

# Public Document Pack

## TENDRING DISTRICT COUNCIL

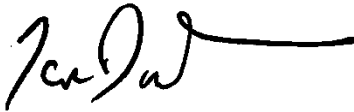
Committee Services  
Room 29  
Town Hall  
Station Road  
Clacton-on-Sea  
Essex  
CO15 1SE

20 November 2023

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 28 November 2023 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE.

Yours faithfully



Ian Davidson  
Chief Executive

To: All members of the  
Tendring District Council

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 28 November 2023

**Prayers**

**1 Apologies for Absence**

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

**2 Minutes of the Last Meeting of the Council (Pages 1 - 16)**

The Council is asked to approve, as a correct record, the minutes of the ordinary meeting of the Council held on 26 September 2023.

**3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests or Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

**4 Announcements by the Chairman of the Council**

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

**5 Announcements by the Chief Executive**

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

**6 Statements by the Leader of the Council**

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

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

**7 Statements by Members of the Cabinet**

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

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

**8 Petitions to Council**

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

**9 Questions Pursuant to Council Procedure Rule 10.1**

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

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

**10 Report of the Leader of the Council - A.1 - Urgent Cabinet or Portfolio Holder Decisions (Pages 17 - 20)**

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

**11 Minutes of Committees (Pages 21 - 56)**

The Council will receive the minutes of the following Committees:

- (a) Audit of Thursday 5 October 2023;
- (b) Planning Policy & Local Plan of Thursday 5 October 2023;
- (c) Tendring / Colchester Borders Garden Community Joint Committee of Monday 9 October 2023; and
- (d) Human Resources & Council Tax of Thursday 12 October 2023.

**NOTES:**

- (1) The above minutes are presented to Council **for information only**. Members can ask questions on their contents to the relevant Chairman but questions as to the accuracy of the minutes **must** be asked at the meeting of the Committee when the relevant minutes are approved as a correct record; and
- (2) If any recommendations to Council have been made by those Committees, these are included within separate reports for Council to decide upon (i.e. by noting the minutes those recommendations are not approved at this stage of the proceedings).

**12 Motions to Council**

Council will consider any Motions on Notice submitted in accordance with the provisions of Council Procedure Rule 12.

**13 Reference from the Cabinet - A.2 - Adoption of a new Corporate Plan for the period 2024-2028 (Pages 57 - 84)**

The Council is asked to consider the recommendation submitted to it by the Cabinet in respect of the final proposals for 'Our Vision', the Corporate Plan 2024/28.

**14 Reference from the Cabinet - A.3 - 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 85 - 140)**

Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2024/2025, Council Tax Exemptions, Discounts and Premiums for 2024/2025 and the Annual Minimum Revenue Provision Policy Statement 2024/2025.

**15 Reports Submitted to the Council by an Overview and Scrutiny Committee**

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

**16 Reference from the Planning Committee - A.4 - Request to change the Commencement Time of Meetings of that Committee (Pages 141 - 142)**

To enable Full Council to consider a formal request from the Planning Committee that the commencement time for meetings of the Committee be amended from 6.00 p.m. to 5.00 p.m.

**17 Report of the Chief Executive - A.5 - Tendring/Colchester Borders Garden Community Joint Committee - Appointment of TDC Representative (Member from a Political Group that is not Represented on the Cabinet) (Pages 143 - 146)**

To enable a Member from a political group that is not represented on the Cabinet to be appointed to serve on the Tendring / Colchester Borders Garden Community Joint Committee (TCBGCJC) as one of Tendring District Council's three Member representatives.

This is in accordance with the terms of reference of the TCBGCJC, which are set out in Schedule 5 to Part 3 of the Council's Constitution.

This is due to the fact that Councillor Guglielmi, who was appointed to the TCBGCJC in that capacity at the Annual Meeting of the Council on 23 May 2023, has subsequently become a member of the TCBGCJC by right in his capacity as the Chairman of the Planning Policy & Local Plan Committee (Minute 10 – 5.10.23 refers). That meant there was automatically a vacancy for a Member from a political group that is not represented on the Cabinet.

**18 Report of the Chief Executive - A.6 - Resignation of Councillor Ian Lennard (Pages 147 - 148)**

To formally report that Ian Lennard has resigned as a Member of Tendring District Council.

**19 Report of the Chief Executive - A.7 - Approval of Non-Attendance at Meetings (Pages 149 - 150)**

To approve the reason for Councillor Jim Codling's non-attendance at meetings of the Council etc. if he does not attend before 16 February 2024.

**20 Report of the Chief Executive - A.8 - Membership of Committees & Deputy Leader of the Labour Group (Pages 151 - 152)**

To inform Council of changes in the membership of Committees that have occurred since the last Ordinary Meeting of the Council on 26 September 2023. In addition, to inform Council that the Labour Group has a new Deputy Leader.

**21 Report of the Chief Executive - A.9 - Resignations from the Conservative Group and the formation of a new Political Group on Tendring District Council (Pages 153 - 154)**

To report the resignations from the Conservative Group of Councillors Bray and Harris and the formation of a new Political Group on Tendring District Council.

**22 Report of the Monitoring Officer - A.10 - Local Government and Social Care Ombudsman Finding (Pages 155 - 156)**

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission has given rise to maladministration. This report concerns an omission that the Local Government and Social Ombudsman ('the Ombudsman') has determined was maladministration.

**23 Questions Pursuant to Council Procedure Rule 11.2**

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

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

**24 Urgent Matters for Debate**

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

**25 Exclusion of Press and Public**

Council is asked to consider passing the following resolution:

*"That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 26 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act."*

**26 Exempt Minute of the Meeting of the Human Resources & Council Tax Committee held on Thursday 12 October 2023 (Pages 157 - 158)**

The Council will receive the exempt minute of the meeting of the Human Resources & Council Tax Committee held on Thursday 12 October 2023.

**NOTES:**

- (1) The above exempt minute is presented to Council **for information only**. Members can ask questions on its content to the Committee's Chairman but questions as to the accuracy of the minute **must** be asked at the meeting of the Committee when the exempt minute is approved as a correct record; and
- (2) If any recommendations to Council have been made by that Committee, these will be included within separate reports for Council to decide upon (i.e. by noting the exempt minute any such recommendations are not approved at this stage of the proceedings).

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

Tuesday, 30 January 2024 at 7.30 pm - Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

# **INFORMATION FOR VISITORS**

## **PRINCES THEATRE FIRE EVACUATION PROCEDURE**

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

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

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

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

## **PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS**

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

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

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

### **Rights of members of the public to film and record meetings**

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

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

The Council will provide reasonable facilities to facilitate reporting.

### **Public Behaviour**

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

(1) Moving outside the area designated for the public;

(2) Making excessive noise;

(3) Intrusive lighting/flash; or

(4) Asking a Councillor to repeat a statement.

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

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

### **Filming by the Council**

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

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**MINUTES OF THE MEETING OF THE COUNCIL,  
HELD ON TUESDAY, 26TH SEPTEMBER, 2023 AT 7.30 PM  
IN THE PRINCES THEATRE AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors Scott (Chairman), Casey (Vice-Chairman), Alexander, Amos, Baker, Barrett, Barry, Bensilum, Bray, Bush, Calver, Chapman BEM, A Cossens, M Cossens, Davidson, Doyle, Everett, Fairley, Ferguson, Fowler, Griffiths, Guglielmi, I Henderson, J Henderson, P Honeywood, S Honeywood, Kotz, Land, McWilliams, Morrison, Newton, Oxley, Placey, Skeels, Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson, Turner, White and Wiggins
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Madeline Adger (Leadership Support Manager), Keith Durran (Committee Services Officer) and Bethany Jones (Committee Services Officer)

**42. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Codling, Harris, Lennard and Platt.

**43. MINUTES OF THE LAST MEETING OF THE COUNCIL**

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

**RESOLVED** that the minutes of the ordinary meeting of the Council held on 11 July 2023 be approved as a correct record and be signed by the Chairman.

**44. DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members on this occasion.

**45. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL**

The Chairman of the Council (Councillor Scott) made the following announcements:-

**Chairman's Charities**

One of the Chairman's Charities for this year had now changed to be the Alresford Primary School Swimming Pool fund.

**Pride of Tendring Awards 2024**

Nominations were now open for the Pride of Tendring Awards taking place on Friday 16<sup>th</sup> February 2024. A link and further details had been emailed to Members to enable them to submit their nominations by close of play on Monday 30<sup>th</sup> October 2023.

He urged all Members to submit a nomination to enable the efforts of the residents of Tendring to be recognised.

Members were requested to contact the Leadership Support Team for assistance in submitting their nomination or if they had any questions.

### **Remembrance Sunday**

The Council was working to organise the Remembrance Sunday service taking place on Sunday 12<sup>th</sup> November 2023. The Parade would begin outside of the Town Hall at 10.30am and proceed to the Clacton War Memorial on Marine Parade West.

### **Clacton Air Show**

Clacton Airshow had been an excellent event. He extended many thanks to the Officers who had helped to put this annual event on especially as it had been the 30<sup>th</sup> Anniversary.

The Chairman had chatted with many visitors along the promenade and had sold programmes for an hour or so. All-in-all it had been a great occasion.

### **Macmillan Coffee Morning**

The Chairman announced that the annual MacMillan Coffee morning would take place on Friday 29<sup>th</sup> September from 10am until 1pm and it would be held in the Committee Room in the Town Hall.

### **Civic Events**

The Chairman had been to a number of events across the District including:-

- (i) celebrating 25 years of the Spirals shop in Brightlingsea;
- (ii) attending memorial services for the armed forces and raising flags at the Town Hall and at the services at the War Memorial;
- (iii) attending Clacton Pride, fetes and community gardens, Clacton Carnival, Clacton Orchestra Gala Concert;
- (iv) attending and speaking at the CVST AGM and the Colchester Foodbank AGM;
- (v) attending the Veterans Tea Dance;
- (vi) attending the Colchester City Council Mayor's Civic Service held in West Mersea;
- (vii) attending the Hindu Festival; and
- (viii) attending the Community Day held at the Sunspot in Jaywick Sands.

## **46. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE**

There were no announcements made by the Chief Executive on this occasion.

Councillor Guglielmi informed Members that, on 12 September 2023, the Chief Executive's first granddaughter had been born. He extended his congratulations to both the Chief Executive and his daughter.

Members' gave a round of applause to mark this happy event.

The Chief Executive then suitably responded.

**47. STATEMENTS BY THE LEADER OF THE COUNCIL**

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

**48. STATEMENTS BY MEMBERS OF THE CABINET**

30<sup>th</sup> Clacton Air Show

The Portfolio Holder for Economic Growth, Regeneration and Tourism (Councillor I J Henderson) informed Council that an estimated 250,000 visitors had attended the 30<sup>th</sup> Clacton Air Show. There had been a total 16 flights on the programme, believed to be the largest flying programme of any Air Show in the UK.

Councillor Henderson reminded Members that a 2022 study had estimated that the Air Show brought £12million into the local economy. He also stated that it should be recognised what an enormous undertaking it had been for this Council to have sustained such an event for 30 years when many others around the country had been cancelled.

The Portfolio Holder reported that, for the first time, the Council had highlighted a Town Centre Trail to support local businesses and to encourage more people to use the local shops when visiting the area. The Council would look to expand on, and improve the Trail in future years.

Though this had been a multi-agency event run over two days, Councillor Henderson was pleased to say that it had run smoothly which testified to the hard work and planning involved. He thanked everyone from both the Council and its partners for their dedicated efforts in planning and staging this event, which was no mean feat. A small Council team organised the Air Show, and he made special mention of the Tourism Events Team, Sarah Daniells and Jo Needham. The Portfolio Holder also thanked staff from other Council departments who had volunteered to steward the event over two days (and one evening).

Councillor Henderson recorded his thanks to the Council's partners and emergency services for their immense support in planning and running the event. He made a special mention to Essex Police for their professional input into the organisation of the event and in ensuring the safety of all of the visitors at the Air Show.

In response to a question asked by Councillor Calver, the Portfolio Holder informed Council that, after 11 years, Mike Carran, the Council's Lead Officer for the Air Show would be handing over the reins and taking a step back though he would still be available to give support to the event going forward. Councillor Henderson placed on record his appreciation for all of the hard work that Mike Carran had undertaken in making the Clacton Air Show one of the premier air shows in the country.

### Tendring4Growth Events

The Portfolio Holder for Economic Growth, Regeneration and Tourism (Councillor I J Henderson) informed Council that the previous day had seen the launch of the Tendring4Growth Business fortnight at the Sunspot in Jaywick Sands. He stated that the Sunspot was a fantastic new facility for providing accommodation for local businesses. Councillor Henderson was pleased to announce that 19 of the 24 units available had already been taken up and formed a mix of manufacturing, retail and business finance. He stated that COLBEA remained available to give these local businesses advice and support. The Portfolio Holder was hopeful that soon all 24 units would be filled.

Councillor Henderson informed Members that today he had attended the second Tendring4Growth event on Coastal Tourism at The Waterfront in Harwich. Forthcoming Tendring4Growth events would be:-

Digital & Independent Retailers – Wednesday 27 September at The Kingscliff Hotel, Holland-on-Sea from 10.00 a.m. to 12.30 p.m.

Women in Business Networking – Monday 2 October at Clacton Leisure Centre from 10.00 a.m. to 12.30 p.m.

Creative & Cultural – Tuesday 3 October at the Arts Centre, Harwich from 10.00 a.m. to 12.30 p.m.

Inclusive Employment (including military Employers' Recognition Scheme) followed by Disability Confident – Tuesday 3 October at The Kingscliff Hotel, Holland-on-Sea from 10.00 a.m. to Noon and Noon to 4.00 p.m. respectively.

Freeport East Industry & Innovative UK Edge Perspective – Wednesday 4 October at the Village Hall, Wix from 10.00 a.m. to 12.30 p.m.

Tendring4Growth Business Awards – Thursday 5 October.

#### **49. PETITIONS TO COUNCIL: REPORT OF THE CHIEF EXECUTIVE - A.1 - E-PETITION TO COUNCIL: WASTE MANAGEMENT**

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported the receipt of an e-petition submitted by Sharon Tyler, as lead petitioner on 18 August 2023. The e-petition had been validly signed by 33 persons and 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' 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."*

The Chief executive further reported that, in accordance with the Council's approved scheme for dealing with petitions, this matter would now be investigated and a report would be prepared and presented to the Cabinet on the basis that it contained between 30 and 500 signatures and related to a matter that was an Executive function under the law.

Members were aware that the next practicable ordinary meeting of the Cabinet would be on 6 October 2023.

Council was informed that, at that meeting, and in accordance with the Council's approved scheme, Ms Tyler, the lead petitioner, would be invited to address the Cabinet, explain the petition and outline the action that the petitioners would like the Council to take. Members would then discuss the petition and decide what action, if any, should be taken. Cabinet's decision would be confirmed in writing to Ms. Tyler and the decision would be published on the Council's website via the Minutes of that meeting.

As the sole purpose of this report under the Petitions Scheme was to inform Council of the receipt of Ms Tyler's petition, it was therefore moved by Councillor M E Stephenson, seconded by Councillor Bush and:-

**RESOLVED** that the contents of this report be received and noted.

**50. PETITIONS TO COUNCIL: REPORT OF THE CHIEF EXECUTIVE - A.2 - E-PETITION TO COUNCIL: 'BRIGHTLINGSEA STENCH'**

In accordance with the Council's approved scheme for dealing with petitions, the Chief Executive formally reported the receipt of an e-petition submitted by Matthew Court, as lead petitioner on 31 August 2023. The e-petition had been validly signed by 110 persons and 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' 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."*

The Chief Executive further reported that, in accordance with the Council's approved scheme for dealing with petitions, this matter would now be investigated and a report would be prepared and presented to the Cabinet on the basis that it contained between 30 and 500 signatures and related to a matter that was an Executive function under the law.

Members were aware that the next practicable ordinary meeting of the Cabinet would be on 6 October 2023.

Council was informed that, at that meeting, and in accordance with the Council's approved scheme, Mr Court, the lead petitioner, would be invited to address the Cabinet, explain the petition and outline the action that the petitioners would like the Council to take. Members would then discuss the petition and decide what action, if any, should be taken. Cabinet's decision would be confirmed in writing to Mr. Court and the decision would be published on the Council's website via the Minutes of that meeting.

As the sole purpose of this report under the Petitions Scheme was to inform Council of the receipt of Mr. Court's petition, it was therefore moved by Councillor M E Stephenson, seconded by Councillor Bush and:-

**RESOLVED** that the receipt of the Petition and the contents of the report be noted.

**51. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1**

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

No such questions had been received, on notice, from members of the public on this occasion.

**52. REPORT OF THE LEADER OF THE COUNCIL - A.3 - URGENT CABINET OR PORTFOLIO HOLDER DECISIONS**

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and Rule 18(i) of the Overview and Scrutiny Procedure Rules, Council received a report from the Leader of the Council which notified Members of any recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules.

**(1) Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid**

It was reported that, on 23 June 2023, Officers acting on behalf of the Cabinet, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, had sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Cabinet's decision taken at its meeting held on 23 June 2023 relating to the Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid, would be exempted from the call-in procedure.

The Cabinet's decision had been as follows:-

*"That Cabinet –*

- a) notes the five projects for delivery across the Clacton Civic Quarter and Dovercourt Town Centre bids, as set out in the submissions to Government and confirms its endorsement to both schemes progressing within the context as set out;*
- b) accepts the £6,652,251 awarded to the Council for delivery of the Dovercourt Town Centre Improvement Corridor, following a successful Capital Regeneration Project award from Government, and authorises the Section 151 Officer to sign the associated Memorandum of Understanding with the Department for Levelling Up Housing and Communities (DHLUC);*
- c) agrees the draw-down of £250,000 from the Council's Levelling Up Fund Budget of £2.291m to support the early preparation phases for development of the scheme for Dovercourt;*
- d) authorises the Corporate Director (Place & Economy), in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to agree any associated expenditure for both Dovercourt and Clacton schemes, within the context of this report; e) agrees to the proposed approach for delivering the projects, as set out in this report, working in close partnership with Essex County*

- Council, as an integral partner, noting subject to further business case approvals by Essex County Council;*
- f) authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism, in consultation with the Corporate Director (Place and Economy) and the Section 151 and Monitoring Officers, to approve the Heads of Terms for the various agreements;*
  - g) authorises the Corporate Director (Place and Economy) to approve the final terms and conditions of the agreements in consultation with the Section 151 and Monitoring Officers; and*
  - h) endorses the Portfolio Holder for Economic Growth, Regeneration and Tourism in forming a cross party 'Levelling Up' Working Party to receive project management updates at least four times a year on progress with the schemes, with particular attention to risk management for each individual project, budget and costings and delivery progress."*

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reason:-

*"The Government had notified TDC Officers and gave a deadline of Friday 23 June 2023 to sign and return a Memorandum of Understanding and associated documents to the Department for Levelling Up, Housing and Communities in relation to the Dovercourt Town Centre Improvement Corridor Capital Regeneration Project funding award. Therefore, to miss that deadline would have placed the award of £6,652,251 in serious jeopardy."*

## **(2) Extension of the Existing Public Spaces Protection Order (PSPO) in Clacton Town Centre**

It was reported that, on 16 August 2023, the Head of Democratic Services & Elections acting on behalf of the Partnerships Portfolio Holder (Councillor Placey) and the Assistant Director (Partnerships), in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, had sought and subsequently obtained the Chairman of the Community Leadership Overview and Scrutiny Committee's consent, that the Portfolio Holder's decision relating to the consultation process to extend the Public Spaces Protection Order in Clacton Town Centre, would be exempted from the call-in procedure.

