying costs over and above those included within existing budgets or long term forecast are expected. However, as part of developing the budget for 2024/25 there may be opportunities to consider 'topping up' the base budget of **£50,740**, but this will need to be considered against the various / wider cost pressures being faced by the Council.

The Council Tax Collection fund continues to operate whereby any changes against the budget during the year will be 'rolled' forward and included in the following year's budget setting process.

### **Council tax exemptions, discounts and premiums for 2024/25**

Similarly to the position for the LCTS Scheme above, as no changes are proposed to existing council tax discounts for 2024/25, including the policy for young people leaving care, no adjustments to the budget / long term forecast are expected.

In respect of the support to young people leaving care, the cost of the scheme was always expected to be minimal, which is supported by the position at the end of September 2023 where the total cost was **£2,241**. The cost of this scheme can therefore continue to 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 2023 is as follows:

<b>Empty 'Banding'</b>	<b>Period</b>	<b>Premium Due</b>	<b>Number of Properties Affected at the end of September last year</b>	<b>Number of Properties Affected at the end of September this year</b>	<b>Total Value</b>
2 to 5 Years		100%	161	165	£228k
5 to 10 Years		200%	38	32	£92k
Over 10 Years		300%	18	19	£91k
			<b>217</b>	<b>216</b>	

Although the comparison to last year undoubtedly reflects properties moving between 'bandings', the totals do not show an overall / on-going reduction over the last 12 months. The current position may therefore represent those property owners that accept paying a council tax premium rather than bringing their property back into use. The Council has no local discretion on the 'bandings' applied and is already charging the maximum percentages permitted.

As part of determining the impact of charging premiums, it is important to review the collection performance associated with such council tax accounts. The following therefore sets out a summary for the properties included within the table above where recovery action has reached a reminder or summons stage:

Reminder Stage – 37  
Summons Stage – 28

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 manage the level of long term housing voids and any impact to the HRA from council tax premiums, which will continue to be considered as part of the wider HRA Business Planning Process.

As set out elsewhere in this report, the Government have recently reduced the period that a property is determined to be a long term empty property (from 2 years to 1 year) along with introducing a council tax premium on 'second homes'. As the introduction of council tax premiums is aimed at incentivising alternative use of properties, no additional income is assumed at this stage. However, it is recognised that some property owners will accept paying the premium rather than taking an alternative option and additional income is therefore likely to be receivable. This will form part of the more detailed council tax setting and collection fund activities that are undertaken during the year.

For information, there are currently 247 properties that would be affected by the change of the definition of a long term property (from 2 years to 1 year) and there are currently 1,379 properties currently registered as second homes within the district.

#### **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	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
The Section 151 Officer is the author of this report.	
<b>USE OF RESOURCES AND VALUE FOR MONEY</b>	
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.	
<b>MILESTONES AND DELIVERY</b>	
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 2024. This enables the associated calculations that support the council tax base and 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.	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
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.	
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 2024/25, which supports the financial stability of residents, especially during the continuing roll-out of the Government’s welfare reforms and the on-going cost of living challenges faced by residents.	
<b>EQUALITY IMPLICATIONS</b>	
These form part of the wider considerations and discussions within the main body of the report.	
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:-	
<ul style="list-style-type: none"><li>○ Families in receipt of child benefit; The Child Poverty Act 2010</li><li>○ Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment(PIP); The Equality Act 2010</li></ul>	

- War widows/disabled. The Armed Forces Covenant 2011

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.

It is also important to highlight that the Government acknowledge that there may be circumstances where it may not be appropriate to charge a council tax premium. Following a consultation period, it is expected that the Government will introduce a limited number of exemptions from 2024/25.

#### **SOCIAL VALUE CONSIDERATIONS**

These form part of the considerations and discussions within the main body of the report.

#### **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.

<b>Crime and Disorder</b>	Please see comments above
<b>Health Inequalities</b>	
<b>Area or Ward affected</b>	

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

#### **PROPOSED LCTS AND COUNCIL TAX HARDSHIP SCHEMES 2024/25**

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.

The Council recognises the on-going impact on residents from welfare reforms 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 the same as 2023/24 - the scheme for 2024/25 is set out as **Appendix A**.

