

Public Document Pack

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on 22 November 2016

Prayers

1 Summons to Council (Pages 1 - 2)

2 Apologies for Absence

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

3 Minutes of the Last Meeting of the Council (Pages 3 - 18)

The Council is asked to approve, as a correct record, the minutes of the Council Meeting held on Tuesday 6 September 2016.

4 Declarations of Interest

Councillors are invited to declare any disclosable pecuniary interests, or other interest, and the nature of it, in relation to any item on the agenda.

5 Announcements by the Chairman of the Council

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

6 Announcements by the Chief Executive

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

7 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.

8 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.

9 Petitions to Council (Pages 19 - 20)

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

A petition has been submitted by Mrs Tracey White in respect of protecting open spaces in the Bockings Elm Ward and is reported for information under item A.1 of the Report of the Chief Executive.

10 Questions pursuant to Council Procedure Rule 10.1 (Pages 21 - 22)

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 half an hour.

One question has been received, on notice, from a member of the public and is attached to this agenda.

11 Questions pursuant to Council Procedure Rule 11.2 (Pages 23 - 24)

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 or Sub-Committees.

The time allocated for receiving and disposing of questions shall be a maximum of 45 minutes. Any question not disposed of at the end of this time shall be the subject of a written response, copied to all Members unless withdrawn by the questioner.

Two questions have been received, on notice, from Members and they are attached to this Agenda,

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

The Council will receive a report on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 17.4, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

There is no report on this occasion.

13 Minutes of Committees (Pages 25 - 86)

The Council will receive the minutes of the following Committees:

- (a) Human Resources Committee of Tuesday 28 June 2016;
- (b) Corporate Management Committee of Monday 12 September 2016;
- (c) Service Development and Delivery Committee of Monday 19 September 2016;
- (d) Audit Committee of Thursday 22 September 2016;
- (e) Standards Committee of Monday 26 September 2016;
- (f) Corporate Management Committee of Monday 26 September 2016;
- (g) Local Plan Committee of Tuesday 27 September 2016;
- (h) Community Leadership and Partnerships Committee of Monday 3 October 2016;
- (i) Service Development and Delivery Committee of Monday 24 October 2016;
and
- (j) Local Plan Committee of Thursday 3 November 2016.

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

14 Motions to Council (Pages 87 - 88)

The Council will consider a motion, notice of which has been given by Councillor Nicholls, pursuant to Council Procedure Rule 12.

The wording of the motion is attached to this Agenda.

15 Recommendations from the Cabinet - The Local Council Tax Support Scheme 2017/18 - Council Tax Exemptions for 2017/2018, Annual Minimum Revenue Provision Policy Statement 2017/2018 and Hardship Policy (Pages 89 - 134)

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2017/18 (including associated exceptional hardship policy), Council Tax Exemptions for 2017/2018 and the Annual Minimum Revenue Provision Policy Statement 2017/2018.

The Cabinet's recommendations are highlighted in **BOLD** in the attached Cabinet minute.

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

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

There are none on this occasion.

17 Report of the Chief Executive - A.2 - Councillor M J D Skeels Snr. (Pages 135 - 136)

To formally report that Councillor M J D Skeels Snr. has left the Coastal Independents Group and has since joined the Conservative Group.

18 Report of the Chief Executive - A.3 - Councillor J A Brown (Pages 137 - 138)

To formally report that Councillor J A Brown has left the UKIP Group.

19 Urgent Matters for Debate

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

20 Exclusion of Press and Public

The Council is asked to approve the following proposed resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 21 and 22 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act.”

21 Exempt Minute of the Meeting of the Audit Committee held on Thursday 22 September 2016 (Pages 139 - 140)

The Council will receive the exempt minute of the meeting of the Audit Committee held on Thursday 22 September 2016.

NOTE: The above minute is presented to Council **for information only**. Members can ask questions on its content 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 minute is approved as a correct record.

22 Exempt Minute of the meeting of the Standards Committee held on Monday 26 September 2016 (Pages 141 - 142)

The Council will receive the exempt minute of the meeting of the Standards Committee held on Monday 26 September 2016.

NOTE: The above minute is presented to Council **for information only**. Members can ask questions on its content 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 minute is approved as a correct record.

Date of the Next Scheduled Meeting of the Council

Tuesday, 29 November 2016 at 7.30 pm - Princes Theatre, Town Hall, Clacton-on-Sea, CO15 1SE

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.

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Agenda Item 1

TENDRING DISTRICT COUNCIL

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

14 November 2016

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea at 7.30 p.m. on Tuesday 22 November 2016 when the business specified in the accompanying Agenda is proposed to be transacted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', with a long horizontal flourish extending to the right.

Ian Davidson
Chief Executive

To: All members of the
Tendring District Council

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**MINUTES OF THE MEETING OF THE TENDRING DISTRICT COUNCIL,
HELD ON TUESDAY 6 SEPTEMBER 2016 AT 7.30PM
IN THE PRINCES THEATRE, TOWN HALL, CLACTON-ON-SEA**

Present: Councillors Chapman (Chairman), Platt (Vice-Chairman), Amos, Baker, Bennison, Bray, Broderick, B E Brown (except items 69 (part) – 70), J A Brown, M Brown, Bucke, Callender (except items 69 (part) – 70), Calver, Cawthron, Chittock, Coley, Cossens, Davis, Everett, Fairley, Ferguson, Fowler, Griffiths, G V Guglielmi, V E Guglielmi, Heaney, J Henderson, Hones, Honeywood, Howard, Hughes, Khan, King, Land, Massey, McWilliams, Miles, Newton, Nicholls, Parsons, Pemberton, Poonian, Raby, Scott, M J Skeels, M J D Skeels, Steady, Stephenson, Stock, Talbot, Turner, Watling, White, Whitmore, Winfield and Yallop

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Corporate Services) (Martyn Knappett), Corporate Director (Operational Services) (Paul Price), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Management and Members' Support Manager (Karen Neath), Committee Services Manager (Ian Ford) and Committee Services Officer (Katie Sullivan)

54. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors I J Henderson and Watson.

55. MINUTES

RESOLVED, that the minutes of the ordinary meeting of the Council, held on Tuesday 5 July 2016, be approved as a correct record and signed by the Chairman.

56. DECLARATIONS OF INTEREST

There were none.

57. ANNOUNCEMENTS BY THE CHAIRMAN

The Chairman's and Vice-Chairman's engagements for the period 5 July 2016 to 6 September 2016 were tabled at the meeting.

Chairman's Charity Pig Race

The Chairman thanked those Members who had attended her Charity Pig Race and informed Council that a total of £1,183 had been raised. Members showed their appreciation with a round of applause.

The Chairman congratulated Councillor Scott on winning the 'Leader's Race'. Councillor Scott thanked the Chairman and informed Members that he had given his winnings to the Mayor of Brightlingsea Town Council's Charity Fund.

Pride of Tendring Awards

The Chairman informed Members that the nomination forms for this year's Pride of Tendring Awards would be circulated to them at the end of the week.

58. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

There were none on this occasion.

59. STATEMENTS BY THE LEADER OF THE COUNCIL

There were none on this occasion.