The Portfolio Holder's decision had been as follows:-

*"To start the consultation process to extend the Public Space Protection Order in Clacton Town Centre. Consultation will take place over 14 days."*

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reason:-

*"The aim is to improve areas in Tendring that have been subjected to Anti-Social behaviour where street drinkers and youths congregate and where criminal activity takes place. Essex Police rely on the PSPO to respond to Anti-Social Behaviour in the Town Centre."*

*To not support this work would be out of line with the Council's and Community Safety Partnership's current priorities. Essex Police have confirmed that they use the PSPO on a daily basis in Clacton town centre. It ensures enforcement activities can take place,*



*alongside crime prevention. The PSPO provides a tool to ensure the swift resolution of Anti Social Behaviour.”*

Subsequently, on 31 August 2023, the Partnerships Portfolio Holder (Councillor Placey), in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, had sought and subsequently obtained the Chairman of the Community Leadership Overview and Scrutiny Committee’s consent, that her decision relating to the extension of the existing Public Spaces Protection Order in Clacton Town Centre, would be exempted from the call-in procedure.

The Portfolio Holder’s decision had been as follows:-

*“To extend the Public Space Protection Order in Clacton Town Centre for a period of three years pursuant to the powers contained in Sections 59 to 65 of the Anti-Social Behaviour, Crime and Policing Act 2014.”*

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council’s and the public’s interest for the following reason:-

*“The current Public Spaces Protection Order (PSPO) expires on 31 August 2023 and Essex Police and Tendring District Council would like to minimise the gap between the expiration of the current Public Spaces Protection Order and the new order. Essex Police rely on the PSPO on a daily basis to remove alcohol from street drinkers and resolve incidents of Anti Social Behaviour including street drinking, the dispersal of groups, begging and violence. Essex Police and the Council’s Community Safety Team rely on this order to swiftly resolve situations in the town centre.*

*Consultation was carried out for 14 days (commenced on 16<sup>th</sup> August 2023) with local businesses and ward councillors.”*

Councillor S A Honeywood asked questions of the Leader of the Council in relation to the extension of the PSPO in Clacton Town Centre to which the Leader replied.

It was moved by Councillor M E Stephenson and:-

**RESOLVED** that the contents of the report be noted.

### **53. MINUTES OF COMMITTEES**

It was moved by Councillor M E Stephenson and:-

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

- (a) Resources and Services Overview & Scrutiny of Tuesday 27 June 2023;
- (b) Community Leadership Overview & Scrutiny of Monday 3 July 2023;
- (c) Human Resources & Council Tax of Thursday 6 July 2023;
- (d) Audit of Thursday 13 July 2023;
- (e) Standards of Wednesday 19 July 2023; and
- (f) Planning Policy & Local Plan of Thursday 27 July 2023.

Councillor Fairley asked the Chairman of the Audit Committee (Councillor Sudra):-

*“Given the national picture for external audit delays plus the increasing levels of bankruptcies and financial instabilities being seen within local authorities even though these meetings are recorded it is my belief that our written minutes should reflect our discussions in a greater level of detail. I have raised this concern. As BDO have continually broken agreed deadlines due to their other workload and workforce issues, would the Chairman of the Audit Committee agree that it is important for all Members and the public to be reassured that the Committee members have been very robust in asking questions to clarify the reasons behind the unresolved issues and to question our external auditor’s performance and that it is important for our residents to know this and be reassured of this Council’s favourable financial position? Would the Chairman of the Committee please give an assurance that this will be discussed and rectified at our next meeting on 5 October?”*

Councillor Guglielmi then asked the Chairman of the Audit Committee (Councillor Sudra):-

*“As Chairman of the Audit Committee I am sure that she will be aware that two members of the Committee from my Group have raised questions, as we have just heard, with Officers on the contents of the published draft minutes. Their queries relate to the verbal report given by the External Auditor and the reporting within the minutes of the answers given to the questions raised and the need for improvements to the level of detail recorded. These matters will be raised at the next Audit Committee meeting on the 5<sup>th</sup> of October when these minutes will be on the agenda for approval. However, as these minutes come before us this evening on the Full Council agenda and for the benefit of Members who were not present as well as for the benefit of the public, will she be kind enough to offer a brief overview of the outstanding issues that came forward in BDO’s verbal report and the Committee’s position on those outstanding matters?”*

The Chairman of the Audit Committee replied to Councillors Fairley and Guglielmi as follows:-

*“Thank you for your question Councillor Guglielmi. There are two main issues outstanding that I am aware of and they relate to the floor area of the Council’s buildings for valuation purposes and the evidence to support the Council’s valuation of coastal defence assets, which are classified as material infrastructure assets. As discussed at the Committee’s meeting in July, Officers have confirmed that they have provided the External Auditor with as much information as possible including the latest valuation information on the floor area of the Council’s buildings. I understand that the Auditor is now considering their response to the floor area issue along with reviewing the evidence the Council has provided to support its valuation of its coastal defence assets, which included a letter from a suitably qualified external expert supporting the assumptions made by Richard Barrett and his Team. The External Auditor mentioned at the July meeting having to review the experience and expertise of the Council’s external expert and they were asked by the Committee what their expectations were in this regard. They were not able to answer this question on the day and, to date, no response has been received. The Committee has therefore asked the External Auditor for a further update on these outstanding matters at its next meeting on 5 October.*

*And to answer Councillor Fairley’s question as well, yes, I will consider that request.”*

**54. MOTIONS TO COUNCIL**

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No Motions on Notice had been submitted in accordance with Council Procedure Rule 12 for this meeting.

**55. RECOMMENDATIONS FROM THE CABINET**

No recommendations had been submitted to Council by the Cabinet for Council's consideration on this occasion.

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

No reports had been submitted to Council by an Overview and Scrutiny Committee for Council's consideration on this occasion.

**57. REPORT OF THE CHIEF EXECUTIVE - A.4 - MEMBERSHIP OF COMMITTEES**

The Chief Executive formally reported that, in accordance with the wishes of the Leader of the Tendring Independents Group and the Leader of the Conservatives Group and the authority delegated to him, the following appointments had been duly made since the last ordinary meeting of the Council, namely:-

Planning Policy & Local Plan Committee

Councillor Guglielmi had been appointed to serve in place of Councillor Turner.

Councillor Newton had been appointed to serve in place of Councillor Thompson.

Resources and Services Overview & Scrutiny Committee

Councillor Doyle had been appointed to serve in place of Councillor Thompson.

Council noted the foregoing.

**58. REPORT OF THE DEPUTY CHIEF EXECUTIVE & MONITORING OFFICER - A.5 - EXTERNAL AUDIT DELAYS THAT CAUSED DELAY TO THE PUBLICATION OF CERTIFIED ACCOUNTS FOR 2022/23**

Council considered a report of the Monitoring Officer, which informed Members of a breach of a statutory reporting deadline along with the associated circumstances and the actions taken in response.

Council was made aware that this was a report issued under Section 5 of the Local Government and Housing Act 1989 to inform Members that Tendring District Council, for reasons beyond its control, had failed to publish its certified draft accounts for the 2022/23 financial year by the statutory deadline of 1 June 2023. The Council was required by law to consider this report and to decide what action (if any) to take in response.

It was reported that the Chief Executive and the Assistant Director (Finance & IT) & Section 151 Officer had both been consulted on this report, as required by the legislation.

Members were aware that a similar report had been presented to Cabinet at its meeting held on 21 July 2023 (Minute 27 referred). Cabinet had resolved that –

- a) *the Monitoring Officer's report and the response of the Council's Statutory Officers including the Section 151 Officer's aim to publish the 2022/23 Statement of Accounts by the 31 July 2023 and start the period of public inspection as soon as possible thereafter be endorsed;*
- b) *it is noted that this report will be presented to the next meeting of Full Council;*
- c) *the matter set out in this report be included within the Annual Governance Statement 2023, which will reviewed by the Audit Committee as part of their work programme;*
- d) *Officers be requested to provide an update to the next meeting of Cabinet in October 2023;*
- e) *Officers continue to work with partners and all relevant organisations to support a satisfactory resolution to the ongoing External Audit delays;*
- f) *the Chief Executive be requested to write to the Chief Executive of this Council's External Auditor to express Cabinet's regret at the on-going audit delays; and*
- g) *the Council's Finance Team be thanked for working to their continuing high standards, particularly given the current difficult circumstances with audit delays.*

Essentially, the Cabinet had endorsed the Section 151 Officer's intention to publish the certified Statement of Accounts for 2022/23 by the end of July 2023 regardless of whether the External Auditor had completed their work on the 2020/21 and 2021/22 Statement of Accounts. Once published, the public inspection period would then commence which addressed the breach of the Account and Audit Regulations 2015 highlighted above, albeit at a date later than set out within those regulations.

Council was informed that, since Cabinet's meeting on 21 July 2023, a number of actions / events had occurred with a summary 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 where the Council 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 2022/23.*
- *The Government had now published their intended response to the on-going audit delays with further details set out later on in this report. 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.*

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

**RESOLVED** that Full Council –

- (a) notes the contents of the Monitoring Officer's report;
- (b) notes that the 2022/23 Statement of Accounts was published on 1 August 2023 with the period of public inspection starting on that date and that the matters set out in this report were included within the Council's Annual Governance Statement for 2023;
- (c) notes and welcomes the Government's proposed response to the on-going External Audit Delays and that where necessary Officers continue to work with partners and all relevant organisations to support this new approach; and
- (d) formally commends the Council's Finance Team for working to their continuing high standards, particularly given the current difficult circumstances with external audit delays.

**59. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2**

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

One question on notice had been submitted by Members on this occasion as set out below:-

Question

Councillor Ann Oxley asked Councillor Geeta Sudra, the Chairman of the Audit Committee:-

Preamble:

*I have been made aware that there is a significant and worrying position with large audit businesses not completing external audits of Council accounts going back several years. As I understand it only 27% of local government 2020/21 External Audits have been completed.*

Question wording:

*Can the Chairman of the Audit Committee confirm what the position is for this Council and what is being done to resolve the mess these audit businesses have created?"*

The Chairman of the Audit Committee replied as follows:-

*"The Monitoring Officer's Section 5 report, that Council has just considered in this agenda set out a number of useful points around the background to the external audit delays and what the Government are proposing to do about it.*

*The level of frustration at the position Local Authorities have found themselves in due to issues outside of their control cannot be overstated.*

*In terms of our own position, not only have our External Auditors been unable to sign off the accounts for 2020/21 and 2021/22 yet, we have not received their very important and independent view on the Council's use of resources and how we deliver value for*

money. This opinion is more important than ever given the financial environment we are faced with.

Although the Government's response was clearly welcomed, the 'backstop' statutory deadlines that they have proposed do not necessarily incentivise External Auditors to get on with the job in hand and bring a more timely close to the delays we are experiencing. I know some of you have made the Government aware of your own views on this.

Although the intention of avoiding qualified opinions being issued is acknowledged, I feel it would have been better to bring forward the 'backstop' dates, especially as we do not necessarily have the confidence that our current External Auditors will adequately resolve their capacity issues anytime soon. I believe it would have been much more beneficial for our External Auditors to start work on the 2022/23 Accounts sooner rather than later, which I don't think the current 'backstop' dates necessarily incentivise.

We could find ourselves in the situation where our External Auditors undertake work on earlier years but still find themselves having to issue a qualified opinion as they may not have completed enough work by the 'backstop' deadlines to give the necessary assurances. This would be the worst of both worlds, as we would still have to pay them for what would effectively be 'abortive' work that they undertook.

I did hear that someone asked the Government what is special about these new statutory 'backstop' deadlines, given the external auditors were already working to statutory deadlines that they missed – a very good point. I understand that the Financial Reporting Council will be issuing guidance to ensure auditors meet these new statutory deadlines and that they will also explore the use of their enforcement powers.

The Financial Reporting Council will also be using its broader supervisory role to ensure commitment from audit firms to implement the policy measures and the steps that are being taken to meet the timetables for concluding historical audits.

If you have watched the live recording of our Audit Committee meeting in July, then I hope you would agree that our external auditor was robustly challenged by members on the ongoing audit delays.

The Audit Committee will be making further enquiries with our external auditor - we will be asking them to update the Committee in light of the Government's response to the on-going delays, along with their own plans to fully meet these new requirements, which hopefully sees them focus on the 2022/23 Statement of Accounts as soon as possible.

I hope that the commitments made by the Government and the Financial Reporting Council not only help us successfully deal with the current backlog of audits, but also get us back on a more timely reporting cycle in the longer term."

**60. URGENT MATTERS FOR DEBATE**

No urgent matters had been submitted in accordance with Council Procedure Rules 3(xv), 11.3(b) and/or 13(p) for this meeting.

**61. EXCLUSION OF PRESS AND PUBLIC**

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

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

**62. EXEMPT MINUTES OF THE MEETING OF THE HUMAN RESOURCES & COUNCIL TAX COMMITTEE HELD ON THURSDAY 6 JULY 2023**

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

**RESOLVED** that the exempt minutes of the meeting of the Human Resources & Council Tax Committee held on Thursday 6 July 2023 be received and noted.

The Meeting was declared closed at 8.11 pm

**Chairman**

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## COUNCIL

28 NOVEMBER 2023

### REPORT OF LEADER OF THE COUNCIL

#### A.1 EXECUTIVE DECISION(S) TAKEN AS A MATTER OF URGENCY

##### PART 1 – KEY INFORMATION

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

To notify Members of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

- (a) Rule 15 of the Access to Information Procedure Rules (Special Urgency); and/or
- (b) Rule 18(i) of the Overview and Scrutiny Procedure Rules (Call-in and Urgency); and/or
- (c) Rule 6(b) of the Budget and Policy Framework Procedure Rules.

###### **EXECUTIVE SUMMARY**

In accordance with the requirements of Rule 16.2 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules and/or Rule 6(b) of the Budget and Policy Framework Procedure Rules, this report notifies Members of recent Executive Decision(s) taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules and/or Rule 18(i) of the Overview and Scrutiny Procedure Rules.

###### **RECOMMENDATION**

**That the contents of the report be NOTED.**

##### PART 2 – SUPPORTING INFORMATION

###### **BACKGROUND**

The "Special Urgency" procedure in Rule 15 of the Access to Information Procedure Rules provides that where a key decision cannot be reasonably deferred to allow the procedure in Rule 14 (General Exception) of those procedure rules to be followed, it may still be taken with the agreement of the Chairman of the relevant overview and scrutiny committee, or failing him/her, the Chairman or Vice-Chairman of the Council.

Rule 18(i) of the Overview and Scrutiny Procedure Rules provides that the "call-in" procedure will not apply to a decision if the Chairman, or failing him/her the Vice-Chairman, of the relevant overview and scrutiny committee agrees both that the decision is reasonable in all its circumstances and that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

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

### **(1) ACCEPT SWIMMING POOL SUPPORT FUND ALLOCATION FROM SPORT ENGLAND**

On 9 October 2023, the Assistant Director (Economic Growth, Culture and Leisure) (Mike Carran), acting on behalf of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that the Leader of the Council & Portfolio Holder for Corporate Finance and Governance's decision relating to the Swimming Pool Support Fund allocation from Sport England, be exempted from the call-in procedure.

The Leader of the Council & Portfolio Holder for Corporate Finance and Governance's decision was as follows:-

*"To accept funding to the value of £388,717 from the Government's Swimming Pool Support Fund, as administered by Sport England."*

It was felt that any delay likely to be caused by the call-in process would have seriously prejudiced the Council's and the public's interest for the following reason:-

*"The funding needed to be accepted by the Council by Tuesday 9th October, in order to secure the Government funding. If the Executive Decision was subject to call in, then it would not be possible to accept the funding on time, which would result in the Council missing out on this significant funding."*

#### **Background**

*In the 2023 Spring Budget, the Chancellor announced the Swimming Pool Support Fund (SPSF), making available £60 million for public swimming pool providers. The funding was to be distributed in two phases:*

*Phase I (which this decision refers to) offers £20 million to alleviate immediate cost pressures by providing revenue support, via a competitive grant application process. The SPSF is to fund increased costs associated with the operation of swimming pools for utility and pool chemical costs. Successful bids can receive a minimum of £10,000 and a maximum of £500,000, for all the facilities. The Council has been informed by Sport England that its bid to the fund for £388,717 towards in the increase in costs experienced at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles has been successful.*

*With that in mind, this decision is to accept the funding, to mitigate against that increase in costs. The funding can only be used to offset increased energy and chemical costs at Clacton Leisure Centre, Dovercourt Bay Lifestyles and Walton on the Naze Lifestyles and cannot be passed on to any other provider.*

*It should be noted that if any of the facilities do not remain open for three years following acceptance, the Council will need to contact Sport England for their approval, or the money could be 'clawed back'. The specific condition in the funding agreement is as below:*

- *The period during which the Applicant must comply with the terms of this Agreement (including continuing to operate or procure the operation of the Facilities) starts on the date of this Agreement and ends on the third anniversary of the date of this Agreement. The Applicant must obtain Sport England's approval if it wishes to close or limit the availability of any of the Facilities before the end of this period, and Sport England will consider any request for approval in accordance with clause 4.6 of Schedule 3.*

*clause 4.6 for reference:*

*Sport England will consider a request for approval under clause 4.4 or clause 4.5 acting reasonably and taking into account the Applicant's plan for the provision of public access to swimming facilities in its local area. The Applicant will provide Sport England with any information that Sport England may request in order to enable it to assess the request."*

## **BACKGROUND PAPERS**

### **(1) ACCEPT SWIMMING POOL SUPPORT FUND ALLOCATION FROM SPORT ENGLAND**

Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor P B Honeywood)'s consent dated 9 October 2023 to allow the Leader of the Council & Portfolio Holder for Corporate Finance and Governance's decision to be exempt from call-in.