As highlighted in previous years, the key aspiration of considering alternative options for a redesign of the scheme given the potential increased administrative workload of operating the current one remains important. 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. As this remains a key aspiration, work will continue in consultation with our Local Authority partners.

***For information, statistics relating to the LCTS scheme in 2023/24 are set out below:***

As at the end of September 2023:

There are currently 12,005 household receiving LCTS.

The total working age households receiving support is 6,106

The total pensioner households receiving support is 5,899

### **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 2024/25.

## PROPOSED COUNCIL TAX DISCOUNTS, EXEMPTIONS AND PREMIUMS 2024/25

### 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. These relate to 4 classes of unoccupied dwelling and for 2024/25 it is proposed to keep the level of discount at the same level as 2023/24 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.

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 in 2022/23 to support young people leaving care. It is proposed to continue with an unchanged policy going into 2024/25, 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 and is applied across 3 'bands' based on the length of time the property has been unoccupied for. The Government set a maximum 'premium' that can be charged against each of the 3 'bands', with the highest amount being 300% for a property that has been empty for over 10 years.

The existing chargeable premiums are set out in **Appendix E** and it is proposed that these remain unchanged for 2024/25.

As set out earlier in this report, via amending legislation, the Government have now expanded one of the 'bandings', which means that a property that has been unoccupied for 1 year would now be subject to a council premium, unless otherwise determined by the Local Authority. The proposed council tax premiums for 2024/25 set out in **Appendix E** therefore reflect this recent change. Based on the current position, an additional 237 empty properties would be subject to a council tax premium of 100%. However, as discussed earlier, the intention of introducing council tax premiums was to encourage empty properties being brought back into use rather than generating additional income.

In addition to the change highlighted above and for similar reasons, the recently enacted Levelling Up and Regeneration Bill allows Local Authorities the ability to charge a council tax premium of up to 100% on 'second homes'. It is proposed to introduce this premium from 1 April 2025, a position that can be reviewed in November next year when council tax discounts and exemptions are subject to the same annual review set out in this report.

At the present time there are 1,379 properties that would be subject to this premium if they remained 'second homes' from 1 April 2025.

It is important to highlight that the Government recognise that it may not always be appropriate for a property to be subject to being charged a council tax premium. They are



therefore expected to introduce a limited number of exemptions from 1 April 2024 to enable Local Authorities to recognise such issues and therefore provide periods when premiums would not be chargeable.

### **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 and premiums.

The only feedback we have received this year relates to the council tax premium chargeable on long term empty property where the unoccupied period relates to the property and not the owner - so a transfer or change of ownership would not affect the status of the property. One property owner felt that this was unfair as they in effect inherited the 'problem' once they took on the ownership of a property, given that it had been empty for a period of time before they had purchased it. The relevant legislation does not provide any local discretion in terms of recognising the issue raised, and the determination will therefore continue to be made against the property rather than taking ownership into account.

### **Annual Minimum Revenue Provision Policy Statement (AMRP)**

Attached as **Appendix F** is the proposed Annual MRP policy statement for 2024/25 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 2023/24, 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 2024/25 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) 2024/25

**Appendix B** Council Tax Exceptional Hardship Policy

**Appendix C** Council Tax Discounts and Exemptions 2024/25

**Appendix D** Care Leavers Council Tax Discount Policy  
**Appendix E** Council Tax Premiums 2024/25  
**Appendix F** Annual Minimum Revenue Provision Policy Statement 2024/25

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## **Local Council Tax Support Scheme (LCTS) 2024/25**

**A summary of the scheme for Working Age persons and  
the Government Scheme for Pension Age claimants**

Local Council Tax Support (**LCTS** )

A summary of the scheme for Working Age persons and the Government scheme for Pension Age claimants .....

Introduction .....

The LCTS scheme for working age persons .....

The LCTS scheme for working age persons .....

Class 1 .....

Class 2 .....

What LCTS will be payable to working age person? .....

Protection for certain working age persons.....

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed) .....

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed).....

Class 1 .....

Class 2 .....

Class 3 .....

What LCTS will be payable to Pension Age persons? .....

How LCTS works .....

Who can claim?.....

How much LCTS can I get?.....

How is maximum LCTS calculated for the Working Age Scheme.....

How is maximum LCTS calculated for the Pension Age Scheme .....

Extended Payments .....