60. STATEMENTS BY MEMBERS OF THE CABINETClacton Air Show 2016

The Tourism and Culture Portfolio Holder (Councillor Ferguson) made the following statement on the Clacton Air Show 2016:-

"I am sure that Council will indulge me for a few minutes to mention the 2016 Air Show. What an event, what a two days and what an experience!

I attended pre-show briefings that made me gasp with the attention to detail that was discussed and considered. There are many amazing people who put in hours and hours above and beyond their contracts ensuring the safety and enjoyment of our visitors. I have been truly humbled by their dedication, professionalism and positivity even in the face of security concerns after Nice and a small traveller incursion that nearly derailed the plans.

Estimates of visitor numbers seem to range from 250,000 to 330,000 but however many there were I think that everyone could not have been wowed by what Tendring District Council delivered.

It is too early to know the final totals for programme sales, bucket collections and total costs but I will let everyone know how it all panned out as soon as I know. What I do know though is that this must have been a massive boost for the local economy and that at the end of the day is what it is all about. I walked through the town on both days and was staggered at how busy it was.

The night flights seemed to have gone down really well this year and anyone who stayed on was treated to a spectacular display of neon lights and pyrotechnics, the like of which many of us had never seen before.

Many of us fell in love with Otto the Helicopter lighting up our skies. I was amazed to see tens of thousands of people still along the seafront and in town late into the evening. One of the long term traders on the seafront said that he thought that there were more people than during Clacton's heydays of the 1950's and speculated that some of the food outlets had probably had their best day EVER. Judging by the queues out of some of the outlets I think that he could well be right.

It was undoubtedly a massive party atmosphere, however, it was reassuring to know that behind the scenes security and safety was being closely monitored and controlled and we must not forget that back in the Council business still continued, thanks to the staff who make sure that it is business as usual.

For those Councillors and their guests who attended the VIP area I hope that you enjoyed your visit.

Every year dignitaries from across Essex attend the Air Show and wonder how Tendring does it. Well having now worked behind the scenes I have started to get an insight and I can tell you that it isn't through luck but it is a very well honed and managed process that many people will never see. It is no wonder that places such as Jersey come to see how we do it.

I would also personally like to thank Councillor Stephenson for rallying his troops and helping out on the programme sales and bucket collection. I know from the officers and event staff that they were really grateful for the help they got, particularly on the Thursday evening, when staff who had been working all day were flagging. Thank you!

I hope you indulge me in thanking a few others; I worked alongside Mike Carran and his team pre and during the show and the hard work they put in made me very proud to be part of it all.

A few notable thank yous; Sarah Daniels, Jo Needham, Jennie Weavers, Chris Ball, Scott Lawrence, Tim Sutton, Mick Simpson, The parking teams, Catherine Boyer-Besant, Sam Wright - the tweet man, all the Emergency services and the security team headed up by Mark Peck - a nicer more hard working professional bunch of people I have ever had the good fortune to work alongside.

Special thanks must go to Mike Carran who brings all of these people together with his wonderful positivity and attention to detail. Paul Price and his hat, Nigel Brown, Martyn Knappett and the sartorially elegant Ian Davidson deserve a mention too.

Whilst I know that budgets are going to be tight going forward I hope that we can make an early decision to commit to the 2017 Air Show and let us see if we can make next years event even bigger and better than this years!"

Members showed their appreciation with a round of applause.

Councillor Ferguson then responded, as appropriate, to questions and matters raised on her statement asked by Councillors Parsons, Turner Scott, Raby and Broderick.

61. PETITIONS TO COUNCIL

There were none submitted on this occasion.

62. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10

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.

There were none on this occasion.

63. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

The Council had received questions from Members in relation to:

- (1) Open Spaces;
- (2) Street Cleaning in Harwich and Dovercourt;

- (3) Proposed TIC in Clacton Town Centre;
- (4) Public Conveniences on Harwich Quay;
- (5) Temporary Traffic Lights at Thorpe-le-Soken; and
- (6) Ban on Trade Waste at Recycling Centres at Kirby-le-Soken, Lawford and Dovercourt

Notice of the questions had been given in accordance with Council Procedure Rule 11.2.

Question One

From Councillor Andrew Pemberton to Councillor Michael Talbot, Portfolio Holder for the Environment:

“What are we doing about our OPEN SPACES that you keep leaving open year on, year off?”

This doesn't only affect the area that I live in but all our area. There needs to be some sort of sign saying “no overnight camping” or “no motorised vehicles” like the ones up at Holland-on-Sea. As it's Tendring that has to foot the bill, can we enforce this or would it have to go to Essex County Council?”

Councillor Talbot responded as follows:

“I would like to thank Cllr Pemberton for his question.

The Council is responsible for many areas of open space throughout the District and, where possible, these spaces remain accessible in order that our residents and visitors are able to fully enjoy them.

However, where open spaces are regularly misused such as by the presence of unauthorised vehicles, or as a consequence of travellers / campers or any similar activity, the Council does take action as can be seen in a variety of open spaces across the District.

Some areas are cordoned off by means of low level fencing, wooden or metal posts and / or gates which effectively prevent vehicle access at all times. Where others may remain more open, but with clear signage indicating what activities are permitted. I would also add that evidence shows that even with lockable posts being installed to prevent unauthorised access, they seldom if ever deter the determined incursion onto public land.

Any action taken to restrict access to open spaces or to place signs on them will be in proportion to problems as reported and monitored, but in general open spaces will remain open if possible. In this way they remain available for public use and enjoyment and invariably look much better in terms of appearance if free from posts, gates, warning signs or other obstacles.

I'm not quite clear from the question whether Cllr Pemberton has a specific area in mind because he makes reference to open spaces being left open, “year on, year off..” and a requirement for signs to in place about camping and vehicles, which sounds rather specific Chairman.

If Councillor Pemberton has a specific area of concern I would be very pleased to investigate this on his behalf and to work with him to identify and to recommend appropriate action is taken if he is referring to a specific site.

Councillor Pemberton then asked the following supplementary question:

“Yes, there are a few areas of great concern so if we could arrange a date, a few residents of my area and other areas will also be grateful to meet to put the views if that is okay?”

Councillor Talbot responded as follows:

“Yes, just as I said at the end of my reply, if you have got any particular areas of concern come to me with it we’ll have a discussion together with the appropriate Officers and see whether they agree with us as Councillors on what should be done and what we can do about it within the various constraints we suffer under.”

Question Two

From Councillor Garry Calver to Councillor Michael Talbot, Portfolio Holder for the Environment:

“There is a growing sense of annoyance amongst the residents of Harwich and Dovercourt with the poor state of cleanliness of the roads, gutters and pavements within the town.

In order to confirm to residents that TDC is meeting its obligation to clean the streets and in order to allow residents to monitor the frequency of the work would the Portfolio Holder agree to publish the TDC schedule for street, gutter and pavement cleaning for Harwich and Dovercourt?”

The Chairman of the Council informed Council that Councillor Calver, pursuant to the provisions of Council Procedure Rule 11.9, had withdrawn his Question prior to the commencement of the meeting.

Council noted the forgoing.