## **APPENDICES**

None

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**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,  
HELD ON THURSDAY, 5TH OCTOBER, 2023 AT 10.30 AM  
HELD IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD,  
CLACTON-ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors Sudra (Chairman), Fairley, Platt and Steady
<b>Also Present:</b>	Councillor Bush (Portfolio Holder for the Environment)
<b>In Attendance:</b>	Ian Davidson (Chief Executive)(except items 14 & 15), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Tim Clarke (Assistant Director (Housing and Environment)), Craig Clawson (Internal Audit Manager), Ian Ford (Committee Services Manager), Karen Hayes (Executive Projects Manager (Governance)), Keith Durrant (Committee Services Officer) and Bethany Jones (Committee Services Officer)
<b>Also in Attendance:</b>	Steve Bladen (via MS Teams; representing BDO LLP, the Council's External Auditor) (except items 14 & 15)

**9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions on this occasion.

**10. MINUTES OF THE LAST MEETING**

It was moved by Councillor Fairley, seconded by Councillor Platt and:-

**RESOLVED** that the Minutes of the last meeting of the Committee held on Thursday 30 March 2023 were approved as a correct record and were signed by the Chairman, subject to the following alteration and amendment to Minute 7 (External Auditor's Update):-

- (1) the addition of a new fourth paragraph to that minute to read as follows:-

*"Officers confirmed that they were not aware of any outstanding requests by the External Auditor."* and

- (2) the deletion in the original fifth paragraph of that minute of the words *"was unable to return"* and their replacement by the words *"did not re-join"*.

**11. DECLARATIONS OF INTEREST**

There were no declarations of interest made on this occasion.

**12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No Questions on Notice pursuant to the provisions of Council Procedure Rule 38 had been submitted on this occasion.

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13. **REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.3 - TABLE OF OUTSTANDING ISSUES**

The Committee was presented with a report on the progress of outstanding actions previously identified by the Committee along with general updates on other issues that fell within the responsibilities of the Committee. The Table of Outstanding Issues had been reviewed and updated since it had been last considered by the Committee in July 2023.

There were currently two main elements to this report as follows:

- 1) Updates against general items raised by the Committee (Appendix A)
- 2) Updates against the 2023 Annual Governance Statement Action Plan (Appendix B)

Members heard that in terms of item 1) above, there were no significant issues to raise, with actions remaining in progress or further details set out in the report. In terms of item 2), this set out the latest Annual Governance Statement published as part of the Council's Statement of Accounts for 2022/23 on 1 August 2023. Activity would remain in progress against the various items, which would be reported to Members as part of this report going forward.

**Continuing External Audit delays and an update on the External Auditor's work on the Council's Statement of Accounts 2020/21**

Members were advised that, following discussions at the last Audit Committee relating to the completion of the External Auditor's work on the Council's 2020/21 Accounts, a further update was planned to be provided by the External Auditor directly at this meeting.

In respect of the ongoing audit delays, it was reported that the Government's response had been set out in the Monitoring Officer's Section 5 report, considered by Full Council at its meeting held on 26 September 2023. An associated Member question to, and response from, the Chairman of the Audit Committee had also been raised at that same meeting of Full Council. Those had set out more details around the Government's response, which revolved around introducing statutory deadlines, by which time the accounts relating to outstanding years must be finalised. The Chairman of the Audit Committee had also stressed the importance of the Council's current external auditors having a focus on the 2022/23 accounts which had been a point also acknowledged by the Government and the Financial Reporting Council. It was now important to obtain from the Council's external auditors their own response to the Government's recent announcements and their assurances around meeting the proposed statutory deadlines which, hopefully would see them focus on the 2022/23 statement of accounts as soon as possible.

Steve Bladen from BDO LLP, the Council's external auditor attended the meeting via MS Teams and informed the Committee that there had been no progress made on the work outstanding on this Council's 2020/2021 accounts. This was due to a combination of resource issues and a decision to prioritise outstanding NHS audits. This would mean that this Council's audit would not be progressed much before the end of the calendar year.

Mr Bladen referred to the wider national issue revolving around the outstanding local government audits and stated that the National Audit Office was leading and working with all the audit providers nationally in implementing the Government's approach to solving this issue.

Members asked Mr Bladen robust questions that challenged several key points, being summarised as follows:-

- the prioritisation of NHS audits over local government audits;
- BDO's position on meeting the Government's imposed cut-off dates;
- how and when BDO would resolve the outstanding matters around the valuing of Council property (based on floor plans); material infrastructure assets (notably coastal defences); and the evidence provided by an external civil engineer on behalf of the Council (and notably the robustness and qualifications of that civil engineer);
- what assurances could BDO give Members of the Council and Council Tax payers that the Council's finances were robust.

#### RIPA – Regulatory Investigatory Powers Act 2000

This Authority had not conducted any RIPA activity in the last quarter and it was rare that it would be required to do so.

#### Whistleblowing

This Authority had not received any Whistleblowing information since the adoption of the Whistleblowing Policy in July 2023. As part of the monitoring arrangements associated with the effectiveness of this policy, relevant updates would be provided to this Committee during the year.

#### Redmond Review

As further progress was announced by the Government, updates would be provided to future meetings of this Committee, which would hopefully set out the necessary practical steps to implement the recommendations made as part of this review. At the time of this meeting, no updates were available.

#### Changes to Regulatory Arrangements

The Committee was informed that there had been two recent changes that would have an impact on this Council with a summary as follows:

1) The Government had established the Office for Local Government (OFLOG), a performance body for Local Government. They had proposed a number of activities with the aim of fostering accountability through increased transparency, which in turn aimed to support the improvement of Local Government performance.

The Government had also stated that as OFLOG developed, it would seek to enable improvement across the sector by helping facilitate greater use of interpretation of data, and in its mature state it aspired to be an authoritative source of information on Local Government performance, that could support others to interpret performance data and take action on it – particularly where the data showed early warning signs of failure.

OFLOG had stated that their strategic objectives were as follows:

- *empower citizens with information about their local authority, enabling them to hold local leaders to account;*
- *increase local leaders' and councils' understanding of their relative performance, supporting them to improve and better innovate; and*
- *increase central government's understanding of local government performance, highlighting excellence and identifying risk of failure to facilitate timely and targeted support.*

2) Enhanced Powers for the Regulator of Social Housing – the Social Housing Regulation Act had received Royal Assent earlier in the year, which would see a new era of regulation for the social housing sector, with some key elements as follows:

- *Enhanced powers for the Regulator of Social Housing - The Act would facilitate the introduction of proactive consumer regulation by strengthening the Regulator of Social Housing, allowing intervention in cases where landlords were performing poorly on consumer issues. This would enable the Regulator to take action to address any shortcomings and protect tenants.*
- *Stronger enforcement powers - The Act established stronger enforcement powers for the Regulator to take action including provisions for regular inspections of social housing properties to ensure landlords were providing high-quality services and accommodation. Those inspections would help maintain and improve the standard of housing for tenants across the country.*
- *Tenant empowerment - The Act would establish strict time limits for social landlords to address hazards and empowered social housing tenants to request information from their landlords, promoting transparency and accountability. This would ensure tenants had the right to access crucial information about their homes and could access swift redress where things go wrong.*
- *Standards for Registered Providers - The Act had introduced a set of standards for registered housing providers, requiring social housing managers to possess specific qualifications or be actively working towards gaining them. Those standards would help ensure residents received the best possible service from their housing associations.*

The Committee was advised that Council would need to explore those new requirements, their impact on this Council and the actions required to be undertaken in response to the above. In respect of the Housing Regulator's powers, work was already underway along with further planned work that would include external consultation and review along with the development of associated action plans. Further updates would be provided to Members as part of that ongoing work.

#### Other matters to highlight

Members were made aware that, following the Committee's consideration of the Corporate Risk Register at its meeting held in July 2023, the next six monthly update would be in January 2024. This changed the six monthly cycle that had been set out in the Committee's earlier work programme.



After a detailed debate, it was moved by Councillor Fairley, seconded by Councillor Sudra and:-

**RESOLVED** that the progress against the actions set out in Appendices A and B to the Report of the Assistant Director (Finance & IT) be noted.

**14. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - PERIODIC REPORT ON INTERNAL AUDIT: JUNE 2023 - AUGUST 2023**

Members considered a periodic report on the Internal Audit function for the period June 2023 – August 2023 and which also provided an update on the Internal Audit Charter, for approval by the Audit Committee, as required by the professional standards.

Members were aware that the Public Sector Internal Audit Standards (PSIAS) required the Chief Internal Auditor (Internal Audit Manager) to make arrangements for reporting to senior management (Management Team) and to the board (Audit Committee) during the course of the year, and for producing an annual Internal Audit opinion and report that could be used to inform the Annual Governance Statement.

The Committee was also aware that the Accounts and Audit Regulations 2015 required that: *“a relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance”*.

INTERNAL AUDIT PROGRESS 2023/24

It was reported that five audits had been completed since the last meeting of the Committee in July 2023. Four audits had received a satisfactory level of overall assurance. The other audit had been undertaken as a consultative piece of work as a lessons learned review (Jaywick Sands – Sunspot). It had now been provided to the service to contribute to future similar projects and to support any reporting arrangements required from the economic growth team.

The Committee was advised that a further 16 audits from the 2023/24 Internal Audit Plan had been allocated, four of which were currently at the fieldwork phase.

Members were made aware that Officers were currently in the ‘Key Systems’ phase of the audit plan whereby all financial and core service systems and processes were reviewed. Each area was tried and tested as they were very important to the Council’s day-to-day activities. Officers did not anticipate any significant issues in this area as historically they had been managed well; however, it was very important to ensure that those systems and processes continued to work as expected and remained well controlled.

Quality Assurance

As per the usual practice, the Internal Audit function had issued satisfaction surveys for each audit completed. In the period under review, 100% of the responses received had indicated that the auditee was satisfied with the audit work undertaken.

Resourcing

Members were reminded that Internal Audit currently had an establishment of 4 FTE posts with access to a third party provider of Internal Audit Services for specialist audit days as and when required. An Audit Technician post was currently vacant.

It was reported that the team had recently transferred an Apprentice from the Council's housing department. That individual was keen to gain experience in Internal Audit and was now part of the team, training and providing much needed additional support.

The Committee was informed that the Internal Audit Manager had also recently taken on additional responsibilities in managing the Fraud, Risk & Compliance and Health and Safety teams whilst the Assurance and Resilience Manager was on secondment. That arrangement was expected to last until December 2023 unless the secondment was extended.

It was felt that there were many similarities between Health and Safety, Compliance and Internal Audit. Work had been undertaken to synchronise the follow up processes between all three services and to identify synergies in order to effectively oversee the service. The Internal Audit Apprentice would be supporting all teams with their administrative requirements in order to free up time for Officers to spend more time on inspections and audit work. This would enable all teams to deliver against their objectives whilst still delivering against the audit plan.

The Committee was assured that if the secondment was extended then the Committee would be provided with periodic reports on the above areas in order to provide overall assurance on all areas covered under the responsibilities of the Internal Audit Manager.

#### Outcomes of Internal Audit Work

The Standards required the Internal Audit manager to report to the Audit Committee on significant risk exposures and control issues. Since the last report four audits had been completed and the final report issued. The PSIAS required the reporting of significant risk exposures and control issues.

Assurance	Colour	Number this Period	Total for 2023/24 Plan	
Substantial		3	3	
Adequate		1	1	
Improvement Required		0	0	
Significant Improvement Required		0	0	
No Opinion Required		1	1	One consultative engagement in 2023/24 to date

For the purpose of the colour coding approach, both the substantial and adequate opinions were shown in green as both were within acceptable tolerances. There had been no issues arising from the audits completed in the period under review as none had received an 'Improvement Required' or 'Significant Improvement Required' opinion which would have required reporting to the Committee.

### Management Response to Internal Audit Findings

There were processes in place to track the action taken regarding findings raised in Internal Audit reports and seek an assurance that appropriate corrective action had been taken. Where appropriate, follow up audits had been arranged to revisit significant issues identified after an appropriate time.

The number of high severity issues outstanding was as follows:-

Status	Number	Comments
Overdue more than 3 months	2	
Overdue less than 3 months	0	
Not yet due	0	

The Committee was reminded that it had requested more detail on the outstanding actions within the above table and on previous significant findings as a matter of context. Appendix B to the Internal Audit Manager's report provided a summary of those findings and agreed actions as well as including the relevant service's response and an internal audit status. This would become a regular appendix of the periodic progress reports going forwards.

### Update on previous significant issues reported

All previous significant issues were now to be found within the aforementioned Appendix B to the Internal Audit Manager's report.

The Corporate Director (Operations & Delivery) (Damian Williams) attended the meeting and updated the Committee on the progress made in relation to the actions arising from the internal audits of Depot Operations, Housing Repairs & Maintenance and Housing Allocations. He also outlined how the Council was responding to the implications of the enhanced powers granted to the Regulator of Social Housing under the Social Housing Regulation Act 2023 and also particularly in relation to stronger enforcement powers; tenant empowerment; and standards for Registered Providers contained within the Act. Mr Williams then responded to Members' questions thereon.

The Assistant Director (Housing & Environment) (Tim Clarke) and the Environment Portfolio Holder (Councillor Bush) attended the meeting and updated the Committee on the progress made in relation to the actions arising from the internal audit of Recycling and Waste (specifically Garden Waste service income). They then responded to Members' questions thereon.

### INTERNAL AUDIT CHARTER

Members were reminded that it was a requirement of the PSIAS for the Audit Committee to review and approve the Internal Audit Charter on an annual basis. As such, the Charter had been last updated, and approved in September 2022. There had been no changes to standards or processes since the last review, therefore no amendments were required.

The Committee was advised that global Internal Audit Standards had recently changed with guidance expected and that therefore there might be a requirement to update the Charter during the year or when the Charter was next reviewed in 2024.

The Charter was included as Appendix C to the Internal Audit Manager's report.

After an in-depth discussion, it was moved by Councillor Fairley, seconded by Councillor Steady and:-

**RESOLVED** that –

- (a) the contents of the report be noted; and
- (b) the Internal Audit Charter be approved.

**15. REPORT OF THE CORPORATE DIRECTOR (PLACE & ECONOMY) - A.2 - PROGRESS ON CLIMATE ACTION**

The Committee considered a report of the Corporate Director (Place & Economy) which presented to it a two-year progress report on the Council's Climate Change Action Plan, as had been required as part of the Audit Programme.

Members were reminded that the Full Council had declared a climate emergency at its meeting held on 6 August 2019, when Councillors from all parties had approved a motion on notice, submitted by former Councillor Neil Stock. The approved motion had committed this Council to preparing an action plan for consideration by Councillors with the aim of making its activities net zero carbon by 2030.

In November 2020, the Council had set out its plan to achieve this goal, initially covering the period to 2023. [Action plan](#).

The Committee was informed that the Council had committed to become net zero by 2030 in its direct emissions (the so-called 'scope one' emissions) and the production of its electricity ('scope two' emissions). The Council was also committed to working towards reducing emissions in its supply chain ('scope three'), which included the services it delivered via business contracts rather than directly employed staff, such as waste collection. This aspect of the plan did not have a defined target for emissions reduction.

It was reported that a final element of the action plan encouraged businesses and residents in the District to play their part in reducing carbon emissions.

The Committee was made aware that the current Action Plan ended in December 2023. A new plan was under development, building on the work of the first plan.

Current position

The Council had emitted 2,797 tonnes of carbon for scope one (internal) and scope two (electricity) emissions in the baseline year, 2018/19. In 2021/22 this had fallen to 2,245 tonnes of carbon emitted. As a result, the Council had saved 552 tonnes of carbon since the baseline year in direct emissions, which was made up from 144 tonnes of scope one (internal) emissions, and 376 tonnes from scope two, electricity.

Members were advised that Officers were currently converting the energy records into Carbon emission equivalent to provide data for 2022/23.

In addition, the Council had recorded 2,317 tonnes of carbon emissions in the baseline year of 2018/19 through its supply chain, i.e. scope three emissions. This had fallen to 2,052 tonnes by 2021/22. The majority of those emissions came from the Veolia fleet of waste vehicles, although that element had slightly increased their contribution to emissions in the period (1,404 to 1,435 tonnes).

The Corporate Director (Economy & Place) (Lee Heley) and the Environment Portfolio Holder (Councillor Bush) both attended the meeting and spoke to this item. They also answered Members' questions in relation to:-

- the achievability of the 2030 'Net Zero' target in the light of the current level of the Council's financial resources;
- the Council's progress against the 'soft trajectory' targets in the Action Plan and how it will meet them going forward;
- can LUF money be used to help meet the requirements of the Action Plan; and
- are all TDC owned buildings covered by the requirements of the Action Plan?

Having considered the update to the Committee on progress with the Climate Action Plan, noting the opportunities and challenges associated with its implementation and that the current Climate Action Plan ended in December 2023 and so required updating for future years:-

It was moved by Councillor Fairley, seconded by Councillor Sudra and:-

**RESOLVED** that –

- (a) the progress against the Climate Action Plan, as set out in Appendix A to the Report of the Corporate Director (Economy & Place), be noted; and
- (b) the Portfolio Holder for the Environment be requested to oversee the development of a Climate Action plan from 2024 with its ambitions and actions set in the context of current national policy.

The meeting was declared closed at 12.40 pm

**Chairman**

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# Public Document Pack

Planning Policy and Local Plan Committee

5 October 2023

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN  
COMMITTEE,  
HELD ON THURSDAY, 5TH OCTOBER, 2023 AT 6.00 PM  
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-  
ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors Guglielmi (Chairman), Bush (Vice-Chairman), Chapman BEM, M Cossens, Fairley, Newton, Skeels Jnr. and Wiggins
<b>Also Present:</b>	Councillor Fowler (Chairman of the Planning Committee) (via MS Teams)
<b>In Attendance:</b>	Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager) and Keith Durran (Committee Services Officer)
<b>Also in Attendance:</b>	Hana Loftus (HAT Projects)

**10. ELECTION OF THE CHAIRMAN OF THE COMMITTEE**

In the light of the fact that the office of Chairman of the Planning Policy & Local Plan Committee was currently vacant, due to the fact that Councillor N W Turner, the previous Chairman, was no longer a serving member of the Committee, the Committee was required to elect, from amongst its appointed membership, the Chairman of the Committee to serve in that office for the remainder of the 2023/2024 Municipal Year.