If you do not get Pension Credit Guarantee, Income Support, income-based

Jobseeker's Allowance or income related Employment and Support Allowance...

Capital.....

Absences from home .....

Going away .....

How to claim .....

Appointees .....

Information and evidence .....

How long will it take to decide your claim for LCTS .....

Date of claim .....

If you change your address .....

Backdating a claim .....

Start of LCTS .....

Start of LCTS where a claimant acquires a partner .....

End of LCTS .....

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's

Allowance or income related Employment and Support Allowance entitlement ....

People who live with you - non-dependants .....

Non-dependants.....

Non-dependant deductions from LCTS (Pension Age Scheme) .....

Working out the amount of LCTS .....

How is maximum LCTS calculated for the Working Age Scheme.....

How is maximum LCTS calculated for the Pension Age Scheme .....

What if I do not receive Pension Credit Guarantee, Income Support, income-based

Jobseeker's Allowance or income related Employment and Support Allowance?.

Second Adult Discount Pension Age Scheme .....

Income less than applicable amount .....

Income greater than applicable amount .....





Calculating your needs.....	.....
Living Allowances or Applicable Amounts .....	.....
Calculating your resources .....	.....
Income .....	.....
Capital.....	.....
How LCTS is paid .....	.....
How you will be notified about your LCTS .....	.....
How can I appeal? .....	.....
Changes of circumstances .....	.....
Students.....	.....
Information and information sharing .....	.....
Counter Fraud and Compliance .....	.....



## Introduction

As part of the major changes to the Welfare Benefits system, from 1<sup>st</sup> 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 2024/25, 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 2024/25, 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:-

- Families in receipt of child benefit;
- Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment.
- 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](http://www.tendringdc.gov.uk) or via the Helpline 01255 686811 for details.

All claims will need to be supported by evidence of your circumstances and this will need to be provided to the Council. If you are claiming Housing Benefit as well as LCTS, the Council will provide you with a joint claim form.

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for LCTS. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

### Appointees

An appointee, for the purposes for LCTS, is someone over 18 appointed by the Council, to manage the LCTS claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for LCTS, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The Council can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

### Information and evidence

The Council may need more information or supporting evidence so that they can calculate your LCTS. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

### How long will it take to decide your claim for LCTS

The Council will deal with your claim for LCTS as soon as possible after receiving all the information from you that they need to work out your entitlement

### Date of claim

The date of claim will be the date of first contact, typically by phone, provided that the claim form is returned to an office of the Council within one month of the claim form being issued.

### If you change your address

If you move to a different area, you must make a new claim for LCTS at your new Council. If you move within the same area, you must still tell the Council.

### Backdating a claim (Pension Age Scheme only)

If you have reached the qualifying age for state pension credit your LCTS may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.



### **Start of LCTS**

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

### **Start of LCTS where a claimant acquires a partner**

If you acquire a partner, you and your partner will be jointly and severally liable for Council Tax.

If you notify the Council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support for you and your partner, as a couple, can be paid from the day that joint liability for Council Tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

### **End of LCTS**

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your LCTS stops on the day you stop being liable. If you no longer qualify for LCTS because, for example, your income increases or your applicable amount changes, your LCTS will be stopped from the beginning of the next support week.

### **End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement**

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or income related Employment and Support Allowance, you must tell the Council and they will have to stop your LCTS. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

### **People who live with you - non-dependants**

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you as a family and any children you have fostered do not count as non-dependants.

### **Non-dependants for Pension Age Scheme**

Any non-dependants who normally share your accommodation could affect the amount of LCTS you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:



- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;
- tenants of owner occupiers; and
- Landlords and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your LCTS may be affected by Non-Dependant deductions for the Pension Age Scheme, or inclusion of their income in the LCTS calculation for the Working Age Scheme.

### Non-dependant deductions from LCTS for Pension Age Scheme

Deductions will be made from your LCTS for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your LCTS if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner is aged 65 or more and a non-dependant moves into your home, or the non-dependant's circumstances change to increase the deduction.

### Working out the amount of LCTS

The maximum amount of LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

### How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the Council Tax you are liable to pay.



For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

### **How is maximum LCTS calculated for the Pension Age Scheme**

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

### **What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or Income related Employment and Support Allowance?**

If you do not get Pension Credit Guarantee, income Support, income-based JSA, maximum Universal Credit or income related Employment and Support Allowance, the council has to work out if you can get LCTS and if so, how much you can get.