Question Three

From Councillor Lis Bennison to Councillor Tanya Ferguson, Portfolio Holder for Tourism and Culture:

“I used to own a small hotel in Clacton town centre when the Tourist Information Centre was located at the junction with West Avenue, Pier Avenue and Station Street in what is now the Vodaphone shop. I visited the office several times a week for information and to advise of any vacancies. The office was always busy with tourists, people here on business, those looking for places to stay, residents, people buying theatre tickets and air show programmes and those just picking up brochures. I found the centre invaluable in helping to promote my business, as did many of my colleagues in the tourism trade.

The building was subsequently disposed of about fifteen years ago and the office moved into the town hall. I occasionally visit the office now but the through traffic appears vastly reduced. By comparison, when I’m in the town centre I am often approached by visitors to the town asking for directions and information, which I am only too happy to give to the best of my ability. If I give directions to the Tourist Information Centre, the response is invariably ‘I’m not walking all that way’.

Has the Portfolio Holder for Tourism and Culture, Councillor Tanya Ferguson, given any thought to the possibility of either using one of the empty shops in Clacton town centre

or the prospect of providing a kiosk close to the seafront, preferably in Christmas Tree Island, to enable a Tourist Information Centre to be located where one is needed rather than where there is available space?

It appears to work on Walton seafront. I understand that money is tight, but as the old saying goes, you have to speculate to accumulate. There is currently an empty premises in Pier Avenue available at £6,750 pa or £563 per calendar month, not a lot when you consider what business could be generated for the town.”

Councillor Ferguson responded as follows:

“I would like to thank Councillor Bennison for her question.

Whilst I would agree that the location of the Information centre within the Town centre was ideal at that time for the old style Tourist Information Centre’s, the vast majority of modern visitors now tend to undertake research on-line about an area before they visit, borne out by a survey undertaken a few years ago with less than 8% of visitors using the TIC prior to visiting.

I think that this is also reflected in the increased traffic on the Essex Sunshine Coast website which has gone up from around 9,500 hits in the summer of 2012 to around 68,500 in the summer of 2015.

Discussions have taken place with businesses based at the seafront to host an electronic and interactive facility and I will continue to those discussions.

As Councillor Bennison will, I am sure appreciate, the TIC at the Town hall is multifunctional and staff deal with many other duties as well as the tourist information centre function and it would not be practical to relocate them elsewhere in the town.

However, I am keen to explore other options such as apps, information booths etc. but not another physical tourist information centre but I am very grateful to Councillor Bennison for this suggestion.”

Question Four

From Councillor Maria Fowler to Councillor Nick Turner, Portfolio Holder for Commercialisation:

“There are a growing number of complaints from visitors and residents about the condition of the TDC operated toilets on Harwich Quay.

Will the Portfolio Holder please confirm where these toilets are on the list for refurbishment and when it is likely to take place?

Will he further ensure that additional support is given to the routine maintenance of TDC operated toilets in the vicinity of major community events on the occasions when such events are taking place?”

Councillor Turner responded as follows:

“Thank you Councillor Fowler for your question. I’m sure you are aware that this Council is currently preparing a Public Conveniences Strategy for the District as already reported in draft form to the Service Development and Delivery Committee of which you are a member.

As part of this strategic review the Council is addressing many issues relating to public conveniences which will achieve the overall aim of providing: 'Accessible, Safe, High Quality Public Conveniences for Residents and Visitors alike'.

The toilets at Harwich Quay have been identified as one of the Council's main priorities for future refurbishment but the issue of accessibility is currently under investigation at this location due to the absence of a disabled toilet on Harwich Quay. It would be prudent for this Council to investigate and resolve this issue before the refurbishment is undertaken at these particular toilets.

The Council has already obtained positive planning advice in respect of this issue and further to this has commissioned plans which will include indicative costs for both the installation of a disabled toilet as well as the refurbishment of the whole toilet block on Harwich Quay.

Further to this there is a requirement on this service to investigate operational savings as part of the budget overview. To that end I would very much like to ask Councillor Fowler to reconsider her position and accept my invitation to join my Budget Working Party set up to investigate savings associated with the operation of public conveniences in Tendring which, among other things, will help to establish the future priorities of this very important service. I hope you will say 'Yes' this time."

Councillor Fowler then asked the following supplementary question:

"I thank Councillor Turner for his reply. I'd like to point out that in that particular area on Harwich Quay there are 10+ large events every year plus coming up this weekend we have two big events: the Essex Air Ambulance Motorcycle Run and also the Heritage Weekend. That area is a heavy footfall especially for the public conveniences. Throughout the year there are big events like the New Year's Eve fireworks; the Harwich Sausage Festival; the International Shanty Festival and many others. Of course a key part of these events are the public conveniences. I'm also sorry Councillor Turner but I'll have to decline your invitation."

Councillor Turner responded as follows:

"Thank you Councillor Fowler for your supplementary. Yes, we are aware of these and my teams – seafronts, public conveniences and parking – do put in extra resources as and when required and they will be there this weekend. And it's a shame that you are not putting in on the working party what you would like to see as a Ward Councillor. Thank you."

Question Five

From Councillor Jack Parsons to Councillor Neil Stock, Leader of the Council:

"It is not right that temporary traffic lights are erected in the middle of the day in the height of the summer season.

We are a District that relies on its tourist footfall and the disruption caused by temporary traffic lights at peak times has completely decimated the potential trade flowing through our District.

I completely support the comments made by, among others, Cllr Nick Turner. Essex County Council should be supporting and working with us but instead, seem to be sending us up the river without a paddle.

Is there anything that we as a Council can do to ensure that pressure is applied to ensure that the interests of this District are put in a higher regard within Essex County Council than current activities suggest?"

Councillor Stock responded as follows:

"I would like to thank Councillor Parsons for his question and I certainly agree with his premise in what he says that we as a local authority must do all that we can to promote tourism within the District and as a fundamental part of that clearly we need to ensure that unnecessary obstacles are not hindering visitors coming into Tendring or indeed hindering or delaying local residents and businesses from going about their daily activities.

I am not at all certain whether Councillor Parsons has any particular location or specific set of temporary traffic lights in mind in what he says but what is important to remember is that utility companies have the right to carry out urgent works for public safety or to restore failed services and neither we as a District Council or Essex County Council as the Highways Authority can prevent them from doing that..

When works are undertaken by Utility companies, over whom we have no control, it is very difficult to influence them as their right to undertake the works are enshrined in legislation under the "New Roads and Street Works Act 1991". Furthermore they do not have to give any notice. When it is planned works then notice is given to the highway authority (ECC) who ensure disruption to the travelling public is minimised as much as possible. Essex Highways employ Street Works Coordinators who oversee and inspect such works.

I know that Members and officers at TDC do work very hard to ensure that all statutory and utility undertakers are mindful of the timing of necessary works. I'm grateful that Councillor Parsons has commented on what Councillor Turner is doing and I can assure Members that we will continue to press our case and if Councillor Parsons is referring to a particular location or a specific issue then I can assure him that I will ask officers to review the matter and if necessary I will ensure that this is raised at the Local Highways Panel."