Members were aware that the newly elected Chairman would also automatically become a Tendring District Council appointed member of the Tendring / Colchester Borders Garden Community Joint Committee.

It was moved by Councillor Bush, seconded by Councillor Chapman BEM and:-

**RESOLVED** that Councillor Guglielmi be elected Chairman of the Planning Policy & Local Plan Committee for the remainder of the 2023/2024 Municipal Year.

**11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Scott (with Councillor Wiggins substituting) and Baker (the Housing & Planning Portfolio Holder, who had a standing invitation to attend the meetings of this Committee but had been unable to do so on this occasion due to illness).

**12. MINUTES OF THE LAST MEETING**

It was moved by Councillor M Cossens, seconded by Councillor Skeels and:-

**RESOLVED** that the Minutes of the last meeting of the Committee, held on Thursday 27 July 2023, be approved as a correct record and be signed by the Chairman.

**13. DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members on this occasion.

**14. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No questions on notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

**15. PUBLIC SPEAKING**

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question or to make a statement regarding the matters contained in the report of the Director (Planning).

**16. REPORT OF THE DIRECTOR (PLANNING) - A.1 - DRAFT JAYWICK SANDS PLACE PLAN**

The Committee considered a detailed report of the Director (Planning) (A.1) which invited its comments on the Draft Jaywick Sands Place Plan and sought its recommendation to Cabinet, that the document be published for consultation with the public and other interested parties.

Members were aware that Jaywick Sands had been identified as a Priority Area for Regeneration in the Tendring Local Plan. The purpose of the Place Plan was 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 proposed 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.*

It was reported that those interventions were, in combination, intended to elevate Jaywick Sands from the bottom of the English Index of Multiple Deprivation.

The Committee was informed that realising that vision would necessitate significant funding in excess of £120million for which there was no available budget at present. It did, however provide, for the first time, a costed plan containing tangible proposals that could form the basis for discussions with the 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 was expected to span a period of 20 years and any improvements were most likely to be achieved in manageable phases.



Members were reminded that the proposals in the Draft Place Plan formed part of an overarching strategy, which had been informed by previous public consultation and community engagement – including that undertaken in Autumn 2022. It represented an approach that had, 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 had met with local objection as they had been seen as being imposed upon the community against their wishes. Officers were hopeful therefore that this Place Plan (which ruled out extreme, unpopular and undeliverable options) would meet with constructive feedback and local support.

Hana Loftus, HAT Projects gave a comprehensive presentation to the Committee regarding the Jaywick Sands Place Plan, which covered the following matters:-

- (a) Regeneration Objectives for Jaywick Sands;
- (b) Why develop a Place Plan;
- (c) Work done to date;
- (d) What is the Place Plan;
- (e) Place Plan Vision;
- (f) How the Draft Place Plan is meeting Tendring District Council's objectives;
- (g) Spatial Framework;
- (h) Flood Defences & Seafront Public Realm;
  - (1) 'Nationally Preferred Option' (Flood Defences);
  - (2) Place Plan Preferred Design Framework (Brooklands);
  - (3) Place Plan Preferred Design Framework (The Village); and
  - (4) Delivery and Costs.
- (i) Improving Residential Areas;
- (j) Preferred Strategy
  - (1) Vacant & Derelict Plots; and
  - (2) Improving quality of existing homes.
- (k) Creating space for business, tourism and local services;
- (l) Improving Public Open Spaces;
- (m) Accessibility & Connectivity;
- (n) Drainage Infrastructure;
- (o) Community Engagement & Stewardship; and
- (p) Consultation Process.

Members asked the following questions of Hana Loftus:-

- What was the feedback from residents on the design aspects of the Place Plan?; and
- Flood Grant funding of the various options put forward in the Place Plan?

Hana Loftus replied along the following lines:-

- It was clear that the residents preferred to keep the unique diversity of the appearance of properties. They did not want mini-estates of one design only. They did not want to see the current street pattern of Jaywick Sands broken up;
- The Flood Grant aid could not be called upon prior to 2033 and would only be available if the properties in Jaywick Sands still remained at risk.

It was unanimously **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.

The meeting was declared closed at 6.57 pm

**Chairman**

# Public Document Pack

Tendring/Colchester Borders Garden  
Community Joint Committee

9 October 2023

**MINUTES OF THE MEETING OF THE TENDRING/COLCHESTER BORDERS  
GARDEN COMMUNITY JOINT COMMITTEE,  
HELD ON MONDAY, 9TH OCTOBER, 2023 AT 6.00 PM  
IN THE LAYER SUITE AT THE COMMUNITY STADIUM, UNITED WAY,  
COLCHESTER CO4 5UP**

<b>Present:</b>	Councillors Andy Baker (TDC), Mike Bush (TDC), Tom Cunningham (ECC), Carlo Guglielmi (TDC), David King (CCC), Andrea Luxford-Vaughan (CCC), William Sunnucks (CCC) and Lesley Wagland (ECC)
<b>Also Present:</b>	Councillors Mark Cory (ECC & CCC), Zoe Fairley (TDC), Gary Scott (TDC) and Councillor Ann Wiggins (TDC)
<b>In Attendance:</b>	Lindsay Barker (Deputy Chief Executive), Gary Guiver (Director (Planning)), Andrew Weavers (Head of Governance & Monitoring Officer), Amy Lester (Garden Community Planning Manager), Ashley Heller (Head of Transport for Future Communities), Jonathan Schifferes (Head of Housing Growth and Garden Communities), Ian Ford (Committee Services Manager), Christopher Downes (Garden Communities Manager), William Lodge (Communications Manager), Keith Durrant (Committee Services Officer), Bethany Jones (Committee Services Officer), Catherine Gardner (Programme Support Officer) and Eleanor Storey (Development Technician)

**1. ELECTION OF THE CHAIRMAN OF THE JOINT COMMITTEE**

It was moved by Councillor Guglielmi, seconded by Councillor Cunningham and:-

**RESOLVED** that Councillor David King be elected the Chairman of the Joint Committee for the remainder of the 2023/2024 Municipal Year.

**2. ELECTION OF THE DEPUTY CHAIRMAN OF THE JOINT COMMITTEE**

It was moved by Councillor King, seconded by Councillor Guglielmi and:-

**RESOLVED** that Councillor Mike Bush be elected the Deputy Chairman of the Joint Committee for the remainder of the 2023/2024 Municipal Year.

**3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was submitted on behalf of Councillor Julie Young (CCC). CCC's Designated Substitute Member (Councillor William Sunnucks) attended in her stead.

**4. MINUTES OF THE PREVIOUS MEETING OF THE JOINT COMMITTEE**

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

**RESOLVED** that the Minutes of the meeting of the Joint Committee held on Monday 27 February 2023 be approved as a correct record and be signed by the Chairman.

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**5. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made by Members of the Joint Committee on this occasion.

**6. PUBLIC SPEAKING**

The Public Speaking Scheme for the Joint Committee gave the opportunity for members of the public and other interested parties/stakeholders to speak to the Joint Committee on any specific agenda item to be considered at this meeting.

The Chairman invited the following public speakers to come to the table in turn to speak. Their comments are in precis.

*Russ Edwards (Project Director for TCBGC – Latimer by Clarion Housing Group)*

- *congratulated the Officers on the submission of the DPD to the Secretary of State which was a major milestone;*
- *Latimer was supportive of the DPD overall but had submitted constructive representations in order to achieve flexibility and increase the DPD's robustness in the interests of all parties and to ensure that Latimer was invited to take part in the Examination-in-Public process;*
- *Objective was that the DPD would be found sound and deliverable and Latimer would be asking the Planning Inspector to put forward modifications to the DPD that would make it so;*
- *Latimer remained committed to delivering an ambitious and progressive Garden Community consistent with the principles and vision outlined in the DPD;*
- *Latimer was progressing the planning applications through the pre-application process with Officers;*
- *Latimer had held their own public consultation events on their emerging proposals which had generated a very positive public response tempered by a number of concerns which Latimer intended to address through its application;*
- *In response to concerns raised, clarified and confirmed that no development was proposed for the slopes of Salary Brook Country Park;*
- *Latimer's proposals were in line with the agreed policies and Latimer would undertake visual impact assessments of its proposals as part of its planning applications;*
- *Latimer would now consider all of the feedback received from its public consultations and would work with its consultants to ensure that its proposals responded appropriately; and*
- *In regards to stewardship and estates management of the Garden Community and in response to requests made by Councillors, Latimer had accelerated the process of producing its stewardship strategy and expected to put forward more information on this to Officers and Councillors by the end of the year.*

*Rik Andrew*

- *Spoke not as a Town Councillor for Wivenhoe but in his personal capacity as Chair of the Wivenhoe Travel and Transport Working Group;*

- 
- *Felt it was premature to be issuing road building tenders and contracts for the link road before the DPD had undergone its Examination-in-Public (EiP) and it had been found to be sound or not;*
  - *DPD was full of caveats warning that the highly aspirational modal shift targets for active travel and the use of the RTS might well not be met;*
  - *Planning Inspector was likely to determine that the aspects of the movement strategy would require further thought for example in regards to locating all of the sports pitches south of the A133 which was not likely to encourage active travel and should instead be in the middle of the 'new town';*
  - *Essex County Council had belatedly admitted that the link road would not relieve A133 congestion as north-south traffic on the link road would be very similar and that the 'new town' would generate 4,000 vehicle movements an hour on local roads;*
  - *As the A120 was not currently congested, questioned why Phase 1 was not in the north which would then only require a short access road to the A120;*
  - *Did not consider that a housing build of 250 dwellings per year was enough to justify a dual carriageway for the link road for at least a decade especially one with three major roundabouts;*
  - *The Garden Community would eventually be the same size as Harwich which was satisfactorily served by a single carriageway road (A120 East);*
  - *Harwich also has a railway station and so should the 'new town';*
  - *Ploughing ahead with a £100million link road was not a good use of public money and it would be very wrong to do so before the outcome of the EiP was known.*

Sir Bob Russell

- *Reminded the Joint Committee of the comments that he had made regarding the Salary Brook slopes at its last meeting and the response that he had received from the Officer;*
- *Had been annoyed to see at a Latimer run exhibition that were indicative proposals for a bandstand and a children's play area on the southern slopes within the Salary Brook Country Park which he felt was inappropriate. Plus there was a school to be built at the brow of the hill which was a new development also and would be clearly visible from Greenstead and Longridge*
- *Stated his continuing grave concerns over the University of Essex's intentions regarding its use of the Salary Brook slopes for employment land to link the Knowledge Gateway whereby such development would be built on the slopes, adjacent to the slopes or be visible from Greenstead and Longridge;*
- *Urged the Joint Committee to make it clear to Latimer and all other interested parties that this would never be allowed to happen.*

Parish Councillor Adam Gladwin

- *Spoke on behalf of Elmstead Parish Council;*
- *Disappointed at how the Parish Council's representations had been portrayed in the Officer report and urged Members to read their responses in full online;*
- *Felt that the public consultation had not been well-conducted, online response forms had been over-complicated and too restrictive as to character limits for responses;*
- *Stated that the vast majority of responses from Elmstead Market residents had been negative;*

- 
- *Stated that Elmstead Market residents were losing their faith and trust in the process as they felt that they were not being listened to, core issues raised in previous consultations had not been addressed;*
  - *Wanted further changes made to the DPD to make it a better plan and more evidence gathered and a better consultation carried out before this project can be progressed any further in a positive manner;*
  - *Shocked to see statutory consultees raising concerns such as the North Essex NHS Foundation Trust and the East of England Ambulance Service regarding healthcare provision and phasing;*
  - *The NHS, Natural England and Highways had all pointed out the lack of an evidence base on air pollution;*
  - *Elmstead Parish Council had raised such concerns on the link road planning implication which had indicated a high to severe impact on Elmstead and yet there had been no assessment of the additional effects of the Garden Community;*
  - *Concerned about the financial viability of the Garden Community;*
  - *Provision of the link road in its entirety prior to any development commencing remained a 'red line' for the support of Elmstead Parish Council and many local residents.*

The Chairman of the Joint Committee (Councillor King) responded to Parish Councillor Gladwin's statement as follows:-

- understood the passions and concerns of the respondents whether general or specific;
- acknowledged that consultations were not a waste of time. Previous representations had changed the Councils' approach to several issues and had helped reinforce the DPD in its draft form;
- The representations now received would influence the conversations that Members and Officers would have in the run up to the Examination-in-Public;
- The message was please still continue to engage; Members do pay attention to all views put forward.

*Councillor Mark Cory, Essex County Council and Colchester City Council*

- *pleased there was an agreement about genuinely Garden Community principles; must avoid any further flexibility or watering down of the DPD as this would lead to a watering down of the garden community principles;*
- *Strategic green gaps were supported in the representations. All needed equal protection;*
- *reiterated that development south of the A133 was not acceptable, though its use as open space and for sports facilities might be acceptable, its use for University accommodation would not be;*
- *the A133 was a clear boundary for the settlement of the Garden Community as far as the residents and elected representatives of Wivenhoe were concerned;*
- *wondered where any contrary views to that could have come from other than from Latimer or the University of Essex;*
- *referred to the cynicism within the representations as to the transport plans and especially the RTS;*
- *public concern about the link road no longer being a link road (i.e. with the purpose of taking traffic away from Clingoe Hill);*

- 
- *advocated maintaining the deadline in the HIF bid whereby no more than 1,000 houses could be built before the link road was provided in its entirety.*

The Chairman of the Joint Committee (Councillor King) responded to Councillor Cory's statement as follows:-

- worth remembering that the position of the Joint Committee was consistent with a number of Councillor Cory's remarks;
- acknowledged that others could take a contrary view about the land south of the A133 and/or Salary Brook and that was a part of the process that lay ahead;
- stressed that all of the representations received would be submitted to the Planning Inspector in their entirety so if there were any weaknesses in the way representations had been summarised in the Officer report he asked for forbearance.

Councillor Gary Scott, Tendring District Council

- *endorsed Parish Councillor Gladwin's comments about Elmstead Parish Council not being listened to;*
- *welcomed the recent all day consultation event held in Elmstead by Latimer though he was concerned that the graphics had been too complex and unclear; they needed to be made clearer going forward;*
- *residents had concerns about the link road and the RTS – will it be built in full? Who is paying for it?*
- *had his concerns too about the build up of traffic through Elmstead Market on the A133 and especially construction traffic whilst the link road was built;*
- *agreed that there had been a lot of consultation and that 'fatigue' could be becoming an issue but was firmly of the belief that consultation was healthy and necessary and should occur whenever possible;*
- *wondered if the consultation online could remain continuous.*

The Chairman of the Joint Committee (Councillor King) responded to Councillor Scott's statement as follows:-

- formal consultation had, of course, now closed but it had raised the point of how the Councils were going to keep residents and other interested parties informed of developments going forward and this would be looked into.

Amy Lester, the Garden Community Planning Manager (Tendring District Council) responded to the points made by all of the speakers along the following lines:-

- the importance of the Country Park Salary Brook slopes and its concern to residents is noted and recognised. The Policies Map for the Country Park and the provision of the employment land north of the A133 has not changed and the slopes are to be protected from development though in the Country Park there will likely be some interventions and facilities provided such as a visitor centre and a playground as at Highwoods Country Park;
- in relation to protecting the views of the residents of Greenstead and Longridge Park any development would be expected to use design techniques and the existing natural landscape bolstered by additional screening as necessary to screen the development and minimise any visual impact;

- 
- in relation to the consultation process the Councils had been bound by the requirements of Regulation 19 that mandated that certain questions had to be asked to allow consultees the opportunity to make representations specifically on the 'soundness' and legal compliance of the DPD and therefore it had not been as broad as previous consultations such as for Regulation 18;
  - the consultation Portal had been designed to ask those questions in as simple a way as possible whilst remaining acceptable to the Planning Inspectorate;
  - Officers had been required by the Planning Inspectorate to summarise the representations not submitted through the Portal in a maximum of 100 words but all representations had been submitted in full, to the Planning Inspectorate;
  - Confirmed that with respect to the land south of the A133 the views of community representatives and residents had been consistent though the University of Essex and Latimer had differing viewpoints and aspirations;
  - It was normal that statutory consultees had raised matters on the DPD as this secured their role as a participant in the Examination-in-Public. Officers were beginning work with the statutory consultees, especially the NHS and national Highways to resolve some of those matters and to then produce statements of common ground to go forward to the public examination.

Ashley Heller, the Head of Transport for Future Communities (Essex County Council) also responded to the points made by all of the speakers along the following lines:-

- restated the commitment of the Councils to deliver the entire link road as soon as possible;
- had got off to a really good start in terms of securing a significant amount of funding for the link road through the HIF;
- remained committed to the provision of the link road in total but it would now be in phases;
- link road policy was very well set out in the DPD;
- HIF creates a programme requirement to deliver the Councils' part of the link road by 2026 which was in progress and tenders for the construction of the link road were due back on 10 October 2023;
- the link road already had planning permission and would be dualled from the start to provide future resilience for the whole of the Garden Community development;
- to start this project from the north side would not be right in sustainable transport terms as the development would be isolated from Colchester and would only permit car journeys out into the wider strategic road network (e.g. A120/A12);
- reference to 1,000 houses was a business case figure as justification for the Homes England funding bid purposes and was not a figure for planning purposes so the developer would need to demonstrate through their transport assessment the right level of housing which can be sustained through the partial link road;
- accepted there was a need to overcome cynicism and to communicate better with the public on the quality of service merits of the RTS (rather than just a focus on infrastructure) and that a step change was needed to get the public to see the RTS as a viable alternative to the car.

7. **REPORT A.1 - DEVELOPMENT PLAN DOCUMENT: REPRESENTATIONS RECEIVED IN RESPONSE TO THE REGULATION 19 CONSULTATION AND NEXT STEPS**



The Joint Committee considered a detailed report (A.1) which set out some of the notable issues raised in the representations received from the public and other interested parties to the consultation on the Submission Version of the Development Plan Document (DPD) i.e. 'the Plan' for the Garden Community under Regulation 19 of the statutory plan making process. Those representations would be considered by a Government-appointed Planning Inspector as part of the examination process. The report did not seek to provide an account of each and every comment raised through the consultation.