To do this, the Council works out your maximum LCTS, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

### **Second Adult Discount (SAD) for Pension Age Scheme**

Apart from LCTS for yourself, you may also be able to get LCTS if you share your home with one or more adults. This is separate form of LCTS for you and is called Second Adult Discount (SAD). Second Adult Discounts are intended to assist you with Council Tax if you share your home with someone who is on a low income. Second Adult Discounts may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAD unless you have already claimed LCTS for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAD.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAD even if your own capital exceeds £16,000.

SAD is awarded on the basis of your Council Tax bill, after any reductions that you may be entitled to, are deducted. The amount of SAD that can be awarded is as follows;



Second Adult	Alternative Maximum LCTS
(a) Where the second adult or all second adults are in receipt of income support, maximum Universal Credit, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the Council Tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support maximum Universal Credit, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance	<p>Gross Income is less than £244.00 per week; 15 per cent of the Council Tax due in respect of that day;</p> <p>Gross Income is not less than £244.00 per week but less than £317.00 per week; 7.5 per cent of the Council Tax due in respect of that day;</p> <p><i>(Above are 2023 rates which will be subject to a 2024 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–

- persons making claims for LCTS;
- other persons in connection with such claims;
- other local authorities; or
- 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;

- Prevent and detect fraudulent claims and actions in respect of LCTS;
- Carry out investigations fairly, professionally and in accordance with the law; and
- Ensure that sanctions are applied in appropriate cases.

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**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 1<sup>st</sup> 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 CAT 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](mailto: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 10 working 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.

<b>Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discretionary discounts will apply for the 2024/2025 financial year:-</b>
<p><b>Class A</b> – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.</p> <p><b>0% discount</b> (on the days when the property cannot be used due to a planning restriction a statutory exemption is allowed under Class G).</p>
<p><b>Class B</b> – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.</p> <p><b>0% discount</b></p>
<p><b>Class C</b> – Unoccupied and substantially unfurnished dwellings.</p> <p><b>0% discount</b></p>
<p><b>Class D</b> – Unoccupied and unfurnished requiring major repairs or alterations.</p> <p>(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;</p> <p>(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—</p> <ul style="list-style-type: none"><li>(i) requires or is undergoing major repair work to render it habitable, or</li><li>(ii) is undergoing structural alteration; or</li><li>(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;</li></ul> <p>(c) For the purposes of paragraph (b) above “major repair work” includes structural repair work.</p> <p><b>100% discount up to 12 months</b></p>

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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 2024.

**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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<b>Council Tax Premiums to apply for the 2024/25 financial year:-</b>	
<b><i>From 1 April 2024, the following additional amounts of council tax (a premium) will be charged when a property has been empty for one year or more:</i></b>	
Long Term Empty properties (unoccupied and substantially unfurnished) for one year, but less than five years, will attract a premium of 100%, and therefore charged 200% of the set council tax.	
Long Term Empty Properties (unoccupied and substantially unfurnished) for five years, but less than ten years, will attract a premium of 200%, and be charged 300% of the set council tax.	
Long Term Empty Properties (unoccupied and substantially unfurnished) for ten years or more will attract a premium of 300%, and be charged 400% of the set council tax.	

***The above premiums 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 2024/25**

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. *(This method will be applied to assets and equipment leased in, where the MRP requirement will be regarded as met by a charge equal to the associated annual rental / service charge)*
- **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 2024/25, no changes compared to 2023/24 are proposed. Therefore the Annual Minimum Revenue Provision Policy Statement for 2024/25 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 2024/25 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.**



## CABINET

10 NOVEMBER 2023

### REPORT OF THE PORTFOLIO HOLDER FOR PARTNERSHIPS

#### A.9 DETERMINATION OF A NOMINATION TO REGISTER AN ASSET OF COMMUNITY VALUE: LADY NELSON PLAYING FIELD, FRINTON ROAD, THORPE LE SOKEN, CO16 0JD

#### PART 1 – KEY INFORMATION

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

To determine whether Lady Nelson Playing Field meets the criteria set out in the Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 (“the Regulations”) following its nomination as an Asset of Community Value by Thorpe Le Soken Parish Council. No other criteria are pertinent.