Councillor Parsons then asked the following supplementary question:

"I'd like to thank Councillor Stock for his response and I completely understand the difficulties we face with regards to utility companies basically disrupting our roads with little or no notice given. However, I am slightly confused given that both the District Council and the County Council are run by Conservatives and yet there is no cohesion with regards to communication. I would understand it if the Conservative Party was as divided as the Labour Party. Can I ask if Councillor Stock intends to contact Essex County Council with regards to negotiating with utility companies as to a suitable time to carry out their non-emergency works?"

Councillor Stock responded as follows:

"First I must clarify that this is not a Conservative Administration that there are three other political groups that work with the Conservatives to run this Council. There are only 23 Conservative Members and yes, the County Council is a Conservative Administration. I'm not aware of any issues or concerns about communication between this Council and the County Council. As I said utility companies have the right to carry out works without even the County Council having any powers in which case the way to

get that changed is through primary legislation so I would encourage you to ask your Party's MP, Douglas Carswell to put a Bill through the House of Commons. I am happy to take up any specific issues and if it requires me to fly a missive off to County, trust me, I've done it before and I'll do it again."

Question Six

From Councillor Roy Raby to Councillor Michael Talbot, Portfolio Holder for the Environment:

"Can I ask Cllr. Talbot, the Portfolio Holder for Environment, for his response to the announcement from Essex County Council (ECC), who plan from 31st October to ban trade waste from three sites in Tendring, namely Kirby-le-Soken, Lawford and Dovercourt and place restrictions on Clacton?"

All three sites are part of an Essex-wide crack down on illegal waste left at recycling centres for household waste (RCHWs). Whilst I agree that a problem exists and ECC needs to find a solution I was wondering if the Portfolio Holder agrees with me that this is the wrong way to go about it. There are many different solutions ranging from payment-to-throw-away schemes to the setting up of licensed specialist sites at a cost to the trader, both of which are already in action in other counties.

I understand that there is no duty on local authorities to accept or dispose of DIY and construction waste but the lines become blurred when some sites won't accept a van or pick-up truck with normal household waste whilst others will accept a car with what could be considered trade waste.

This also does not take into account those residents whose only form of transport is a van or pick up truck. If these residents are willing to travel further to dispose of their waste they will only be able to go the Clacton RCHW on Rush Green Road as this is the only site able to allow entry to such vehicles in the whole of Tendring.

Is the Portfolio Holder in agreement with me that despite ECC promises that this will not lead to increased fly-tipping that this will be contrary to what will actually happen and that it will be an extra financial burden on this Council passed on indirectly from ECC?"

Councillor Talbot responded as follows:

"I would like to thank Councillor Raby for his question and I can confirm that I share a lot of your reservations about the proposals.

I think that it is difficult at this distance to accurately assess what the impact will be of these proposals and therefore difficult to effectively persuade ECC away from taking this course of action.

Having said that I can also understand why ECC are attempting to prevent the illegal dumping of Trade waste at recycling sites, which of course costs all Council tax payers to deal with.

I have no doubt in my mind that there is a very high possibility that fly tipping of building waste materials will result from these changes but until this happens and until we are able to judge the scale and extent it is difficult to predict the additional costs which TDC may have to bear.

There is a suggestion that ECC may provide some funding if fly tipping does increase

but as yet this is unquantified.

However, I can give Councillor Raby my assurance that I will be working with officers and if it is identified that there is an increase in fly tipping of such materials we will be looking to firstly prosecute those responsible and secondly to get ECC to review this decision.”

Councillor Raby then asked the following supplementary question:

“I thank Councillor Talbot for his response. I'd like to ask him if he has been in contact with his opposite number at Essex County Council regarding the statement that ECC has put out?”

Councillor Talbot responded as follows:

“We actually have a joint committee between District and Borough Councils and Essex County Council – the Waste Partnership Committee and I, as Portfolio Holder, represent this Council on that Committee. Lots of Councils have raised their concerns on that Committee that these changes will lead to an increase in fly-tipping. However, you can understand that ECC is trying to prevent professional builders and developers from illegally taking their waste to Household Recycling Centres. This matter will be kept under review by Councils all over Essex and I will keep this Council informed through Portfolio Holder Statements as appropriate.”

64. REPORT OF THE LEADER OF THE COUNCIL

The Council would receive a report on any Cabinet decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 17.4, Budget and Policy Framework Procedure Rule 6(b) and/or Overview and Scrutiny Procedure Rule 18(i).

There was no such report on this occasion.

65. MINUTES OF COMMITTEES

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

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

- (a) Corporate Management Committee of Monday 27 June 2016;
- (b) Audit Committee of Thursday 30 June 2016;
- (c) Community Leadership and Partnerships Committee of Monday 11 July 2016; and
- (d) Service Development and Delivery Committee of Monday 18 July 2016.

It was then moved by Councillor Heaney, seconded by Councillor Stock and **RESOLVED** that:

- (a) the minutes of the meeting of the Standards Committee held on 29 June 2016, as

circulated, be received and noted; and

(b) the recommendation to Council, as contained in Minute No.9(4) of the Standards Committee of 29 June 2016, be approved.

66. MOTIONS TO COUNCIL

No motions to Council, pursuant to Council Procedure Rule 12, had been submitted on this occasion.

67. RECOMMENDATIONS FROM THE CABINET

There were none on this occasion.

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

There were none on this occasion.

69. REPORT OF THE MANAGEMENT AND MEMBERS' SUPPORT MANAGER – A.1 – ELECTORAL REVIEW

Council's approval was sought to a submission document to the Local Government Boundary Commission for England (LGBCE), including a proposed Council size and forecast electorate.

Members were aware that the submission document had been produced by the Electoral Review Working Party, chaired by Councillor Honeywood and that the Working Party had broad representation from across the Council.

It was reported that the guidance from the LGBCE advised that the submission on Council size should take four broad areas into consideration:-

- Governance and Decision Making
- Scrutiny
- Representational Role (of Members)
- Future

Each of the above areas had been considered and addressed in the submission document in reaching a proposal on Council Size. The submission document was before Council as Appendix A to item A.1 of the Report of the Management and Members' Support Manager.

Council was informed that the Council's submission on Council size would be considered by the LGBCE alongside any other submissions received. The Working Party's submission proposed a Council size of 48. The LGBCE would consider all submissions received on Council size and make a final decision. The LGBCE decision on Council size would be final.

Members were advised that the forecast electorate in 2022 had been undertaken following the guidance of the LGBCE and was forecast to be 116,000. This included an assessment of the number of new electors arising from additional housing build. The data for house build was the same as that used in the Council's emerging Local Plan although the Local Plan had a timescale to 2033 and beyond whilst the electoral forecast was to 2022.

Council was made aware that, once the revised Council size and forecast electorate were agreed they would inform the second stage of the review. One of the elements considered in looking at ward boundaries was electoral equality and the figures of Council size and both current and forecast electorate would be used to judge where electoral equality was significantly different in any ward from the average.

It was brought to Members' attention that, when the stage of looking at ward boundaries was reached, the use of electoral equality was a guide to how boundaries should change. Another very important factor was the local community in geographical, social and demographic terms and all Members of the community – individuals, residents associations, Town and Parish Councils etc. would be able to provide submissions on where they believed the ward boundaries should lie.