The report also sought the Joint Committee's agreement that a formal request be made to the Planning Inspector to invite them to recommend any specific modifications that might be required to make the Plan sound.

Members recalled that public consultation on the Submission Version of the Plan for the Garden Community had commenced on 15th May 2023 and had closed on 25th June 2023, during which Officers had held nine face-to-face engagement events, which had been attended by 214 visitors.

The report was introduced by way of a presentation given by Amy Lester, the Garden Community Planning Manager.

It was reported that, in all, 276 representations from a total of 88 respondents had been received on different elements of the Submission Version Plan. All of those representations had been published on the Consultation Portal website for public view which allowed interested parties to see what others had said. Officers had registered and reviewed each of the representations received, all of which had been submitted in full to the Secretary of State in order to begin the process of independent examination by a Government-appointed Planning Inspector.

The Joint Committee was informed that, approximately 80% of the representations received had been in objection to the Submission Version Plan and 20% in support. The purpose of the Regulation 19 consultation stage had been to allow consultees the opportunity to make representations specifically on the 'soundness' and legal compliance of the DPD.

Members were advised that the largest number of representations had been submitted in response to GC Policy 1 – Land Uses and Spatial Approach. A number of respondents had continued to challenge the need for the Garden Community altogether; arguing that the development should not go ahead at all. However, the majority of comments had been constructive, with people keen to ensure the development was successful and genuinely met Garden Community principles.

The Joint Committee was told that, on the whole, the representations had presented a broad and diverse spectrum of views with less emphasis on the particular key issues which had emerged through the previous regulation 18 consultation. There was significant support for the Country Park, protection of the Salary Brook Slopes, quantum of green infrastructure and the Strategic Green Gaps.

Members were made aware that transport, traffic and implications for the existing road network, along with concerns about active travel and modal shift targets had generated a notable body of representations against GC Policy 7 – Movement and Connections.

With views expressed that the plan was both overly aspirational and that it did not go far enough. Concerns also remained among some respondents about the funding and phasing of the Link Road and that there was insufficient detail on the RTS route, operation and implications for Clingoe Hill and Greenstead roundabout.

It was reported that whilst some concern remained about any development proposed south of the A133 (one of the main issues raised at the previous regulation 18 consultation), more representations this time round had related to the impact of the Garden Community on Elmstead Market, including concerns about coalescence and impact on heritage assets. A number of representations had also continued to suggest that the Plan gave insufficient protection to the existing community and character of Crockleford Health.

People remained particularly keen that the development was infrastructure led and did not result in existing infrastructure, services and facilities being overwhelmed; that it achieved a high level of energy efficiency; that it delivered high quality architectural and urban design; and that it protected existing historic and natural assets and incorporated high quality open spaces.

The Joint Committee was informed that Latimer, as the master developer bringing forward the Garden Community, continued to offer broad support for the DPD's overall objectives, vision and purpose including reference to the Garden City Principles. Latimer had set out key points of objection and had requested amendments to each chapter and policy in the DPD. The comments were primarily focused on seeking that a greater degree of flexibility was built into the DPD and its policies. One key area of difference in Latimer and the Councils' position related to the possible location of student accommodation to meet the University of Essex's requirements. In particular, Latimer was suggesting that additional flexibility was allowed on the University expansion land south of the A133 in order to enable an element of purpose-built student accommodation to be provided within that location.

Members were made aware that the University of Essex, in its latest representations, had also acknowledged positives within the Submission Version DPD, but remained of the view that the Plan was unsound. The University felt that it failed both to properly provide for the University's expansion and failed to make appropriate provision for the employment land to link to the Knowledge Gateway. The University did not support student accommodation within the Garden Community's neighbourhoods as it would only consider developing new student accommodation as a seamless extension to the existing campus.

It was noted that a number of outstanding issues and areas of disagreement therefore remained. Officers would continue to work cooperatively with statutory bodies and key stakeholders to advance a series of Statements of Common Ground (SoCG) and to seek to resolve and clarify points where possible, and to establish key issues likely to be considered by the Inspector. Through this process, Officers might identify small changes to the DPD that could resolve certain minor matters and Officers were therefore asking the Joint Committee for delegated authority to put forward such changes to the Inspector for their consideration as part of the examination process.

Officers were also asking the Joint Committee to agree that, through the examination process, the Planning Inspector be invited to make recommendations for specific

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changes to the DPD that, in their view, would resolve any matters of soundness (if found) and which might form formal 'modifications' that might require consultation in their own right before the DPD could be adopted.

The Joint Committee then proceeded to discuss and debate matters pertaining to the Officers' recommendations as follows:-

Recommendation 1)

Councillor Andrea Luxford-Vaughan (CCC)

- *no particular issues with the report except to question the position of land south of A133 in the conclusion rankings in the Officer presentation. It's been well established that this is a significant issue for the residents of Wivenhoe, and in addition, Wivenhoe Town Council and Elmstead Parish Council should have been included within the list of statutory consultees on the presentation slide;*

Councillor Carlo Guglielmi (TDC)

- *it had been demonstrated that concern about the land south of the A133 had been raised by only a small number of people. This land lay within the District of Tendring and that should not be lost sight of;*
- *the boundary had been pushed further and further into Tendring and away from Colchester so something had to give;*
- *always been the view of Tendring not to sterilise such a large piece of land so that also had to be noted. It was a huge piece of land that would eat into the density of the development as well as other things.*

Councillor Lesley Wagland (ECC)

- *referred to the combination of public consultation fatigue and the public belief of 'fait accompli' she wondered in whose interests it was to continue promulgating that belief that it's not worthwhile responding to a consultation;*
- *stated her belief that the opposite was true;*
- *reminded Members that the amount of consultation responses provided by the public would be vital to the success of the Examination-in-Public and therefore urged that it was always worthwhile to respond to a consultation;*
- *suggested that Officers find a way of putting into the public domain that the Regulation 19 consultation method had been set by the Planning Inspectorate and not by the Councils;*
- *further encouraged all those who disagreed with that consultation methodology should write to the Planning Inspectorate to inform them and ask them to change it.*

Recommendation 2)

Councillor William Sunnucks (CCC)

- *important now to focus on the statement of common ground with Latimer especially given the scale of their 'dissent' in their consultation representations and the gulf in position between them and the Councils. These needed to be resolved before the*

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*DPD inspection especially with regards to the Infrastructure Delivery Phasing and Funding Plan.*

Councillor Andrea Luxford-Vaughan (CCC)

- *wanted a timescale of when Members were likely to see the statements of common ground, together with the topic papers being produced for the Inquiry.*

Councillor Lesley Wagland (ECC)

- *important to understand that statements of common ground were a process which was very well known in planning terms. Common ground avoided the need to contest it at the Examination-in-Public so producing them was a purely procedural way of saving time;*
- *public might be alarmed to see such statements where it looks like the developer and the Councils are on the same side so asked the Councils to produce an explanatory note to explain that this was merely a time saving procedural aspect for the Inquiry only;*
- *always far apart at the start but would come much closer together as time got nearer to the Inquiry.*

Councillor Mike Bush (TDC)

- *referred to the matter of stewardship and estates management and expressed his concern that the Councils were not fully engaged on this with Latimer in the run up to the Inquiry.*

Amy Lester, the Garden Community Planning Manager, responded to Members' statements as follows:-

- *in relation to the statements of common ground, Officers were at the very beginning of the process on all of those so could not give a timeline but they would not be coming forward in the near future;*
- *there was no timeline yet for the Inquiry and the production of the statements of common ground could, in theory, take right up to the date of that Inquiry. They would be put into the public domain as soon as possible;*
- *the statutory bodies statement had been prepared but had yet to be finalised;*
- *an initial Health Topic Paper had been prepared and placed on the Examination website and other topic papers on viability and the land south of the A133 had been started. There would be others;*
- *the Inspector would drive this process going forward as he decided what the issues were for the Inquiry.*

Councillor Tom Cunningham (ECC)

- *as this would be his last meeting as a member of the Joint Committee, he paid full tribute to the work, dedication, application and integrity of the various Officer teams involved. He also paid tribute to the work and dedication of the Lead Members from the Councils and for their political leadership on a very difficult project.*

Recommendation 3)

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Councillor Andrea Luxford-Vaughan (CCC)

- *what was the definition of 'minor'?*
- *would they be circulated and made public?*

Amy Lester, the Garden Community Planning Manager, responded to Councillor Luxford-Vaughan as follows:-

- *yes, these are minor changes to the policy so they would not make significant changes to the policy as they would not be possible at this stage of the process;*
- *an example of such a minor change was that a healthy had asked for the inclusion of particular wording relating to "emergency services" so that where the policy refers to health and well-being services that it also refers to emergency services as well;*
- *so those would be very minor changes to the text that don't change the fundamental principles of the policy in any way;*
- *they would be put into the public domain and sent to the Inspector and would go forward into the Examination-in-Public.*

Councillor William Sunnucks (CCC)

- *stated that there was a need to make two major changes to the DPD to tighten up the clauses of the DPD relating to the link road and the Infrastructure Delivery due to the fact that there was now only going to be half a link road with no binding commitment for the remainder. Additionally, Latimer wanted to examine the evidence at the time rather than commit to the Infrastructure Delivery Plan as it currently stood;*
- *the Councils should therefore request the Inspector to make those two changes.*

Councillor Carlo Guglielmi (TDC)

- *Councils had a firm commitment from Latimer through a Memorandum of Understanding that the link road would be financed;*
- *conversation needed with Latimer was - what was going to give, given that the 'pot' was limited;*
- *now was not the time to be raising potential major modifications.*

Amy Lester, the Garden Community Planning Manager, responded to Councillor Sunnucks as follows:-

- *clarify that it was not within the Councils' gift at the moment to suggest major modifications to the submitted Plan in the lead up to the Examination;*
- *it would be for the Inspector to draw out the areas of difference and to thrash those out and to put forward any major modifications themselves.*

Councillor Lesley Wagland (ECC)

- *there were a number of different points at which those matters will be addressed including the Section 106 Agreement;*
- *this was a common occurrence when it came to such road schemes;*
- *the use of a phasing approach had the advantage of being able to be dealt with under the Section 106 Agreement by reference to a developer who has made a*

*commitment to doing so and that commitment could be built into the planning process but there were innumerable steps along the way at which those matters could be addressed including planning conditions and Section 106 Agreements.*

It was thereupon **RESOLVED** that the Tendring Colchester Borders Garden Community Joint Committee –

- 1) notes the contents of this report and the issues raised in response to the Regulation 19 consultation on the Submission Version Plan;
- 2) endorses the continued work of Officers in the preparation of the supplementary material necessary to aid the Planning Inspector and the forthcoming Examination in Public;
- 3) authorises the Garden Community Planning Manager, in consultation with TDC's Director (Planning), CCC's Executive Director (Place), ECC's Director for Sustainable Growth, and the Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, to submit minor suggested modifications to the DPD for the Planning Inspector's consideration ahead of the examination-in-public;
- 4) agrees that, in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), a request be made to the Inspector to recommend specific modifications, if required, to make the Plan sound.

The meeting was declared closed at 7.54 pm

**Chairman**

# Public Document Pack

Human Resources and Council Tax  
Committee

12 October 2023

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**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX  
COMMITTEE,  
HELD ON THURSDAY, 12TH OCTOBER, 2023 AT 7.30 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Chapman BEM (Chairman), Calver (Vice-Chairman, in the Chair), Amos, Guglielmi, Morrison, Skeels Jnr. and G Stephenson
<b>In Attendance:</b>	Anastasia Simpson (Assistant Director (Partnerships)), Katie Wilkins (Head of People), Tim Clarke (Assistant Director (Housing and Environment)), Clare Lewis (Assurance and Resilience Manager), Madeline Adger (Leadership Support Manager), Jo Williams-Lota (Human Resources Manager), Bethany Jones (Committee Services Officer) and Emma Haward (Leadership Support Assistant)

**13. CHAIR**

The Chairman of the Committee (Councillor Chapman BEM) informed the meeting that she had an ailment affecting her throat/lungs that was affecting her ability to speak. In order not to impede the efficient conduct of the meeting and the dispatch of the Committee's business she vacated the Chair which was thereupon occupied by the Vice-Chairman of the Committee (Councillor Calver).

**14. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence on this occasion.

**15. MINUTES OF THE LAST MEETING**

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

**RESOLVED** that the minutes of the last meeting of the Committee, held on Thursday, 6 July 2023, be approved as a correct record.

**16. DECLARATIONS OF INTEREST**

Councillor G Stephenson stated for the public record that she was a member of the Communication Workers Union (CWU) but that she had no involvement with Tendring District Council in that capacity.

Councillor Morrison stated for the public record that she was a member of Unite but that she had no involvement with Tendring District Council in that capacity.

**17. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No Questions on Notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

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18. **REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - HUMAN RESOURCES TRANSFORMATION AND UPDATE REPORT**

The Committee had before it a report from the Assistant Director (Partnerships) (report A.1) which provided Members with an update on a number of Human Resources activities.

**Procurement of a new Payroll & HR System**

The Committee heard that Tendring District Council (TDC) currently used a Human Resources and Payroll software solution provided by Iris FMP TeamSpirit (version 23.1.2). The current system was due to be retired (*no longer supported by the provider*) on March 31 2024 and as a result, there was a requirement to purchase a new software solution.

Members were told that the TDC payroll function facilitated payment to approximately 700 staff; at the time of writing that comprised permanent (521) and temporary (16) members of staff; apprentices (10) and casual workers (150).

The Committee was made aware that membership in the Local Government Pension Scheme (LGPS) was automatic for most TDC employees; therefore, all elements of employer and staff contributions and management activity, including the production of monthly returns, were required.

The Committee was also told that there was also the need to facilitate a separate Elections Payroll (*in order to process data files provided by the Elections Team*) to pay those working on behalf of the Returning Officer at any Election.

Officers informed the Committee that the objective of procuring a new system was to deliver an integrated Human Resources and Payroll software solution that sought to automate the administrative functions of each discipline, providing an end-to-end solution that supported the entire employee lifecycle from recruitment to end of employment.

It was reported to the Committee that a detailed specification had been prepared to outline TDC's requirements in respect of the Human Resources and Payroll software to support TDC's activities in those areas, including the following requirements:-

- Adequate security controls throughout the Human Resources and Payroll disciplines.
- The provision of accurate information for statutory and Government returns as well as internal management information.
- A flexible approach allowing TDC to implement and use any additional module(s) according to their own timetable and/or requirements.

The Committee was also informed that the Council's financial controls would also be embedded within the chosen system to achieve greater efficiency with the use of automated processes and decision-making.



Members were also told that, in line with the expectations set out in the Council's constitution, a framework agreement had been identified rather than the Council undertaking its own tender process (*due to the significant number of suppliers, it was expedient to use a framework approach rather than a full tender process*). This framework was available via Crown & Commercial Services (G Cloud 13, lot 2). The framework allowed for a contract period of up to 4 years (3 + 1) and could be awarded directly rather than through any further competition.

Members were made aware that the procurement exercise entailed a long, medium and short list process, whereby the Authority's requirements were described, and suppliers were narrowed down against those through each list or stage. MHR iTrent had come out as the only supplier that could specifically meet the Council's requirements.

Members were informed that MHR iTrent currently delivered services to 47% of UK Local Governments. In addition, it was noted that other local authorities in Essex also used the MHR iTrent system, which could provide further value for money opportunities/flexibilities as part of potentially exploring shared service options going forward.

Furthermore, Members heard that, in terms of key milestones and delivery, subject to Cabinet's agreement to the additional necessary funding as part of the review of carry forwards from 2022 – 23, which they had considered at their 6 October 2023 meeting, it was anticipated that contracts would be signed early in October and implementation would commence shortly after. A dual payroll process would be undertaken in January, February and March 2024 to ensure the system was fully tested before going live on 1 April 2024.

#### **Procurement of InfnitStats System to support the pending Pay Review**

Members were reminded that this Committee had previously requested that Senior HR Officers engaged the services of the East of England Local Government Association ((EELGA) *a politically led, cross-party organisation that worked on behalf of the 50 local councils in the East of England*) to expand on the earlier Pay Review undertaken (*which had looked at the recruitment and retention issues for Tendring District Council, reviewing current solutions in place and seeking alternative options. Also benchmarking the Council's offer and against current market, with options for consideration where appropriate*) to carry out a comprehensive, **service wide** review of TDC's pay structure as follows:-

- Across the whole staffing establishment, in the context of neighbouring authorities and regionally.
- In the context of professional and technical areas – that would be an extension of the work already undertaken by EELGA and would also consider those areas in which Market Forces Supplements\* were currently applied.

*\*A Market Forces Supplement was an additional temporary payment to the basic salary of an individual job or specific group of jobs where market pressures would otherwise prevent the Council from being able to recruit or retain staff with a particular skill or group of skills as endorsed by the Human Resources & Council Tax Committee.*

The Committee heard that upon completion of the review, TDC was looking for formal recommendations for corrective action (*if applicable*) both in terms of the current salary position and the likely position in 3 – 5 years. That was particularly important in the context of the current fiscal savings agenda and would allow TDC to set an appropriate salary budget position.

Members were made aware that the EELGA had responded to the request to say that whilst they could support the workstream, they were unable to undertake any separate pay benchmarking outside of InfiniStats (*in the region*), and therefore that assignment would require the Authority to be signed up to the system.

Officers told Members that once they had InfiniStats, the Authority planned to engage an EELGA (*Talent Bank*) Associate who could then utilise TDC's and other Councils' data in the context of undertaking the pay review and provide formal recommendations as outlined above.

Members were assured that the additional benefits offered by using InfiniStats to support that workstream would mean that the Authority would have access to regional and local pay data on an ongoing basis.

Therefore, once the review by EELGA had been concluded, a report of the findings and the associated recommendations for action (*if applicable*) would be presented to a future meeting of the Human Resources & Council Tax Committee.

### **Introduction of a new Employee Benefit – Salary Finance**

Members heard that, as a result of the current cost of living pressures, TDC employees, like everyone else, might be struggling more than ever with their finances, which could place additional pressure on their mental health and ability to be productive at work.

The Committee was told that supporting the financial wellbeing of TDC's employees was one of the most effective ways the Council could improve their personal and professional lives.