##### **EXECUTIVE SUMMARY**

A valid nomination to register an asset of community value has been received from Thorpe Le Soken Parish Council as shown in the plan included in Appendix A.

If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 and The Assets of Community Value Regulations 2012.

The Government’s non statutory guidance defines an asset of community value as: “Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so and is likely to do so in the future”. The Report provides an assessment of the nomination.

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

Taking the evidence provided into account it is recommended that the building nominated does meet the criteria set out Section 88 of the Localism Act 2011. Accordingly it is recommended that the criteria are met and that the building should be listed as an Asset of Community Value.

Cabinet adopted the formal procedure for administering Assets of Community Value in January 2015, when the legislation and the supporting procedures were new to local government. The Council has been operating within this procedure for 7 years and it is considered appropriate for a review to be undertaken, taking into account the experiences of past applications, case law around the subject matter, the strict criteria applied in making such determinations, number of successful community bids and reviews requested.

Cabinet Members have previously expressed informal support for Officers to be provided with the appropriate delegations to enable applications to be determined quicker within the strict legislative framework. However, the formal procedure will require amendment and due to the time passed since its adoption, a thorough review of operating procedures is suggested, including how reviews would be undertaken if the decisions were delegated to Officers.

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

**That Cabinet agrees that Lady Nelson Playing Field, Frinton Road, Thorpe-le-Soken, CO16 0JD meets the definition of an Asset of Community Value as set out in Section 88 of the Localism Act 2011 and that the asset therefore be added to the Council's list of Assets of Community Value.**

#### **REASON(S) FOR THE RECOMMENDATION(S)**

- Lady Nelson playing field is the main open space/recreational ground for the village of Thorpe Le Soken. It is used by local residents, sports clubs and community groups throughout the year.
- The primary use of the land is as the location of the children's play (including a skate ramp) for the village. Thorpe Le Soken currently has an open space deficit of 2.43 hectares, so this facility is of significant community value.

#### **ALTERNATIVE OPTIONS CONSIDERED**

- Not adding the land to the list of Assets of Community Value – not recommended – the criteria are met.

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

#### **DELIVERING PRIORITIES**

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

A review of the procedure for administering Assets of Community Value demonstrates effective and positive governance ensuring procedures remain efficient and complying with best practice and guidance.

#### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

The owners of the land have been informed of the application via a letter.

The Parish Clerk for Thorpe Le Soken Parish Council has been contacted and she has confirmed that the play equipment and skate ramp were paid for by the Parish Council and that the upkeep is also down to them.

The Act and Regulations are intended to increase public engagement.

<b>LEGAL REQUIREMENTS (including legislation &amp; constitutional powers)</b>			
<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>No</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<input type="checkbox"/> <b>Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>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)</b>	
<p>If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011:</p> <p>(1) A building or other land in a local authority's area is land of community value if in the opinion of the authority —</p> <p>(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;</p> <p>(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.</p> <p>Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.</p> <p>Under Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, the determination of an appeal against any decision made by or on behalf of the authority can be made by the Executive or another Committee. It is considered that as Cabinet will be the decision maker of the outcome of the nomination, any review received should be considered and referred to the Community Leadership and Partnerships Overview and Scrutiny Committee, which already includes within its terms of reference review of Cabinet decisions.</p>			
<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		

No additional comments to those set out in the report in relation to the current application. A review of the operating procedures for administering Assets of Community Value should be undertaken using experiences from past applications and case law on the subject matter and should be reflected in any revised procedures.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

There are circumstances where the Council may be required to pay compensation. It is hard to quantify this risk and it is therefore not proposed to make a specific allocation. The Advice Note issued by Department of Communities and Local Government ("DCLG") states that if compensation exceeds £20,000 in any one financial year support can be requested through their burdens funding scheme.

In this case, the current owner has suspended a planned sale of the site and this may give rise to a compensation claim.

<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
----------	---

No additional comments in addition to those above.

#### **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;	The Council has an adopted Financial Strategy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,; and	The Council has an adopted procedure for considering nominations of assets of community value.
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.	The Council has an adopted Financial Strategy.

#### **MILESTONES AND DELIVERY**

If Cabinet determines to add the land to the list it will be added directly and will remain on the list for five years unless there is an appeal, review or relevant transaction.

The review of the procedures could be brought to Cabinet in the future.