The Chairman of the Electoral Review Working Party (Councillor Honeywood) thanked the Members of the Working Party for their hard work and constructive input into the submission document.

Councillor Honeywood moved and Councillor Stock seconded: *“that the submission attached at Appendix A to item A.1 of the Report of the Management and Members' Support Manager be agreed and be submitted to the Local Government Boundary Commission for England.”*

Councillors Stephenson, Everett, Stock and Howard participated in the debate on Councillor Honeywood's motion.

It was then moved by Councillor Everett and seconded by Councillor Bray that Councillor Honeywood's motion be amended to read as follows:

“that the submission attached at Appendix A to item A.1 of the Report of the Management and Members' Support Manager be amended to agree to 60 Councillors and be submitted to the Local Government Boundary Commission for England, following agreement by the Working Party of the figures.”

Councillors Scott, Broderick, Stock, Honeywood, Miles, G V Guglielmi, Bucke, Parsons, Calver, Newton, Steady, Cossens and Bray participated in the debate on Councillor Everett's amendment.

Councillor G V Guglielmi asked that, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on Councillor Everett's amendment be taken.

Accordingly, the result of that vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Bennison	Amos	Land	Gray
Bray	Baker	Scott	I J Henderson
Broderick	B E Brown		Porter
J A Brown	M Brown		Watson
Bucke	Callender		
Cawthron	Calver		
Davis	Chapman		
Everett	Chittock		

Hones	Coley
Khan	Cossens
King	Fairley
Newton	Ferguson
Parsons	Fowler
Pemberton	Griffiths
Raby	G V Guglielmi
Stephenson	V E Guglielmi
Whitmore	Heaney
Winfield	J Henderson
	Honeywood
	Howard
	Hughes
	Massey
	McWilliams
	Miles
	Nicholls
	Platt
	Poonian
	M J Skeels
	M J D Skeels
	Steady
	Stock
	Talbot
	Turner
	Watling
	White
	Yallop

Councillor Everett's amendment was thereupon declared **LOST**.

It was then moved by Councillor Everett and seconded by Councillor Bray that Councillor Honeywood's motion be amended to read as follows:

"that the submission attached at Appendix A to item A.1 of the Report of the Management and Members' Support Manager be amended to agree to 54 Councillors and be submitted to the Local Government Boundary Commission for England, following agreement by the Working Party of the figures."

Councillor Everett asked that, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on his further amendment be taken.

Accordingly, the result of that vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Bennison	Amos	None	Gray
Bray	Baker		I J Henderson
Broderick	B E Brown		Porter
J A Brown	Bucke		Watson

M Brown	Callender
Cawthron	Calver
Cossens	Chapman
Davis	Chittock
Everett	Coley
Griffiths	Fairley
Hones	Ferguson
Khan	Fowler
King	G V Guglielmi
Land	V E Guglielmi
Newton	Heaney
Parsons	J Henderson
Pemberton	Honeywood
Raby	Howard
Scott	Hughes
M J Skeels	Massey
Stephenson	McWilliams
Whitmore	Miles
Winfield	Nicholls
	Platt
	Poonian
	M J D Skeels
	Steady
	Stock
	Talbot
	Turner
	Watling
	White
	Yallop

Councillor Everett's further amendment was thereupon declared **LOST**.

It was then moved by Councillor Parsons and seconded by Councillor Bray that Councillor Honeywood's motion be amended to read as follows:

"that the submission attached at Appendix A to item A.1 of the Report of the Management and Members' Support Manager be amended to agree to 51 Councillors and be submitted to the Local Government Boundary Commission for England, following agreement by the Working Party of the figures."

Councillor Parsons asked that, in accordance with the provisions of Council Procedure Rule 18.4, a record of the vote on his amendment be taken.

Accordingly, the result of that vote was as follows:

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Bennison	Amos	Broderick	B E Brown
Bray	Baker	J A Brown	Callender
Davis	M Brown	Calver	Gray
Everett	Bucke	Cawthron	I J Henderson
Hones	Chapman	Fowler	Porter
Khan	Chittock	J Henderson	Watson
Newton	Coley	Khan	

Parsons	Cossens	Raby
Pemberton	Fairley	Winfield
Stephenson	Ferguson	
Whitmore	Griffiths	
	G V Guglielmi	
	V E Guglielmi	
	Heaney	
	Honeywood	
	Howard	
	Hughes	
	Land	
	Massey	
	McWilliams	
	Miles	
	Nicholls	
	Platt	
	Poonian	
	Scott	
	M J Skeels	
	M J D Skeels	
	Steady	
	Stock	
	Talbot	
	Turner	
	Watling	
	White	
	Yallop	

Councillor Parsons' amendment was thereupon declared **LOST**.

Councillor Honeywood's motion, on being put to the vote, was declared **CARRIED**.

NOTE: in accordance with the provisions of Council Procedure Rule 19.5, Councillors Bennison, Bray, Broderick, Bucke, Cawthron, Davis, Everett, Hones, King, Khan, Newton, Parsons, Pemberton, Raby, Stephenson, Whitmore and Winfield each requested that they be recorded in the minutes as having voted against Councillor Honeywood's motion.

70. URGENT MATTERS FOR DEBATE

There were none on this occasion.

The meeting was declared closed at 9.53 pm.

Chairman

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COUNCIL

22 NOVEMBER 2015

REPORT OF CHIEF EXECUTIVE

A.1 **PETITION: PROTECTING OPEN SPACES IN BOCKINGS ELM, CLACTON-ON-SEA**

(Report prepared by Ian Ford)

In accordance with the Council's approved scheme for dealing with petitions, I formally report the receipt of a petition submitted by Mrs Tracey White, as lead petitioner. The petition is signed by approximately 400 local residents and states:

"We, the undersigned, are concerned about the increase in arrivals of caravans and camper vans from the travelling community in the Clacton area. We would like the Council to erect concrete bollards or stones along the edge of the field adjoining Woodrows Lane/Purley Way/Mayford Way, with one removable bollard to allow the Council Gardener access to mow the grass and empty the dog waste. The stones should allow mobility scooters and pushchairs through, but not motorised vehicles."

In accordance with the Council's approved scheme for dealing with petitions, this matter will now be investigated and a report will be prepared and presented to Council together with the petition.

Members will be aware that the next practicable ordinary meeting of the Council is on 24 January 2017.

At that meeting, and in accordance with the Council's approved scheme, Mrs White, as the lead petitioner, will be invited to address the Council, present the petition and outline the action that the petitioners would like the Council to take. Members will then discuss the petition and decide what action, if any, should be taken. Mrs White will then be informed, in writing, of the Council's decision and the decision will be published on the Council's website.

RECOMMENDED - That the receipt of the Petition and the contents of the report be noted.

**IAN DAVIDSON
CHIEF EXECUTIVE**

COUNCIL

22 NOVEMBER 2016

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

A.1 PETITION: PROTECTING OPEN SPACES IN BOCKINGS ELM, CLACTON-ON-SEA

Petition submitted by Mrs Tracey White to the Council October 2016.