Officers informed Members that, according to recent research undertaken by Salary Finance – 2023 (*figures related to 15.6 million working people*):-

- 53% of people had struggled more with their finances since Covid-19;
- 2x as many people worried about their financial situation every day;
- 95% of those people say that it had had a negative impact on their mental health;
- 43 million hours had been lost each week to poor financial wellbeing; and
- 40% of people had stated that their financial situation affected their ability to be productive.

The Chartered Institute of Personnel and Development (CIPD) believed that all workplaces, regardless of size or sector, should offer financial wellbeing support to employees (*February 2023*).

The Committee also heard that the Council did not currently hold a contract with any salary finance company. Previously, the Council had had a contract with Neyber; however, that company had been bought out by its biggest competitor, Salary Finance.

Members were made aware that, as a due diligence exercise, HR Officers had researched the salary finance market to ensure TDC employees were offered value for money and the best service possible from a reputable finance company.

The Committee was informed that following that research into Salary Finance, it was identified that they were a well-established, reputable financial wellbeing provider. It was the largest employee finance wellbeing provider in the UK, helping over 4.5 million employees. Their services were used by a large number of private, public sector (*including many local, district and borough Councils*), and not-for-profit organisations. Their services were also endorsed by the Public Services People Managers Association (PPMA).

It was reported that Salary Finance offered a range of different options to suit each individual employee. That could be a loan, an advance, savings and/or an education platform. The percentage rates were more favourable than those of high street lenders and gave the employee the flexibility to repay their loan, advance, or savings through their salary. The service was free to the Council, as the employer, and therefore an easy way to offer support to employees.

The Committee heard that there was no specific cost to TDC for using the service, apart from the administrative costs for the Payroll and HR teams, which would be responsible for setting up individual arrangements with employees and Salary Finance.

It was planned that, following the 12-month initial contract, the service provision would be reviewed and if TDC was satisfied that the service met TDC employees' needs, TDC would look to extend it for a rolling 12-month period\*.

Officers told the Committee that it should be noted that Salary Finance was part of the suite of financial wellbeing support for TDC employees. The Council already provided financial advice through other ways to support TDC employees during those particularly challenging times. The Council was also planning to promote free cost of living support sessions for employees over the coming months, which were being provided by the Suffolk and North-East Essex ICS, who were partnering with HSBC.

*\*If the Council decided not to extend the contract with Salary Finance, any employees who had existing arrangements would not be affected as Salary Finance would continue to comply with all of its outstanding obligations with no impact to the organisation. Similarly, should an employee leave the employment of TDC, any financial obligation would transfer to them.*

#### **Pay Award Update 2023/24**

The Committee heard that the Council was part of the National Employers arrangements (*The National Agreement on Pay and Conditions for Service*), whereby pay awards were negotiated nationally between local authority representatives and trade unions, with those arrangements covering around 1.4 million people across around 300 councils.

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Members were told that a full and final pay offer had been made by national employers in February 2023 as follows:-

- With effect from 1 April 2023, an increase of £1,925 (*pro rata for part-time employees*) to be paid as a consolidated, permanent addition on all NJU pay points 2 to 43 inclusive.
- With effect from 1 April 2023, an increase of 3.88 per cent on all pay points above the maximum of the pay spine.
- With effect from 1 April 2023, an increase of 3.88 per cent on all allowances (*as listed in the 2022 NJC pay agreement circular dated 1 November 2022*).

The Committee was informed that two of the Trade unions had called for a re-negotiation, one of whom had a current ballot of its members for industrial action (*due to conclude on 24 October 2023*). However, if the offer was to be accepted by the unions, an employee on the bottom pay point in April 2021 (earning £18,333) would have received an increase in their pay of £4,033 (22.0 per cent) over the two years to April 2023. For an employee at the mid-point of the pay spine (pay point 22), their pay would have increased over the same period by £3,850 (13.99 per cent).

Two out of three unions needed to agree in order to put into action the 2023 pay award.

Members also heard that National Employers continued to advise very strongly against imposing any pay offer before the collective process had concluded as that carried the risk of fragmenting the unity of the employers' position as well as having wider legal implications.

Finally, the Committee was told that once the pay award was agreed upon, HR Officers would work with Payroll colleagues to ensure that it was processed as soon as possible including the backdating arrangements to 1 April 2023.

It was unanimously agreed and:-

**RESOLVED** that the Human Resources & Council Tax Committee noted the contents of the report, including the Officer Decisions already taken in consultation with the Chairman of the Human Resources & Council Tax Committee, and the decisions taken by the Portfolio Holder for Corporate Finance & Governance (*as outlined under the 'Previous Relevant Decisions' heading of the report*).

**19. REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - ALCOHOL AND DRUGS AT WORK POLICY**

The Committee had before it a report of the Assistant Director (Partnerships) (report A.2) which was a review of the Council's Alcohol, Drugs and Substance Abuse Policy in line with identified best practice and updated legislation.

The Committee heard that Tendring District Council was committed to providing a safe and professional environment for all employees and service users. As part of that

commitment, it was important that all employees and anyone working on TDC's behalf were clear about what was expected when it came to alcohol and drugs at work.

Members also heard that employees who came to work under the influence of alcohol or drugs could be a risk to both themselves and others. Colleagues, customers of the Council and members of the public could all be adversely affected, and the reputation of the Council might also suffer.

The Committee was told that the Council had a responsibility for preventing and controlling the misuse of alcohol and drugs at work for the benefit of the workplace in general and the community to whom TDC provided a service.

The Committee was reassured that the Council was committed to supporting employees who admitted and sought help for an alcohol or drug problem.

Officers informed the Committee that the policy had been originally developed in 2007 (*although it had been subject to review*). At that time the Council had been more tolerant of drinking at work, and during working hours. However, over the years the Council, and Society as a whole, had naturally shifted and changed its attitude to drinking at work. As such, there had been a comprehensive review of the Policy, and the rules around what was expected from employees had been expanded and clarified.

Officers reminded Members that the updated Policy applied to all:-

- employees of Tendring District Council;
- employees of contractors working for the Council, for example agency staff; and
- voluntary workers working with the Council.

Therefore, the Policy did not apply to Elected Members who had separate policy and guidance in this area.

It was moved by Councillor G Stephenson, seconded by Councillor Guglielmi and unanimously:-

**RESOLVED** that the Human Resources & Council Tax Committee approves and adopts the Council's Alcohol and Drugs at Work Policy.

20. **JOINT REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS) AND ASSISTANT DIRECTOR (FINANCE & IT) - A.3 - UPDATE TO THE THREATS AND VIOLENCE AT WORK POLICY**

The Committee had before it a joint report of the Assistant Director (Partnerships) and Assistant Director (Finance & IT) (report A.3) which was a review of the Council's Threats and Violence at Work Policy in line with identified best practice and updated legislation.

Members heard that the Council undertook a number of statutory duties that brought employees into contact with members of the public. At times, employees were at risk of conflict with the public due to the nature of their responsibilities. The Council was committed to taking positive action to reduce the risk to its employees from acts of violence, or potential violence, and verbal abuse.

The Committee was told that the Council had recently invested in updated Conflict Resolution Training for front-line staff, with the intention of giving staff the skills and knowledge to deal with conflict in the workplace in a more confident way.

Officers informed Members that additional training was planned for later this year; however, the feedback received so far had been very constructive and staff had indicated that they felt more positive when dealing with those difficult situations, should they occur.

Furthermore, in response to feedback from the staff who had undertaken training and a working party of employee and union representatives, the policy had been updated.

Members were told that the revised policy also incorporated the standards outlined in the newly developed '*Unison – Violence at Work Charter*', including reference to the following:-

- Staff were encouraged to report all violent incidents and they were told how to do this.
- Thorough risk assessments were to be conducted for staff placed in vulnerable situations.
- The employer had support pathways in place for staff who were victims of violence at work, so that they knew where to turn to for advice and support.
- Training was in place to ensure staff were aware of the appropriate way to deal with threatening situations.

The Policy related to the following:-

- Employees of Tendring District Council.
- Employees of contractors working for the Council, for example, agency staff.
- Voluntary workers working within the Council.

Members were made aware that the policy update was part of a suite of support mechanisms available to frontline employees and would be subject to regular review in line with legislative changes and best practice.

It was moved by Councillor Skeels Jr, seconded by Councillor Chapman BEM and:-

**RESOLVED** that the Human Resources & Council Tax Committee:

- a) approves and adopts the Council's updated Threats and Violence at Work Policy; and

notes the delegation afforded to the Assistant Director (Partnerships) to make any future minor amendments to the policy necessary as a result of legislation, national guidance or best practice.

## 21. **EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Guglielmi, seconded by Councillor Morrison and:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 9 and 10 on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12(A), as amended, of the Act.

**22. EXEMPT MINUTES OF THE LAST MEETING**

It was moved by Councillor Amos, seconded by Councillor G Stephenson and:-

**RESOLVED** that the Exempt Minute of the last meeting of the Committee, held on Thursday, 6 July 2023, be approved as a correct record and be signed by the Chairman.

**23. REPORT OF CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - B.1 -  
MARKET FORCES FOR ENVIRONMENTAL HEALTH OFFICERS**

**RESOLVED** that the Human Resources and Council Tax Committee agrees:

- a) that a Market Forces Supplement, equivalent to two spinal column points, continues to be applied for all EHORB registered, degree qualified Environmental Health Officers, working in Environmental Health Officer or Environmental Health team manager roles; and
- b) that the Supplements be applied for a period of up to two years (*in line with the Council's approved Market Forces Policy*) subject to the outcome of the work undertaken by EELGA and its evaluation by the Council.

The meeting was declared closed at 8.20 pm

**Chairman**

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## COUNCIL

28 NOVEMBER 2023

### REFERENCE FROM CABINET

#### **A.2 ADOPTION OF A NEW CORPORATE PLAN FOR THE PERIOD 2024/28**

(Report prepared by Ian Ford)

#### **PART 1 – KEY INFORMATION**

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

The Council is asked to consider the recommendation submitted to it by the Cabinet in respect of the final proposals for 'Our Vision', the Corporate Plan 2024/28.

##### **EXECUTIVE SUMMARY**

At its meeting held on 10 November 2023 (Minute 47 refers), the Cabinet had considered a report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance (A.2), which had sought its approval and recommendation to Full Council, of the final proposals for 'Our Vision' (the Corporate Plan 2024/28) following full consultation with the public, key partners and stakeholders.

Cabinet had recalled that, at its meeting held on 21 July 2023, it had agreed the draft proposals for 'Our Vision' (the Corporate Plan 2024/28) (*as set out in Appendix A to the Leader's report (A.2)*) as its initial proposals for consultation purposes.

It had been reported that the consultation process had 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 had been summarised within the Leader's report.

It was felt that the final proposals for the Corporate Plan continued to follow the principles which had previously been agreed by the Cabinet, namely a "Plan on a Page" and with Community Leadership at its heart.

Cabinet was informed at their meeting that, through the consultation, there was broad support for the key themes, proposed at the 21 July 2023 meeting of Cabinet namely:-

*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; and  
Financial Sustainability and openness.*

Members had also been made aware that the three themes with the most relevance to the lives of respondents had been: "Pride in our area and services to residents"; "Championing our local environment"; and "Financial Sustainability and openness."

The consultation outcomes were set out in Appendix C to the Leader's report, and based upon the findings and further reflection, some changes to the proposed text for the Themes, including an additional one around Tourism, had been shown in red in Appendix B to the Leader's report.

The previously agreed timetable for completion of the Corporate Plan had still stood and sought approval by Full Council at this meeting.

In order to ensure that the views of local residents, businesses and partners (as expressed in the consultation findings set out in this report) were fully considered and to then facilitate the adoption of an informed Corporate Plan 2024-28 Cabinet had:-

**“RESOLVED** that -

- (1) *the outcome of the consultation (set out at Appendix C to the Leader’s report (A.2)) 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); and*
  - 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, the final proposals for ‘Our Vision’, the Corporate Plan 2024/28, as set out in Appendix B be approved and recommended to Full Council for approval; and*
- (3) *Officers be requested 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 to a future meeting of the Cabinet.”*

A copy of the published Leader of the Council’s report (and its appendices) to the Cabinet meeting held on 10 November 2023 is attached to this report.

## **RECOMMENDATIONS**

**That Council approves and formally adopts the final proposals for ‘Our Vision’, the Corporate Plan 2024/28, as set out in Appendix B to item A.2 of the report of the Leader of the Council, as submitted to the meeting of the Cabinet held on 10 November 2023 [APPENDIX 3].**

## **BACKGROUND PAPERS FOR THE DECISION**

Published Minutes of the meeting of the Cabinet held on 10 November 2023.

## **APPENDICES**

**APPENDIX 1** = Published A.2 Report (and its appendices – see below) of the Leader of the Council for the meeting of the Cabinet held on 10 November 2023

**APPENDIX 2** = A.2 Appendix A Draft version issued for consultation

**APPENDIX 3** = A.2 Appendix B Revised version submitted for Cabinet's consideration on 10 November 2023

**APPENDIX 4** = A.2 Appendix C Key Findings and Executive Summary of the consultation

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# A.2 APPENDIX 1

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)**

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	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)	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 primary 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:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>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.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>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.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The consultation findings will also support the assessment of challenging financial position of the Council over the next four years.</p>

### **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**

Tending 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

Tending 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”**

Mackman  
Research.

2023

Page 75

# Tendring District Council

CORPORATE PLAN CONSULTATION

FINDINGS PRESENTATION

# Key Findings

Page 76

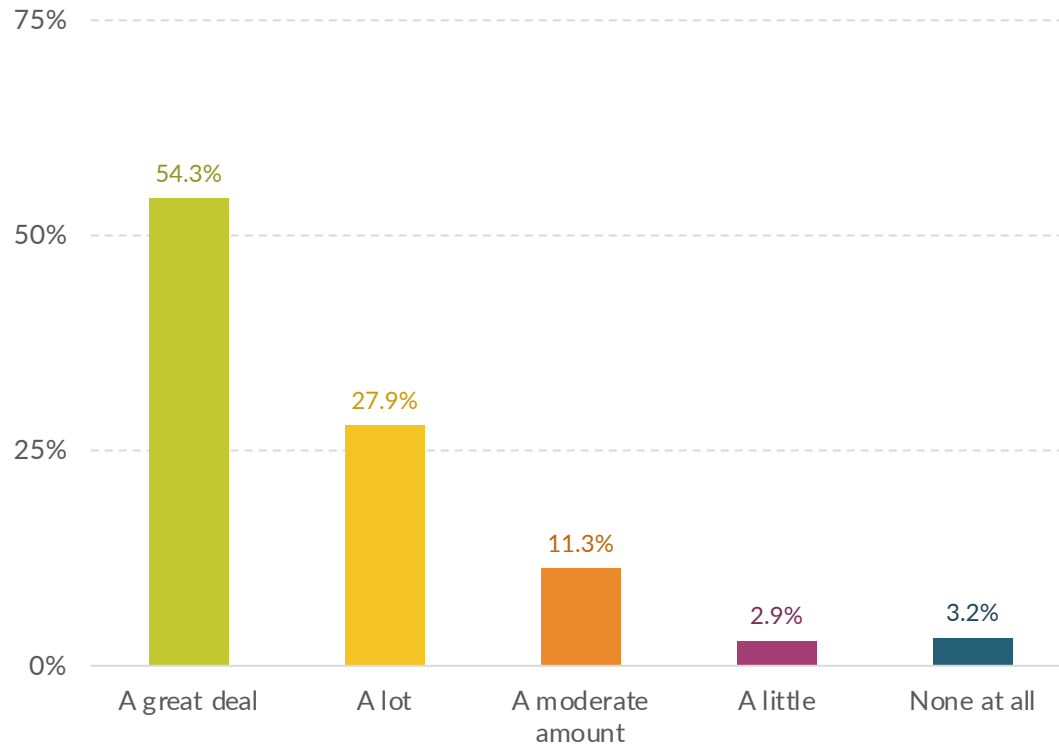
*“It would be nice to feel safe to walk the streets.”*

- '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

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**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

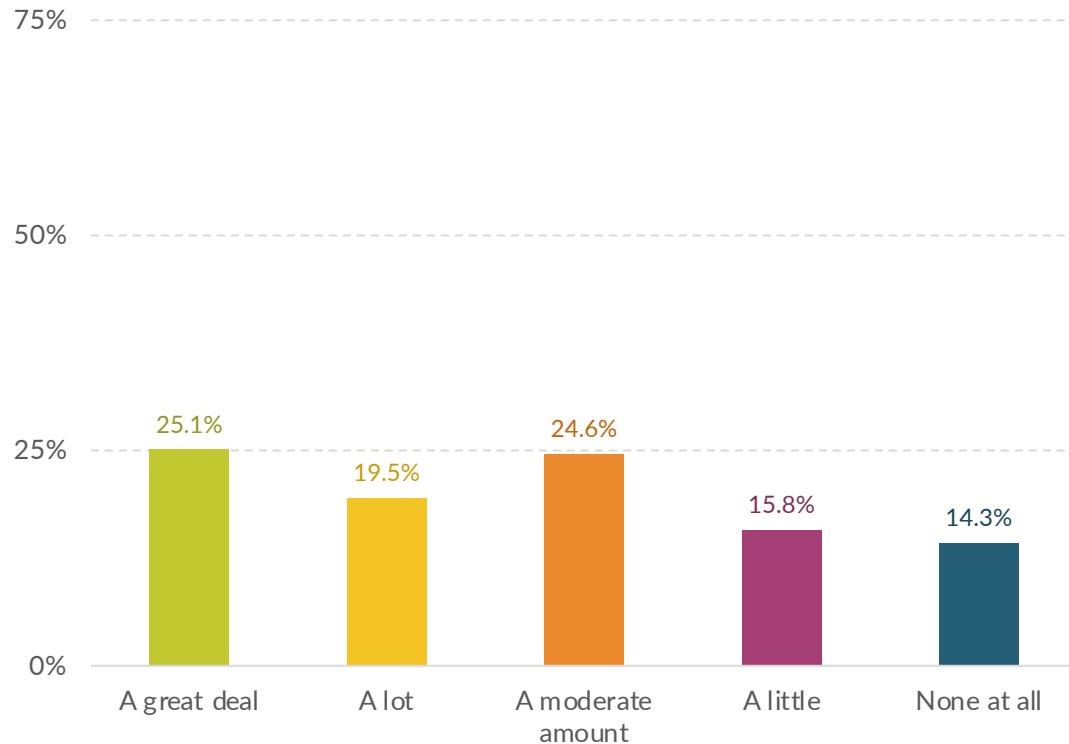
Pride is affected by the following most frequently mentioned issues:

- 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



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### Raising aspirations and creating opportunities – How relevant is the theme and description to you and your life at the moment?