#### **ASSOCIATED RISKS AND MITIGATION**

Lady Nelson playing field is the main open space/recreational ground for the village of Thorpe Le Soken. It is used by residents, sports clubs and community groups throughout the year. It is the location of the children's play (including skate ramp) for the village.

Thorpe-le-Soken currently has an open space deficit of 2.43 hectares, so this facility is of significant community value.

The playing fields have been used by the community for a number of years, the Parish Council did hold a lease until very recently from the owner for the community use of the fields.

The Parish Council paid for and carried out the upkeep of the play equipment within the playing fields.

The owner of the playing field have had their solicitor write to us to oppose the ACV going ahead, see Appendix B for the full letter.

A reply has been sent to the solicitor from Andy White (Assistant Director – Buildings & Public Realm), see Appendix C for the reply. No further response has been received at the time of writing this report. In the event that additional information is received it will be provided to Members at the Cabinet meeting.

#### **EQUALITY IMPLICATIONS**

The nominating body lists a number of social and community activities that we likely on the whole to be progressive in terms of equality and diversity.

#### **SOCIAL VALUE CONSIDERATIONS**

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

#### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030**

The proposed decision is neutral in relation to the Council's emissions ambitions.

#### **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.**

<b>Crime and Disorder</b>	The nominating body lists a number of social and community activities that we likely on the whole to be progressive in terms of crime and disorder
<b>Health Inequalities</b>	The nominating body lists a number of social and community activities that we likely on the whole to be progressive in terms of health equalities.
<b>Area or Ward affected</b>	Thorpe, Beaumont & Great Holland

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

#### **BACKGROUND**

The Act and Regulations, also collectively known and described as Community Right to Bid place a duty on local authorities in England and Wales to maintain



a list of land in their areas that is land of community value as nominated by the local community.

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

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

The Council must maintain:

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

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

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

The provisions of the community right to bid does not:

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

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

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

The Act intends to apply to Land and Buildings Where:

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

The Act does not intend to apply to land where:

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

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

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

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

Cabinet adopted the formal procedures for administering Assets of Community Value at its meeting in January 2015, which was based on Cabinet determining all applications, whether the criteria under the Act was met or not. This approach was adopted at the time, because the legislation and its process was new to local government.

## CURRENT POSTION

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

The nomination states that the playing fields are the main open/recreational area for the village's community. It is also the location of the children's play (including skate ramp) for the village. Thorpe Le Soken currently has an open space deficit of 2.43 hectares, so this facility is of significant community value

In accordance with the Regulations the landowner has been notified. The owners of the land have been in contact with a solicitor who in turn have contacted the Council, see appendix B

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

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

The Nomination request is being sought with the stated intention of continuing the main use which furthers the social wellbeing or interests of the local community.

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

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

## BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

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

## APPENDICES

**Appendix A – Nomination Form (Redacted)**

## REPORT CONTACT OFFICER(S)

Name	Kirstin Foley
Job Title	Economic Growth Officer
Email/Telephone	01255 686149 <a href="mailto:kfoley@tendringdc.gov.uk">kfoley@tendringdc.gov.uk</a>

## **A.9 Appendix A**

### **A: You and your organisation**

Your Name: Jessica Ball
Your Organisation (full official name): Thorpe Le Soken Parish Council
Your position in the organisation: Parish Clerk
Organisation address (including postcode): 83 Frinton Road Thorpe Le Soken Essex Co16 0HP
Daytime telephone no. 07904 361992
Email address: clerk@thorpeparishcouncil.org.uk
How and when can we contact you?*
Via phone or email during normal office hours.

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

### **Type of organisation**

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

Unincorporated bodies only:

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

### **Local connection**

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

Parish council within the Tendring district

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

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

### **A7 More about your organisation**



What are the main aims and activities of your organisation?