Questions pursuant to Council Procedure 10.1

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

Question One

From Mrs Marguerite Kramer to **Councillor Giles Watling, Portfolio Holder for Planning and Regeneration:**

“Bearing in mind the problems for residents associated with infill brownfield development sites in residential areas, such as excessive noise, dust, pollution, toxic dust from breeze block cutting, diesel fumes, over-looking from flats, and the potential strain on the local infra-structure: is it reasonable for Tendring District Council to approve such development, which may not be implemented in accordance with the national Construction Code of Practice and national legislation, thus causing harm to local residents, who lose their legal right to the peaceful enjoyment of their property, both during and sometimes after construction (where over-looking takes place)?”

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Questions pursuant to Council Procedure 11.2

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

Question One

From Councillor Richard Everett to **Councillor Tom Howard, Portfolio Holder for Finance, Revenues & Benefits:**

“Can the Portfolio Holder for Finance, Revenues and Benefits please set out the process / stages for collection of council tax arrears paying particular intention to the following issues (and the timescales over which they are taken):

at what point do arrears become counted as overdue;

when communications are sent to individuals in arrears;

at what point do arrears become a debt;

when is court action considered;

at what point is court action commenced;

when, if appropriate, attachment to earnings are commenced;

and can he advise whether this procedure is different in any way when it involves a Councillor?”

Question Two

From Councillor Jo Henderson to **Councillor Giles Watling, Portfolio Holder for Planning and Regeneration:**

“Could the Portfolio Holder for Planning, confirm that he is confident that there are enough resources to provide a responsive service to meet the needs of Councillors, Residents and Businesses within the Planning Enforcement department that he has responsibility for?”

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MINUTES OF THE MEETING OF THE HUMAN RESOURCES COMMITTEE, HELD ON TUESDAY 28 JUNE 2016, AT 7.30 PM IN THE COUNCIL CHAMBER, WEELEY

Present: Councillors Callender (Chairman), Chapman (Vice-Chairman), Amos, Baker, Broderick, Calver, Everett, Massey and Pemberton

Also Present: Councillor McWilliams (Portfolio Holder for Leisure, Health and Wellbeing)

In Attendance: Corporate Director (Corporate Services) (Martyn Knappett), Head of People, Performance & Projects (Anastasia Simpson), Organisational Development Manager (Carol Magnus), Payroll and Payments Manager (Cathy Calder), Executive Projects Officer (Rebecca Morton) and Democratic Services Officer (Katie Sullivan)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bucke, Porter and Skeels (with no substitutions), Bennison (with Councillor Everett substituting) and Ferguson (with Councillor Baker substituting).

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 26 January 2016 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members at this time.

4. IIP / STAFF SURVEY

The Corporate Director (Corporate Services) (Martyn Knappett) informed the Committee that the Council regularly undertook an independent and confidential staff survey, which was part funded by the Local Government Association. The key findings of the staff survey undertaken by Dr Martin Reddington were as follows:

- From an employee perspective, Tendring District Council continued to have a committed workforce, investing time, energies and concentration to get the job done well, and feeling a sense of pride in doing so;
- Reported levels of organisational engagement had increased – this was the sense of loyalty and advocacy that employees felt towards the Council;
- As the Council continued to cut back on costs, downsizes and restructured its organisation, the Council had very little ‘slack’ in work systems;
- The Council relied on good will and high levels of motivation and performance from staff, in terms of ‘going the extra mile’ and ‘engagement’ with organisational objectives and values; and
- The perception of Tendring District Council as an employer had improved overall since 2013.

Members were informed that the analysis revealed that in order to sustain high levels of engagement by employees in relation to their jobs, teams and wider organisation, the Council should focus efforts on some key areas over which it had a measure of control and which would positively impact the quality of the employment deal:

- 1) Change initiatives should recognise the importance of maintaining as much team cohesion as possible - the ‘social contribution’ of teamwork was a valuable asset and the Council should provide as much support as possible to encourage good quality conversations in relation to problem solving and service delivery.

- 2) Leadership Vision – the Management Team should invest more time in setting out the vision for Tendring. This was currently happening through the development of the revised Corporate Plan. The Council would operate more effectively when managers and employees ‘bought in’ to the vision and confidently look at new and smarter ways of doing things, in the knowledge that the senior team encouraged this approach.
- 3) There was a perception of inequality of pay and benefits when comparing groups of employees. This had been addressed through NJC National Job Evaluation Scheme training and additional staff being involved in job evaluation processes.
- 4) The Council should continue to foster an environment in which staff felt confident that they could raise workplace issues and be listened to and treated with respect. A culture of being able to legitimately ‘speak out’ without fear of intimidation or retribution encouraged greater staff engagement.
- 5) The Council should look carefully at its investment in building capabilities through learning and development. It had achieved a good level of overall proficiency in providing the tools that employees needed to do the job, and if this was backed up with an improvement in knowledge and skills, this would encourage higher performance levels.

It was also evident that the Chief Executive’s personal investment in listening to employees’ concerns and articulating a vision for the future of the organisation had had a discernible beneficial impact. Employees felt more inspired to use their own initiative and more of them felt that Senior Managers had demonstrated a clear vision for the future of the organisation.

Members recalled that, at the previous meeting of the Committee on Tuesday 26 January 2016, they had received feedback from Mr David Abdul on the Investor in People Gold (IIP) assessment undertaken by himself and Ms Gwen Carter-Powell, on behalf of EMB Excellence Limited and IIP UK. The report on the IIP assessment had now been received by the Council.

Mr Knappett reminded the Committee that the Council had been assessed for IIP Gold accreditation and had been accredited as an IIP Gold organisation in December 2015 which had been an excellent achievement. Mr Abdul and Ms Carter-Powell would return for an IIP planning workshop with the senior Management Team over the next few months to consider Tendring District Council’s next IIP steps. The organisation had to re-align itself to the revised IIP Generation 6 criteria and it should be noted that a number of IIP Gold organisations who had gone through the assessment process based on the new criteria had found that they had been re-accredited as IIP Silver or Bronze organisations.

Members were informed that in order to maintain the IIP Gold Standard there would be a lot more work to do going forward but information from the report would help get an action plan together.

Some items on the Council’s ‘To Do List’ included the following:

- Ensuring that the Council’s priorities were understood by all;
- Development of overarching people management themes, including specific behaviours in the delivery of appraisal and one to ones;
- Increased use of coaching as a model for managers;
- Develop a framework for project management;
- Develop a Corporate Social Responsibility Strategy;
- Develop a revised Workforce Strategy (aligned to Corporate Plan);
- Learning and Training Policy;
- Continue the IIP Advocacy Group, and
- Prepare and plan for IIP Generation 6.

Officers responded to questions raised by Members in relation to training and development of staff, and apprenticeships.

Councillor Calver proposed, and it was agreed by the Committee, that it was excellent to hear such positive and valuable feedback on the Council both from external sources and from the staff.

Following discussion it was **RESOLVED** that the contents of the report be noted and that the Chief Executive, the Management Team and all staff be thanked for their sustained efforts and commitment to the success of the Council and for the benefit of the District.