38

585 responses

#### 345 Comments:

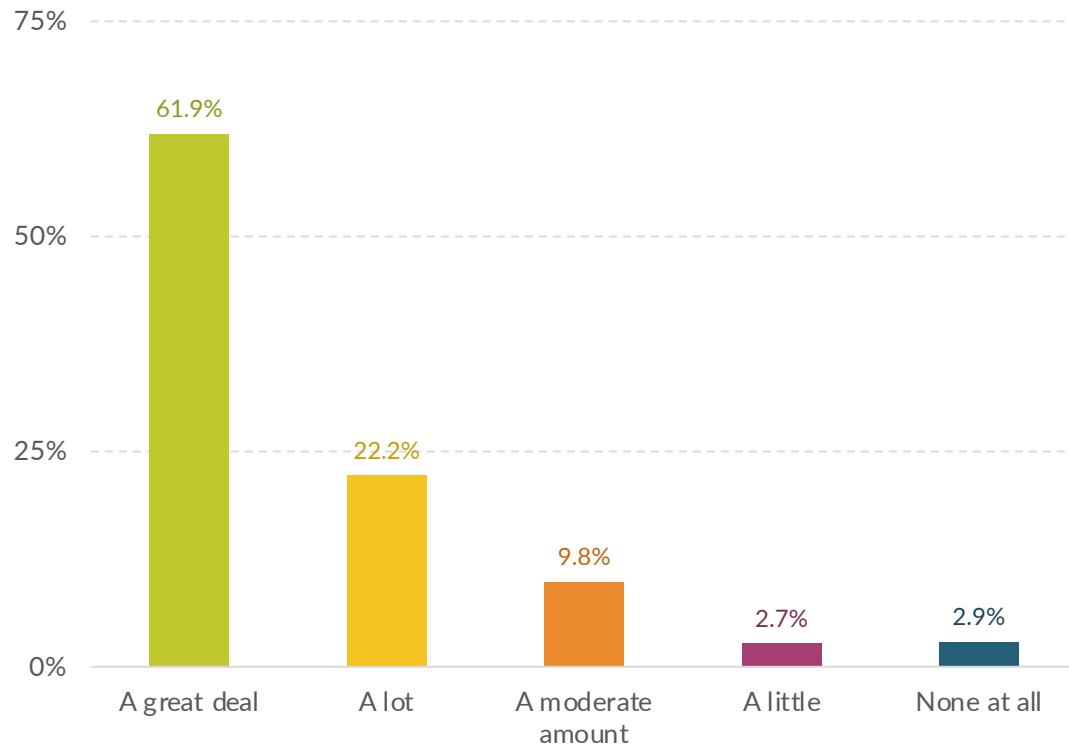
- Promote reasonably paid work & recruit locally (24.9%)
- Support local workers by improving public transport
- Create work opportunities for young people (21%)
- Improve transport connections to other areas to retain young residents (22%)
- Provide support to small & independent businesses (14.8%)

\* FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION



## Championing our Local Environment

Page 79



**Championing our local environment** – How relevant is the theme and description to you and your life at the moment?

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.

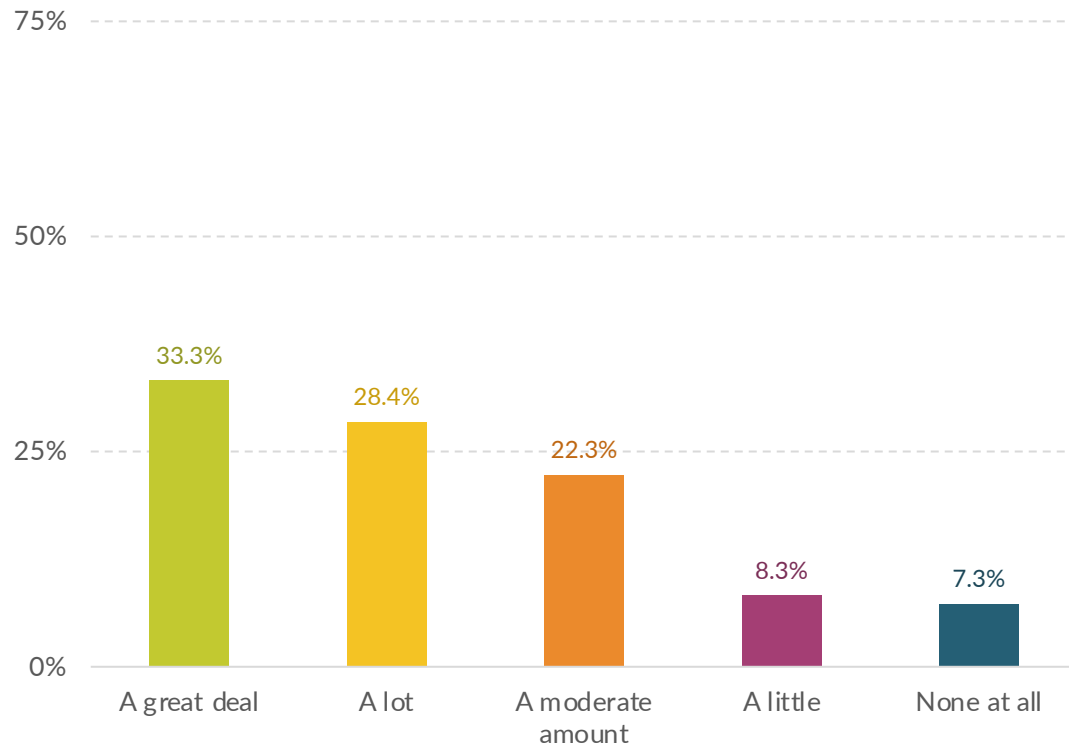
\* FIGURES SHOWN ARE REPRESENTATIVE OF THE TOTAL RESPONSES PER QUESTION



FIG. 30 - ONLINE ONLY

## Working with Partners to Improve Quality of Life

Page 80



### 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

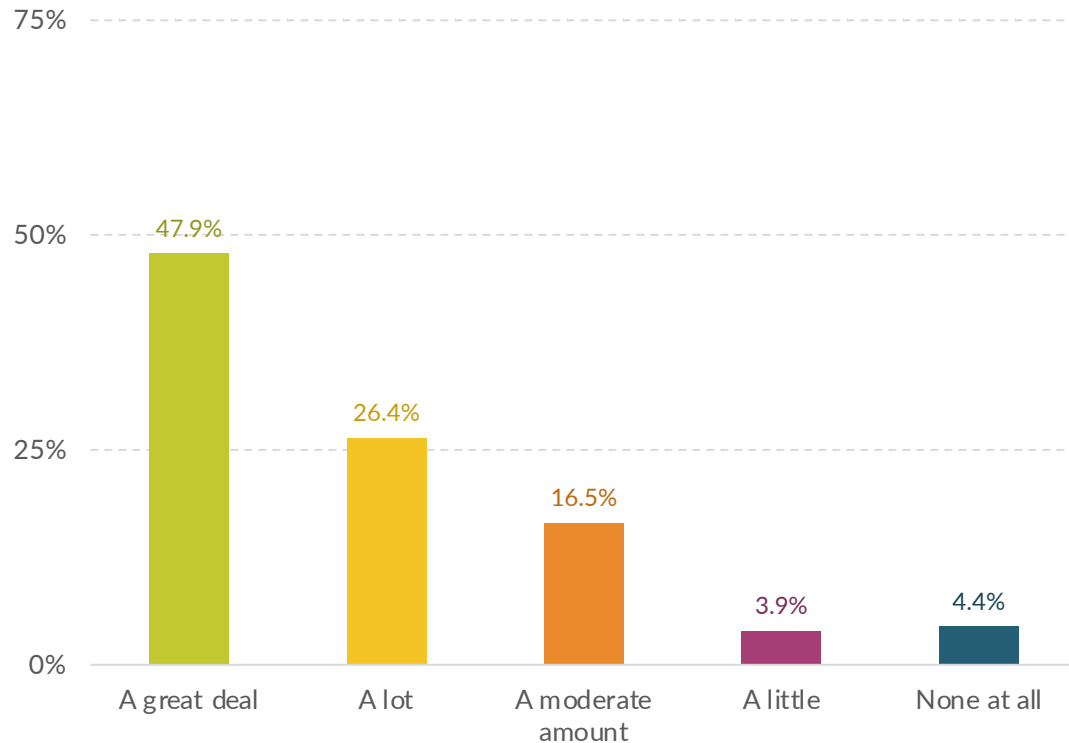




FIG. 36 - ONLINE ONLY

## Financial Sustainability and Openness

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### 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

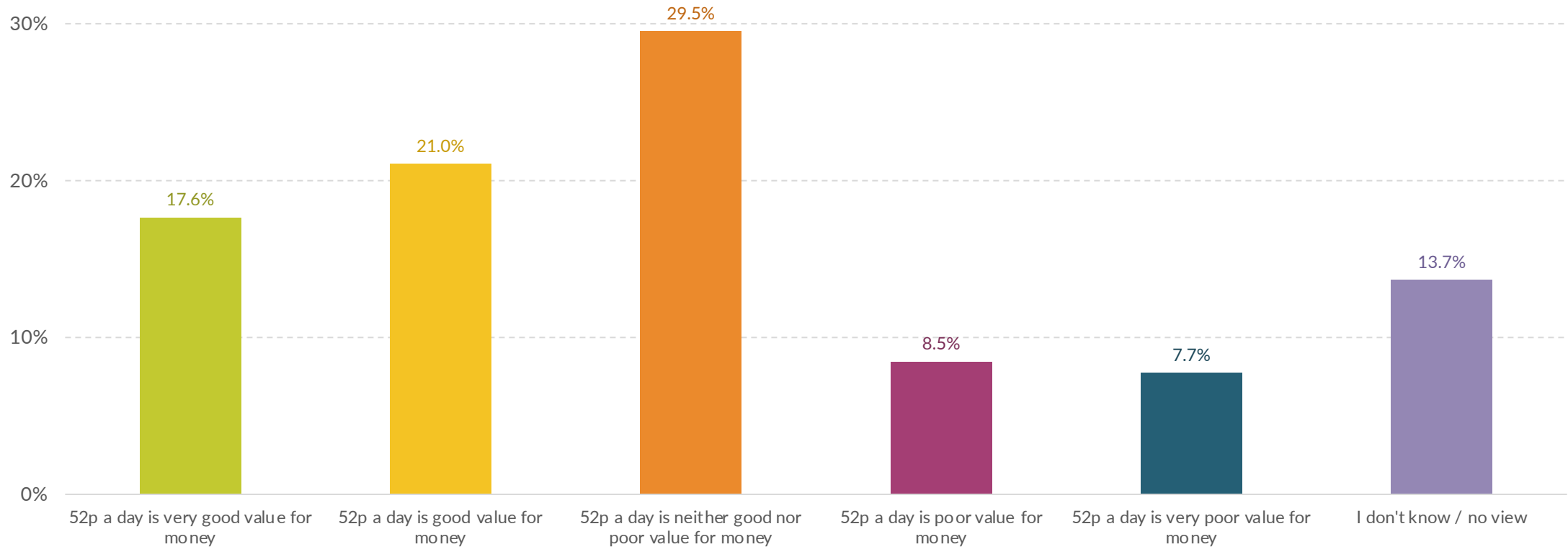
## Financial Sustainability and Openness

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

Page 82



\* 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%)

# Mackman Research.

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## NOMINATED CONTACT

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## COUNCIL

28 NOVEMBER 2023

### REFERENCE FROM CABINET

#### **A.3 THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS / PREMIUMS FOR 2024/25 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2024/25**

(Report prepared by Ian Ford)

#### **PART 1 – KEY INFORMATION**

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

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2024/2025, Council Tax Exemptions, Discounts and Premiums for 2024/2025 and the Annual Minimum Revenue Provision Policy Statement 2024/2025.

##### **EXECUTIVE SUMMARY**

At its meeting held on 10 November 2023 (Minute 53 refers), the Cabinet had considered a joint report of the Housing & Planning Portfolio Holder and Corporate Finance & Governance Portfolio Holder (A.8) which had sought its agreement for recommending to Full Council the following:

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

Having conducted the annual review of the above matters, the Portfolio Holders had proposed to Cabinet:-

- (i) to continue with the principles of providing financial stability wherever possible to Tendering claimants;
- (ii) to keep the 2024/25 LCTS scheme the same as for 2023/24, which provided for a maximum discount of 80% for working age claimants;
- (iii) to not make any changes to the associated hardship policy;
- (iv) to not make any changes for 2024/25 in relation to existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care;
- (v) to now charge from 1 April 2024 a 100% council tax premium on properties empty for one to five years;
- (vi) to introduce from 1 April 2025 a 100% council tax premium on properties occupied periodically ('second homes'); and
- (vii) to not make any changes to the Annual Minimum Revenue Provision Policy Statement for 2024/25.

Cabinet was made aware that the Government were also considering introducing council tax premium exemptions as they had recognised that there were circumstances where it might not be appropriate for premiums to apply e.g. properties undergoing probate. It was understood that those would be mandatory exemptions, which would therefore be applied

from 2024/25 alongside any newly enacted legislation.

Members were informed that, if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved at Full Council in November 2023, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify the precepting authorities that the final council tax base would be delayed and would not be available until late on in the budget cycle.

Given the recommendation to continue with the existing LCTS scheme, it had not been proposed to formally refer it for scrutiny to the Resources and Services Overview and Scrutiny Committee, on the grounds that it would be considered by Full Council at this meeting.

In order to proceed towards the implementation of an LCTS Scheme in 2024/25 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement Cabinet had:-

***“RESOLVED*** that Cabinet agrees that -

- (a) the LCTS scheme for 2024/25 remains the same as the current year (2023/24);*
- (b) the Council Tax Exceptional Hardship Policy be as set out in Appendix B to the joint report; and*
- (c) the discretionary Council Tax exemptions, discounts and premiums for 2024/25 be as set out in the appendices to the Portfolio Holders’ joint report.*

***RECOMMENDED TO COUNCIL*** that –

- (i) the LCTS, as set out as Appendix A to the joint report, be approved with the maximum LCTS award being 80% for working age claimants;*
- (ii) the Assistant Director (Finance and IT), in consultation with the Housing and Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2024;*
- (iii) the locally determined council tax discounts, as set out in Appendix C, be approved;*
- (iv) the council tax discount policy for young people leaving care, as set out in Appendix D, be approved;*
- (v) the discretionary council tax premiums, as set out in Appendix E, be approved;*
- (vi) a discretionary council tax premium of 100% is charged on properties occupied periodically (‘second homes’) from 1 April 2025;*
- (vii) the Assistant Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder and subject to (vi) above, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2024; and*
- (viii) the Annual Minimum Revenue Provision Policy Statement for 2024/25, as set out in Appendix F, be approved.”*

A copy of the published Housing & Planning Portfolio Holder and the Corporate Finance and Governance Portfolio Holder’s joint report (and its appendices) to the Cabinet meeting

held on 10 November 2023 is attached to this report.

## RECOMMENDATIONS

That Council approves that –

- (a) the LCTS scheme for 2024/25 remains the same as the current year, as set out as Appendix A to item A.8 of the joint report of the Housing & Planning Portfolio Holder and Corporate Finance & Governance Portfolio Holder as submitted to the meeting of the Cabinet held on 10 November 2023 with the maximum LCTS award being 80% for working age claimants [APPENDIX 2];
- (b) the Assistant Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2024;
- (c) the locally determined council tax discounts, as set out in Appendix C to the aforesaid joint report as submitted to the meeting of the Cabinet held on 10 November 2023 be approved [APPENDIX 4];
- (d) the council tax discount policy for young people leaving care, as set out in Appendix D to the above mentioned joint report as submitted to the meeting of the Cabinet held on 10 November 2023 be approved [APPENDIX 5];
- (e) the discretionary council tax premiums, as set out in Appendix E to the aforementioned joint report as submitted to the meeting of the Cabinet held on 10 November 2023 be approved [APPENDIX 6];
- (f) a discretionary council tax premium of 100% is charged on properties occupied periodically (“second homes”) from 1 April 2025;
- (g) the Assistant Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder and subject to (f) above, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2024; and
- (h) the Annual Minimum Revenue Provision Policy Statement for 2024/25, as set out in Appendix F to the aforesaid joint report as submitted to the meeting of the Cabinet held on 10 November 2023 be approved [APPENDIX 7].

## BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Cabinet held on 10 November 2023.

## APPENDICES

**APPENDIX 1** = Published A.8 Joint Report (and its appendices – see below) of the Housing & Planning Portfolio Holder and the Corporate Finance and Governance Portfolio Holder for the meeting of the Cabinet held on 10 November 2023

**APPENDIX 2** = A.8 Appendix A Proposed Local Council Tax Support Scheme (summary) 2024/25

**APPENDIX 3 = A.8 Appendix B Council Tax Exceptional Hardship Policy [for INFORMATION ONLY]**

**APPENDIX 4 = A.8 Appendix C Council Tax Discounts and Exemptions 2024/25**

**APPENDIX 5 = A.8 Appendix D Care Leavers Council Tax Discount Policy**

**APPENDIX 6 = A.8 Appendix E Council Tax Premiums 2024/25**

**APPENDIX 7 = A.8 Appendix F Annual Minimum Revenue Provision Policy Statement 2024/25**



# **A.3 APPENDIX 1**

## **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

## **A.3 APPENDIX 1**

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;**

## A.3 APPENDIX 1

- 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.

### REASON(S) FOR THE RECOMMENDATION(S)

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.

### ALTERNATIVE OPTIONS CONSIDERED

Considerations relating to the implementation of the various elements included within the recommendations above are set out within the main body of this report

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

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

### OUTCOME OF CONSULTATION AND ENGAGEMENT

Not applicable at this stage as no amendments to the LCTS scheme for 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	This item has been included within the Forward Plan for a period in excess of 28 days.