Local Parish Council

**A8 Your organisation's rules**

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

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

#### **B1 Description and address**

What it is (eg. pub, local shop)
Playing field/community open space
Name of premises (eg. Royal Oak / Littleton stores) Lady Nelson Playing Field
Address including postcode (if known)
Lady Nelson Playing Field, Frinton Road, Thorpe Le Soken, CO16 0JD

#### **B2 Sketch plan**

<p>Please include (here or on a separate sheet) a sketch plan of the land. This should show:-</p> <ul style="list-style-type: none"> <li>• The boundaries of the land that you are nominating</li> <li>• The approximate size and position of any building(s) on the land.</li> <li>• Any roads bordering the site.</li> </ul> <p>Please see separate title plan. There are no buildings on the land.</p>
---

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

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

	<b>Name(s)</b>	<b>Address(es)</b>
Names of all current occupants of the land	Thorpe Le Soken Parish Council	<i>Same as B1.</i> 83 Frinton Road Thorpe Le Soken CO16 0HP
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	Mr E Ryan, Drury Investments	Ryan House, Hyde Chase, Danbury, Essex CM3 4LN
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	Thorpe Le Soken Parish Council	83 Frinton Road, Thorpe Le Soken, CO16 0HP

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

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

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

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

Lady Nelson playing field is the main open space/recreational ground for the village of Thorpe Le Soken. It is used by local residents, sports clubs and community groups through out the year. It is the location of the childrens play (including skate ramp) for the village. Thorpe Le Soken currently has an open space deficit of 2.43 hectares, so this facility is of significant community value

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

As the designated open space for the village, the parish council often receive requests to use the playing fields for various activities by different community groups. It has in the past been used to host cultural events such as pantomimes and performances from a local theatre group, dog shows and different sporting/recreational interests, such as football clubs and keep fit groups. All such requests are considered and usually granted by the parish council, subject to appropriate insurances being in place. There are no plans to stop the use of the field for such events/activities.

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

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

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

If the Parish Council were able to purchase the land, then we would seek to put up toilets and changing facilities to make it more accessible for local residents and sports groups, as there are currently no facilities such as these on the land, as such when community events such as the village fete or the Jubilee/Coronation celebrations have taken place in the past, we have needed to hire toilets for the events. Funding of the purchase would be via the council's capital reserves, community fund raising and grant funding.

- **Section C: Submitting this nomination**



### **C1     What to include**

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

### **C2     Signature**

*By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.*

Signature

Jessica Ball. Clerk

### **C3     Where to send this form**

You can submit this nomination:-

- **By post to: Kirstin Foley** Tendring District Council, Town Hall, Station Road, Clacton on Sea, Essex, CO15 1SE
- **By email to:** [kfoley@tendringdc.gov.uk](mailto:kfoley@tendringdc.gov.uk)

## A.9 Appendix B

Email:	abe@bdmlegal.co.uk		<b>SOLICITORS</b>
DDI:	01664 498996		
Our Ref:	Prop 955		
Your Ref:	Kirstin Foley		
Date:	1 June 2023		
			5 Brook Park Gaddesby Lane Rearsby Leicestershire LE7 4ZB
	Tendring District Council Town Hall Station Road Clacton on Sea Essex CO15 1SE		Tel: 01664 498999  www.bdmlegal.co.uk
<p>Dear Sirs,</p> <p><b>Lady Nelson Playing Field, Community Right to Bid Proposal</b></p> <p>We act for Eamonn Ryan and for his company, Drury Investments Limited.</p> <p>Mr Ryan has sent us a copy of the letter you sent to 'Drury Investments' dated 18 May 2023 with a copy of the Community Right to Bid form submitted by Thorpe le Soken Parish Council and your stated requirement that he must respond in writing by 4<sup>th</sup> June (a Sunday). No plan was attached with the copy of the Right to Bid form and our client owns large parcels of land, including land in the village adjoining the land previously let to the Parish Council.</p> <p>Drury Investments Limited is taking this property back from the parish council for its own commercial use, so the tenancy of the Parish Council has been terminated. The District Council should not be interfering with this legal process which is a Landlord and Tenant Act 1954 matter.</p> <p>The above application that has been submitted contains very little detail of the claimed community uses to enable the District Council to endorse them, or our client to rebut the claim. In legal terms your notice has also not been served on the actual landowner.</p> <p>Drury Investments Limited needs the property for its own use and so they cannot re-let or sell the property to the Parish Council. Further they will defend this unmerited application. They will look to recover all costs incurred from the applicant in addition to the dilapidations claim for the lease. Furthermore, given our client's proposed commercial uses, the District Council should be aware that our client will look to recover from you any diminution in value caused by any sterilisation of use from a planning perspective resulting from any such listing, which will be substantial if the Council use the existence of a listing to deny future planning applications.</p> <p>The basic content of the form claims that the property has been used by the Parish Council for unlawful uses not permitted by the now expired lease, and which clearly need to be questioned in detail – for example, pantomimes, theatre productions, dog shows. Drury Investments Limited were not aware of such uses and consider them highly unlikely. Adequate details of the uses which the Parish Council claim must be provided to enable Mr Ryan to disprove them. We would expect to see detailed statements and professionally produced evidence in support of the application. This is particularly so here for such a large parcel of land that is valuable to our client company's business.</p> <p>The amount of notice given is unreasonable and insufficient to enable our client to take specialist advice, respond to the claim and furthermore, our client should not be asked to respond until adequate details of the claimed uses has been supplied.</p>			
<hr/> <p>Directors: Tom Bird   Matthew Duckworth   Abe Mee Bird Duckworth Mee is a trading name of Focus Solicitors Limited registered in England and Wales. Registered No. 08831842 Focus Solicitors Limited is authorised and regulated by the Solicitors Regulation Authority - SRA Number 612132</p>			