5. **STAFF STATISTICS REPORT**

There was submitted a report by the Corporate Director (Corporate Services), which provided the Committee with updated and current staffing statistics including:

- (1) Number of Staff Employed – Full-Time and Part-Time;
- (2) Gender Profile;
- (3) Age Profile;
- (4) Disability Profile;
- (5) Ethnicity Profile; and
- (6) Sickness Absence.

The Organisational Development Manager (Carol Magnus) informed Members that the Council continued to actively manage sickness absence and absence management training for managers was scheduled to take place over the coming months and options to reduce viral short term sickness absence were currently being investigated. The Council continued to support employees' mental health using a range of methods to do so, this included provision of an external counselling service, flexible working options/improved work-life balance, corporate gym membership and access to an occupational health specialist.

The Head of People, Performance & Projects (Anastasia Simpson) responded to questions raised by Members in relation to sickness absence and explained the process Human Resources followed for long term sickness.

Mr Knappett informed the Committee that 'Team Spirit', which was a linked system for HR and Payroll, had made it a lot easier to gather statistics as this was a central database for the whole Council and that staff had worked extremely hard in getting the system set up and it had been a great success.

Mr Knappett also informed the Committee that he was delighted to see a significant number of younger employees within the 21-30 age bracket now working for the Council.

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

6. **LOCAL GOVERNMENT PENSION SCHEME DISCRETIONS POLICY**

There was submitted a report by the Corporate Director (Corporate Services), which provided the Committee with an updated pension discretions policy.

The Head of People, Performance & Projects (Anastasia Simpson) informed Members that under the Local Government Pension Scheme (LGPS) Regulations 2013, all employers participating in the LGPS were required to prepare and publish a written statement on how it exercised the various discretions provided by the LGPS 2014, LGPS 2008, and LGPS 1997 and the Compensation and Injury Allowances Regulations.

The report updated the Council's previous policy and included the following Regulations:

- Regulation 60, LGPS Regulations 2013;
- Regulation 66, LGPS (Administration) Regulations 2008;
- Regulation 106, LGPS Regulations 1997 (for pre 1 April 2008 leavers); and
- Regulation D11 (2) (c) LGPS Regulations 1995 (as amended in relation to pre 1 April 1998 leavers).

As an admitted body to the LGPS the Council had been required to prepare and publish a written statement on how it exercised the various discretions provided by the LGPS 2014. This ensured that there were fair, transparent and equitable practices in place when responding to individual queries.

The Payroll and Payments Manager (Cathy Calder) informed Members that the significant change in the Council's policy had been that non-contractual overtime had been removed from the exclusions list in the definition of pensionable pay with the introduction of the LGPS 2014. From 1 April 2014 all non-contractual overtime had become pensionable.

An employee's pension pay was the total of:

- All the salary, wages, fees and other payments paid to the employee including any additional lump sum payments; and
- Any benefit specified in the employee's contract of employment as being a pensionable emolument.

The updated policy had been based on Essex County Council's, discretionary decision statement in order to ensure consistency of approach and practice.

The Payroll and Payments Manager (Cathy Calder) responded to questions raised by Members in relation to the scheme.

Following discussion it was **RESOLVED** that:

- (a) the revised Local Government Pension Scheme Discretionary Decisions Statement and Criteria for Early Release of Deferred Benefits Policy be approved and adopted.
- (b) that delegation be given to the Corporate Director, (Corporate Services) to update the policy with any future legislative, or best practice, changes.

The meeting was declared closed at 8.25 pm.

Chairman

**MINUTES OF THE SPECIAL MEETING OF THE CORPORATE MANAGEMENT
SCRUTINY COMMITTEE HELD ON MONDAY 12 SEPTEMBER 2016 AT 7.30 P.M. IN THE
COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Steady (Chairman), Baker, Heaney, Massey, Stephenson, Scott, Whitmore

In Attendance: Head of Finance, Revenues & Benefits Services (Richard Barrett), Head of People, Performance and Projects (Anastasia Simpson), Head of Planning (Cath Bicknell) and Committee Services Officer (Janey Nice)

21. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Platt (with Councillor Heaney substituting) and from Councillor Chittock (with no substitute).

22. MINUTES OF THE SPECIAL MEETING OF THE COMMITTEE HELD ON 27 JUNE 2016

The Minutes of the special meeting of the Committee, held on 27 June 2016, were approved as a correct record and signed by the Chairman.

23. DECLARATIONS OF INTEREST

There were none.

24. PLANNING BRIEFING SESSION

The Committee received a briefing from the Head of Planning (Cath Bicknell) on topics including Planning Enforcement and the North Essex Garden Communities Project.

Councillor Stephenson asked why this matter was being discussed at a special meeting of the Corporate Management Committee (CMC) and he was informed by the Chairman that this had been brought up at the informal CMC meeting held on 18 July 2016 and more information was needed on planning enforcement in order that the Committee could make a recommendation to Cabinet.

Mrs Bicknell explained that the purpose of planning enforcement was to make sure national policies were being followed and to help with the implementation of local planning policies and legislation; to build public confidence in a just and fair system; and help to protect the environment from 'harm' by preventing breaches of planning control which would adversely affect the environment.

Mrs Bicknell explained to the Committee that breaches of planning control were:

- Carrying out development (operational development or change of use) without the required planning permission; or
- Failing to comply with any condition or limitation subject to which planning permission had not been granted. (S171A(1) Town and Country Planning Act 1990).

She said that any enforcement action was discretionary and Local Planning Authorities should act proportionately in responding to breaches and potentially would not need to take any further action if not in the public interest. An example of this, she said, if a shed had been built without planning permission and it did not materially cause harm a retrospective planning application could be applied for. If the shed builder was unwilling to either apply for retrospective planning permission or take down the shed and if it was

causing harm, then the Planning Department could issue an enforcement notice, however they did try and take an informal approach to minor breaches.

Mrs Bicknell explained what remedies could be taken:

- Voluntary Resolution especially where a breach had been a genuine mistake;
- Planning application (retrospective);
- Enforcement notice; and
- Legal Action

She said that a voluntary resolution was often the quickest and most efficient means to resolve a breach and changes to development could eliminate the breach (bringing it within the scope of permitted development) and this in fact was achieved in many cases.

Mrs Bicknell said that a retrospective application would allow for a breach brought about by a genuine mistake to be resolved, an acceptable development could be made lawful, would enable the imposition of conditions to control development, avoid costs incurred through formal action (which could include appeals) and bring certainty to all involved.

Mrs Bicknell then explained about Enforcement Notices which:-

- must specify the nature of the breach;
- must give detailed reasons (including policies) why enforcement was necessary;
- must specify action required to remedy the breach/alleviate harm;
- must allow a minimum of 28 days from service of the enforcement notice to come into effect (this would be for appeal); and
- must specify a reasonable date for compliance of the notice.

She added that an Enforcement Notice could be suspended whilst the case was being considered, this could be as short as four weeks for a shed and six months for a more complex issue.

Mrs Bicknell then informed the Committee of Stop Notices which were served in conjunction with an Enforcement Notice and those were issued in exceptional circumstances where it was essential that activities ceased immediately to safeguard amenity, or public safety, or to prevent serious, or irreversible, harm to the environment. She said that failure to comply with a Stop Notice was a criminal offence which carried a maximum fine on conviction of £20,000.