## A.3 APPENDIX 1

		<b>days at the latest prior to the meeting date)</b>	
<p>The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended) and The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 provide the basis for the design and implementation of Local Council Tax Support Schemes.</p> <p>In respect of the Council Tax Exceptional Hardship Policy, S13a of the Local Government Finance Act 1992 allows Councils to reduce the amount of Council Tax payable. The same legislation would also enable the Council to provide a council tax discount for young people leaving care.</p> <p>The Local Government Finance Act 1992. Schedule 1A of the 1992 Act states that if a LCTS is revised or replaced, full consultation is required. As the recommendation is to continue with the current scheme for 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.</p> <p>The Local Government Finance Act 1992 (as amended) sets out relevant council tax exemptions and discounts (mandatory and discretionary). The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (as amended) sets out the various class of properties for the purpose of exemptions and discounts. Rating (Property in Common Occupation) and 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:</p> <p>The maximum premiums chargeable from 1 April 2021 were as follows:</p> <ul style="list-style-type: none"><li>• For properties unoccupied and unfurnished for 2 years but less than 5 years – a maximum of 100%</li><li>• For properties unoccupied and unfurnished for 5 years but less than 10 years – a maximum of 200%</li><li>• For properties unoccupied and unfurnished for over 10 years – a maximum of 300%</li></ul> <p>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.</p> <p>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).</p> <p>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:</p> <ol style="list-style-type: none"><li>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</li></ol>			

## A.3 APPENDIX 1

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

Yes	<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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## **A.3 APPENDIX 1**

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

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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' 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

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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.

<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**

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.

### **ASSOCIATED RISKS AND MITIGATION**

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



## **A.3 APPENDIX 1**

the continuing roll-out of the Government’s welfare reforms and the on-going cost of living challenges faced by residents.

### **EQUALITY IMPLICATIONS**

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:-

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

The 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>	
	All

## **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).

## **A.3 APPENDIX 1**

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

## **A.3 APPENDIX 1**

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

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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.

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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

### **REPORT CONTACT OFFICER(S)**

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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 .....

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The LCTS scheme for working age persons .....

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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) .....

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Who can claim? .....

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How is maximum LCTS calculated for the Working Age Scheme .....

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Non-dependants .....

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Income less than applicable amount .....

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Calculating your needs.....

Living Allowances or Applicable Amounts .....

Calculating your resources .....

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Capital.....

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How can I appeal? .....

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## 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.



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 mental 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

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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.



you are liable to pay.

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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 taper – is taken away from your maximum LCTS

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 will be included in your applicable amount if you and your partner are aged less than pension credit age and:

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- 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.

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

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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.

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.

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The money you receive in your loan is your income for the period between the beginning of September and the end of June and is divided by the number of weeks in that period to give a weekly amount.

If you receive a dependant's grant this will be taken into account over the same period as your loan unless you also receive, or only receive, a grant towards your personal maintenance.



Because much of your loan is meant for essential educational items, some of the grant is ignored when working out your income for LCTS. The following elements of your loan or grant are not counted:

- tuition and examination fees;
- any disability allowance in your grant;
- the cost of term-time residential study away from your college;
- the Two Homes Grant – given when you have to maintain another home away from college;
- an allowance for books and equipment; and
- travel expenses.

### **Students and partners**

Your grant may have been reduced to allow for your partner's income because your partner can make a contribution to your expenses. An amount – equal to that contribution – is then ignored when the Council works out your joint income for LCTS. If a student is required to contribute to his own grant income, an equivalent amount is disregarded from the income used to assess that contribution.

### **Other income**

This will be treated in the same way as grant income if it is intended for expenditure that is needed on the course. If the income is not intended for expenditure on the course, it is treated under the normal rules for income.

### **Loans from the Student Loans Company**

The maximum loan available to you will be taken into account regardless of whether you have borrowed up to your limit or not. The loan will be divided by the number of weeks between the beginning of September and the end of June to arrive at a weekly figure for assessment purposes. Up to £10 a week of the loan may be ignored.

### **Access funds**

These are discretionary payments made by educational establishments to students who are facing financial hardship.

The amount of the payment to be taken into account will depend on how it is to be paid and what the payment is for. Some payments from the funds can be disregarded in full.

### **Information and information sharing**

The Council will use information provided by the Department of Work and Pension and Her Majesty's Revenues and Customs for the purposes of LCTS, council tax liability, billing, administration and enforcement.

The Council may receive and obtain information and evidence relating to claims for LCTS from–

- a. persons making claims for LCTS;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

~~The Council may verify relevant information supplied to, or obtained for, LCTS purposes.~~

authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of LCTS;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases.

**Localised Support for Council Tax  
Exceptional Hardship Policy**





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## 1.0 Background

1.1 An Exceptional Hardship Fund (EHF) has been set up by the Council to assist Council Tax payers who are facing 'exceptional hardship'. Although it is envisaged that the majority of recipients will be in receipt of local council tax support (LCTS), in exceptional circumstances, applications will also be considered from council tax payers who do not qualify for LCTS.

1.2 The main features of the fund are as follows:

- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 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.

**Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discretionary discounts will apply for the 2024/2025 financial year:-**

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

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

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

**0% discount**

**Class C** – Unoccupied and substantially unfurnished dwellings.

**0% discount**

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

(a) which satisfies the requirement set out in the regulations unless it has been such a dwelling for a continuous period of twelve months or more ending immediately before the day in question;

(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—

(i) requires or is undergoing major repair work to render it habitable, or

(ii) is undergoing structural alteration; or

(iii) has undergone major repair work to render it habitable, if less than six months have elapsed since the date on which the alteration was substantially completed and the dwelling has continuously remained vacant since that date;

(c) For the purposes of paragraph (b) above “major repair work” includes structural repair work.

**100% discount up to 12 months**



## **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.*

**Council Tax Premiums to apply for the 2024/25 financial year:-**

***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:***

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.***

**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.**

## COUNCIL

28 NOVEMBER 2023

### REFERENCE FROM THE PLANNING COMMITTEE

#### A.4 REQUEST TO CHANGE THE COMMENCEMENT TIME OF MEETINGS OF THAT COMMITTEE

(Report prepared by Ian Ford)

The Planning Committee, at its meeting held on 28 September 2023 (Minute 41 refers) had considered, at the request of its Chairman (Councillor Fowler), whether to amend the start time of future meetings of the Planning Committee.

An update sheet had been circulated to Members prior to that meeting with advice from the Council's Monitoring Officer that stated that the Planning Committee did not have the delegated power and that only Full Council could amend the permanent start time of a Committee's meetings under the Council's Constitution (Council Procedure Rule 35.1 (Ordinary Meetings of Committees)). The Monitoring Officer had also suggested a way forward for the Planning Committee on this matter.

Having discussed the matter, the Planning Committee had resolved, by six votes in favour to one against, that -

(a) *the meetings of the Planning Committee due to be held on Tuesday 24 October 2023 commencing at 6.00 p.m. and on Tuesday 21 November 2023 commencing at 6.00 p.m. be cancelled;*

(b) *the Chairman of the Planning Committee be requested to exercise their delegated power under Council Procedure Rule 35.2 (Special Meetings) and to call special meetings of the Planning Committee to be held on the following dates:-*

*Tuesday 24 October 2023 commencing at 5.00 p.m.*

*Tuesday 21 November 2023 commencing at 5.00 p.m.*

(c) *Full Council be requested to change the permanent commencement time of meetings of the Planning Committee from 6.00 p.m. to 5.00 p.m.*

Therefore it is now:-

**RECOMMENDED that, subject to Council's consideration of the Planning Committee's request, the permanent commencement time of meetings of the Planning Committee be changed from 6.00 p.m. to 5.00 p.m.**

**COUNCIL**

**28 NOVEMBER 2023**

**BACKGROUND PAPERS LIST FOR  
REFERENCE FROM THE PLANNING COMMITTEE**

**A.4 REQUEST TO CHANGE THE COMMENCEMENT TIME OF MEETINGS OF THAT COMMITTEE**

Published minutes of the meeting of the Planning Committee held on 28 September 2023.

## COUNCIL

28 NOVEMBER 2023

### REPORT OF CHIEF EXECUTIVE

**A.5 TENDRING/COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE - APPOINTMENT OF TDC REPRESENTATIVE (MEMBER FROM A POLITICAL GROUP THAT IS NOT REPRESENTED ON THE CABINET)**

(Report prepared by Ian Ford)

Council will be aware that, under the jointly agreed terms of reference for the Tendring / Colchester Borders Garden Community Joint Committee (TCBGCJC), three Members of the TCBGCJC must be appointed by Tendring District Council. Those terms of reference for the TCBGCJC were jointly approved by Essex County Council, Colchester City Council and Tendring District Council (TDC).

This is in accordance with the terms of reference of the TCBGCJC, which are set out in Schedule 5 to Part 3 of the Council's Constitution.

Members will recall also that, at its meeting held on 30 November 2021 (Minute 93 refers), this Council decided that those three Members will consist of:-

- (i) the Chairman of the Planning Policy and Local Plan Committee;
- (ii) a member of the Cabinet who will be duly appointed by the Leader of the Council; and
- (iii) a Member from a political group that is not represented on the Cabinet.

In addition, a Member will be appointed, who shall act as TDC's Substitute Member of the TCBGCJC when required.

At the Annual Meeting of the Council held on 23 May 2023 (Minute 21 refers) Council resolved that –

- (a) the appointment of the Chairman of the Planning Policy and Local Plan Committee to serve on the Tendring / Colchester Borders Garden Community Joint Committee be endorsed;*
- (b) Councillor Guglielmi be appointed as the Member from a political group that is not represented on the Cabinet to serve on the Tendring / Colchester Borders Garden Community Joint Committee;*
- (c) Councillor Baker be appointed to serve as this Council's Substitute Member on the Tendring / Colchester Borders Garden Community Joint Committee; and*
- (d) the Leader of the Council be requested to appoint a member of the Cabinet to serve on the Tendring Colchester Borders Garden Community Joint Committee.*

Subsequently, the Leader of the Council (Councillor M E Stephenson) appointed Councillor Bush as the member of TDC's Cabinet to serve on the TCBGCJC.

Since that time, Councillor Guglielmi has subsequently become a member of the TCBGCJC by right in his capacity as the recently elected Chairman of the Planning Policy & Local Plan Committee (Minute 10 – 5.10.23 refers). That means there is, automatically, a vacancy for a Member from a political group that is not represented on the Cabinet.

Therefore it is:-

**RECOMMENDED to Council that a Member from a political group that is not represented on the Cabinet be now appointed to serve on the Tendring / Colchester Borders Garden Community Joint Committee in order to fill the current vacancy.**

**IAN DAVIDSON**  
**CHIEF EXECUTIVE**



**COUNCIL**

**28 NOVEMBER 2023**

**BACKGROUND PAPERS LIST FOR  
REPORT OF CHIEF EXECUTIVE**

**A.5 TENDRING/COLCHESTER BORDERS GARDEN COMMUNITY JOINT  
COMMITTEE - APPOINTMENT OF TDC REPRESENTATIVE (MEMBER FROM A  
POLITICAL GROUP THAT IS NOT REPRESENTED ON THE CABINET)**

Published minutes of the Annual Meeting of the Council held on 23 May 2023.

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

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## COUNCIL

28 NOVEMBER 2023

### REPORT OF CHIEF EXECUTIVE

#### A.6 **RESIGNATION OF COUNCILLOR IAN LENNARD**

I formally report that, on 3 November 2023, Councillor Ian Lennard resigned as a Member of Tendring District Council. In his letter of resignation, he wished all Members, and Officers, the very best in the Council's continuing important work and I am glad to be able to pass on those wishes to the Council.

The relevant declaration of vacancy in the office of District Councillor for the Bluehouse Ward was given and the formal Notice of the vacancy was posted at the Town Hall and on the Council's website.

This item is submitted for **INFORMATION ONLY**.

**IAN DAVIDSON**  
**CHIEF EXECUTIVE**

**COUNCIL**

**28 NOVEMBER 2023**

**BACKGROUND PAPERS LIST FOR  
REPORT OF CHIEF EXECUTIVE**

**A.6 RESIGNATION OF COUNCILLOR IAN LENNARD**

Resignation email dated 3 November 2023.

## COUNCIL

28 NOVEMBER 2023

### REPORT OF CHIEF EXECUTIVE

#### A.7 APPROVAL OF NON-ATTENDANCE AT MEETINGS

(Report prepared by Ian Ford)

#### PART 1 – KEY INFORMATION

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

To approve the reason for Councillor Jim Codling's non-attendance at meetings of the Council etc. if he does not attend before 16 February 2024.

##### **EXECUTIVE SUMMARY**

The last meeting, which Councillor Codling attended, was that of the Miscellaneous Licensing Sub-Committee meeting on 16 August 2023.

Councillor Codling emailed the Committee Services Manager on 11 October 2023 to inform the Council that, unfortunately due to health issues, he would be unable to attend Council et cetera meetings for the next three to four months i.e. until mid-January 2024 at the earliest.

If a Councillor does not attend any meeting of the Council (or any of its Committees or Sub-Committees) for a consecutive period of six months, Section 85 of Part V of the Local Government Act 1972 disqualifies them unless the Full Council approves the reason for non-attendance before the end of that period.

In the event that Council approves the recommendation set out below, Councillor Codling would need to attend a meeting of Council, or a Council Committee, before 16 August 2024 in order to remain a Councillor (or otherwise be subject to a fresh approval of absence by Council prior to that date).

This report could be submitted to the Full Council meeting, due to be held on 30 January 2024, as that meeting is the last scheduled meeting of the Full Council before the six-month period expires, however, it has been submitted to this meeting of Full Council, in case that January meeting should need to be cancelled, for example, as a result of Winter bad weather, or a lack of business.

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

**That the Council approves Councillor Codling's reason (namely health issues) for non-attendance at meetings of the Council in the event of his not attending a meeting before 16 February 2024.**

**IAN DAVIDSON  
CHIEF EXECUTIVE**

**COUNCIL**

**28 NOVEMBER 2023**

**BACKGROUND PAPERS LIST FOR  
REPORTS OF CHIEF EXECUTIVE**

**A.6 APPROVAL OF NON-ATTENDANCE AT MEETINGS**

Email dated 11 October 2023 from Councillor Codling to the Committee Services Manager.

## COUNCIL

28 NOVEMBER 2023

### REPORT OF CHIEF EXECUTIVE

**A.8 CHANGES IN MEMBERSHIP OF COMMITTEES & DEPUTY LEADER OF THE LABOUR GROUP**

(Report prepared by Ian Ford)

I formally report that, in accordance with the wishes of the Leader of the Labour Group and the authority delegated to me, the following appointments have been duly made since the last ordinary meeting of the Council, namely:-

Audit Committee

Councillor Pam Morrison has been appointed to serve in place of former Councillor Ian Lennard.

Planning Policy & Local Plan Committee

Councillor Maria Fowler has been appointed to serve in place of former Councillor Ian Lennard.

In addition, I formally report that Councillor Peter Kotz is the new Deputy Leader of the Labour Group in the stead of former Councillor Ian Lennard.

This item is submitted for **INFORMATION ONLY**.

**IAN DAVIDSON  
CHIEF EXECUTIVE**

**COUNCIL**

**28 NOVEMBER 2023**

**BACKGROUND PAPERS LIST FOR  
REPORT OF CHIEF EXECUTIVE**

**A.8 CHANGES IN MEMBERSHIP OF COMMITTEES & DEPUTY LEADER OF THE LABOUR GROUP**

Email dated 19 November 2023 received from the Leader of the Labour Group (Councillor Ivan Henderson).

Formal appointments dated 20 November 2023.



## COUNCIL

28 NOVEMBER 2028

### REPORT OF CHIEF EXECUTIVE

**A.9 RESIGNATIONS FROM THE CONSERVATIVE GROUP AND THE FORMATION OF A NEW POLITICAL GROUP ON TENDRING DISTRICT COUNCIL**

(Report prepared by Ian Ford)

I formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillors Jeffrey Bray and Peter Harris on 20 November 2023, each served formal notice on the Council that they no longer wished to be treated as a member of the Conservative political group.

I further formally report that, also on 20 November 2023, Councillor Bray and Councillor Harris, pursuant to Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, served formal notice on the Council that they wished to be treated as a political group. The name of the political group is the Tendring Residents' Alliance Group. The Leader of the Tendring Residents' Alliance Group is Councillor Bray and Councillor Harris is the deputy Group Leader.

In accordance with Section 15(1) (e) of the Local Government and Housing Act 1989 and Regulation 17(b) of the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats to political groups will now be carried out. The outcome of that review, as agreed by Group Leaders, is to be reported to the meeting of the Full Council, which is due to be held on 30 January 2024.

**IAN DAVIDSON  
CHIEF EXECUTIVE**

**COUNCIL**

**28 NOVEMBER 2028**

**BACKGROUND PAPERS LIST FOR  
REPORTS OF CHIEF EXECUTIVE**

**A.9 RESIGNATIONS FROM THE CONSERVATIVE GROUP AND THE FORMATION OF A  
NEW POLITICAL GROUP ON TENDRING DISTRICT COUNCIL**

Notices of Wish to no longer be treated as a Member of a Political Group (Conservative) signed by Councillors Bray and Harris and dated 20 November 2023.

Notice of Constitution of a Political Group (Tendring Residents' Alliance) signed by Councillor Bray and by Councillor Harris and dated 20 November 2023.

## COUNCIL

28 NOVEMBER 2023

### REPORT OF THE MONITORING OFFICER

#### **A.10 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FINDING**

(Report prepared by Keith Simmons)

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission has given rise to maladministration. This report concerns an omission that the Local Government and Social Ombudsman ('the Ombudsman') has determined was maladministration.

The complaint concerned the way the Council handled a planning application for the change of use of land near the complainant's home. The Ombudsman's conclusion on this point was that there was no fault in the Council's consideration of the change of use application. However, the Ombudsman did find fault in the failure to include a specific condition limiting activities around that new use of the site.

The Council has acknowledged the frustration and uncertainty caused to the complainant by the failure to attach the specific condition referred to above. The Council has also reaffirmed its commitment to investigate any noise nuisance complaints, which may arise from the land with the approved change of use.

No financial payment was made to the complainant in respect of the finding and the Ombudsman did not recommend such a payment.

The Council publishes details of the number of complaints to the Ombudsman and the findings of the Ombudsman on its 'transparency' pages on its website. The web address for those pages is here: <https://www.tendringdc.gov.uk/council/performance-spending/transparency-%E2%80%93-making-public-information-available-everyone>

This item is submitted for **INFORMATION ONLY**.

LISA HASTINGS  
MONITORING OFFICER

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By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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