Lastly, we are instructed that Mr Ryan will now be overseas for an extended duration and so all correspondence should be sent to this office using the above reference.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Abe Mee', with a stylized flourish at the end.

**Abe Mee**  
**Director**

## A.9 Appendix C

**From:** Andy White  
**Sent:** 24 July 2023 17:05  
**To:** 'abe@bdmlegal.co.uk'  
**Cc:** Kirstin Foley  
**Subject:** RE: Lady Nelson Playing Filed, Thorpe-le-Soken

Dear Mr Mee.

Thanks for your email and letter dated 02 June 2023 and 01 June 2023 respectively. I apologise for the delay in responding.

I note your comments regarding the lease between your client, your client's tenant and the Landlord and Tenant Act 1954. Indeed this is not an aspect for the involvement of the District Council. The parties will need to take their own advice on the matters raised in that regard.

I note also your comments about commercial uses and planning permission. No specific information is provided. Your client may wish to seek the advice of our planning team on whether a planning permission would be necessary in relation to these proposed uses. The Council will properly consider any application on its merits and in relation to the legal and technical environment at the time. Although I note your comments about costs and diminution in value the council is bound to consider applications in accordance with the established rules and available evidence.

In the current case the Parish Council has nominated the property for listing under the provisions of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012. There is some further information on the legislation on our web site. The full legislation is available on the government web site.

I have read your comments related to activities that may have been carried out on the land. It is not the role of the District Council to advise the parties on the compatibility or conflict of these with the lease provisions. This is a matter for the parties to take their own advice on.

I note your comments on the serving of notice. However the requirement is not to give or serve notice, only to inform or notify the owner. I believe that the letter from my colleague achieves this adequately and that that is evidenced by him having instructed you on the matter.

I have downloaded a copy of the lease of the site and find that the title page refers to Lady Nelson Playing Fields, The definition of Demised Property refers to Lady Nelson Playing Fields and the user clause refers to playing fields. Is it accepted by your client that the principal use of the land since 2008, at least, has been as playing fields: that the land has in fact been used by the community as such at least during the lease term?

I note also your comments about the timescale for response. The legislation sets out a timescale for consideration of nominations and this governs the times proposed by the Council for responses. The legislation does not provide for longer periods reflecting the holidays or other absences of the parties. However I acknowledge the delay in providing this response and propose accordingly to extend the period for representations. I hope that in the meantime you have been able to take any further instructions or information from your client.

I note your comments regarding the absence of a plan from communication sent to you. I do not believe that the legislation requires a plan to be provided to the owner. Likewise I do not believe, given the lease and the naming and use of the property, that there can have been any genuine doubt about the identity of the land.

I hope that the foregoing points address the matters raised in your letter. Perhaps you will be kind enough to revert to me within ten working days with any matters that your client considers pertinent to the Council's consideration under the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

Regards

*Andy White*

Assistant Director: Building and Public Realm  
Tendring DC

### REPORT CONTACT OFFICER(S)

<b>Name</b>	Kirstin Foley
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<b>Job Title</b>	<b>Economic Growth Officer</b>
<b>Email/Telephone</b>	<b>01255 686149</b> <a href="mailto:kfoley@tendringdc.gov.uk">kfoley@tendringdc.gov.uk</a>