She also mentioned Temporary Stop Notices which also had to be justified explaining that again those had to be brought in exceptional circumstances giving the Council a period of up to 28 days to make further investigations and consider whether to take further action. Again, she added, failure to comply with a Temporary Stop Notice was a criminal offence also carrying a maximum fine on conviction of £20,000.

Mrs Bicknell said that the remedy of Legal Action – Prosecution would normally be brought in the Magistrates' Court against:

- failure to comply with a notice;
- unauthorised display of advertisements;
- unauthorised works to a protected tree; or
- unauthorised works to a listed building

She added that some serious cases could be or referred to the Crown Court.

Mrs Bicknell said that also under remedies, Legal Action – Injunctions, the Local Planning Authority (LPA) could apply to the High Court, or County Court, for an injunction, this could relate to an actual, or apprehended, breach of planning control and the LPA must consider it was expedient for the breach to be restrained and an application could be made whether or not the LPA had exercised, or proposed to exercise, any of their other powers to enforce planning control. She added that the LPA would need evidence to take this action.

She said that Direct Action would involve the LPA carrying out work that had been required by a Notice with which the property owner had failed to comply and also a legal land charge could be registered on the property in order for the LPA to recover any reasonable costs involved. However, the step of putting a legal land charge on a property was rarely used as often the property involved would already have an outstanding mortgage registered.

Mrs Bicknell said there were two tests to be applied where a prosecution appeared likely and they were:

Evidential Test – to prosecute the LPA would need sufficient, admissible and reliable evidence that the offence had been committed and that there was a reasonable prospect of conviction; and

Public Interest Test – the LPA would only bring a prosecution where this would be in the public interest and other methods of seeking compliance with a Notice had failed.

She informed the Committee that ‘Stops and Checks’ were built into the system to ensure reasonableness of action by the Council, to ensure safeguarding an individual’s rights and ensuring the exercise of justice in the use of the powers used. She also said there were special controls for untidy land and buildings, works to Listed Buildings, Display of Advertisement and works to trees.

Mrs Bicknell then said that in resolving breaches there were 10 stages of enforcement which were:

1. Awaiting initial Inspection;
2. Inspected but more information required;
3. Breach found but awaiting further information;
4. Breach found awaiting voluntary resolution;
5. Planning application received
6. Planning application determined – awaiting further action;
7. Section 330/PCN;
8. Enforcement Notice served;
9. Appeal; and
10. Court action

She said that in resolving such breaches there were varying timescales and the LPA would try and resolve before any action was taken as these could often be waiting for a planning application.

Mrs Bicknell said that the Council worked with other agencies and/or other Council departments. She said that Council teams involved would often include building control, licensing, environmental health, economic development and housing. She added that Essex County Council (ECC) teams, including highways, minerals and waste and also town and parish councils could be involved. In addition, she said that other agencies could be involved such as Essex Police, the Environment Agency and Natural England. She said that by working with other agencies a breach could be resolved more quickly,

perhaps by leaving another agency to solve the issue although that could happen the other way around. It was often a case of all working on the same issue, but working together.

Mrs Bicknell circulated to the Committee a copy of a Planning Investigation Exercise which gave Members a flavour of how the scoring system worked and how it could take years for an Officer to learn how to complete

She then informed the Committee of the Planning Department's total caseload for the last three years which was: 2014 – 376 cases, 2015 – 407 cases and so far in 2016 - 213 cases.

Mrs Bicknell explained to the Committee the types of breach involved during 2014-2016 and the number of formal notices served for the same period. She said that since 1 April 2015 up until 31 March 2016 there had been four appeal decisions published and that all had been dismissed.

Members then discussed the various issues involved and asked Mrs Bicknell questions about the various actions involved.

Mrs Bicknell then moved onto the North Essex Garden Communities Project Management and explained what the Project involved, which was:

- Potentially three significant areas of development across North Essex;
- Large scale – long term (possibly 30 years) with circa 35,000 homes;
- For Tendring one area – West Tendring/East Colchester; and
- Long term about 7,000 homes (with part in Colchester/part in Tendring)

Mrs Bicknell then explained how the Project differed to other development proposals in:-

- Quality (Garden City Principles);
- Housing and employment;
- Early infrastructure;
- Pace of development;
- Councils involvement as Planning Authority but also leading development and possibly owning land; and
- Investment opportunities – share in increased land values.

She then also explained how the Project fitted in with the Local Plan for Tendring. When a Member commented that the Local Plan needed to highlight whether there would be compulsory purchasing of peoples' land and whether a road might go through an owner's house, she said that there no road lines known yet as it was still very early in the process.

Mrs Bicknell then explained that the progress of the Project needed to be monitored and the milestones also needed to be monitored.

The Head of People, Performance & Projects (Anastasia Simpson) gave examples of Planning Officer scales of salaries across the board compared against other Local Authorities and commented that all Local Authorities were in the same staffing position as the Council, this being in response to a Member's comments on the Planning Department's staffing levels. She said that it could take five years for an Officer to become a qualified Planner and that the after being asked, she confirmed that the Planning Department still employed Career Track trainees.

The Committee commented that it was more difficult to keep Planning Officers in Tendring when compared with other areas such as Brentwood and Colchester and Mrs Bicknell agreed that it was easier to keep Officers who lived in the Tendring District.

Members during their discussions expressed concern about the Garden Village being more about money than people and land grabbing, they were also worried about the infrastructure and road network and attracting people to come and work in Tendring. It was also commented that Colchester might be more tempted to build in the direction of Marks Tey than towards Tendring and it was vital to ensure that Colchester kept an interest in West Tendring.

Members also asked if it would be possible to have more briefings on the Garden Village proposals as they progressed.

The Chairman thanked Mrs Bicknell for her detailed and thorough presentation.

25. FINANCIAL STRATEGY – WORKING PARTIES

The Committee discussed various issues concerning Portfolio Holder working parties and Councillor Baker commented he had recently attended the Working Party concerning various options for a financial strategy. Councillor Stephenson commented that his Group were not part of the Working Parties but he asked what assets the Council currently had, why were they needed and that they should be scrutinised by a Working Party.

It was also commented as there was not a lot of money in the budget working on looking at energy efficiency and improvement would be a possible saving.

The Chairman commented on the Environment Working Party, which had started work.

Mr Barrett said he would like ideas from the Committee's Working Parties to take forward

There were comments made about three of the Council's buildings which were costing money including Pier Avenue, Town Hall and Weeley Council Offices.

The meeting was declared closed at 9.37 p.m.

Chairman

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**MINUTES OF THE MEETING OF THE SERVICE DEVELOPMENT AND DELIVERY SCRUTINY COMMITTEE HELD ON MONDAY 19 SEPTEMBER 2016 AT 7.30 P.M.
THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Griffiths (Chairman), Fowler, Hones, Miles, Pemberton, Skeels (Jnr) and Yallop

Also Present: Environment Portfolio Holder (Councillor Talbot)

In Attendance: Head of Customer & Commercial Services (Mark Westall), Technical Officer (Jonathan Hamlet) and Committee Services Officer (Janey Nice)

15. Apologies for Absence and Substitutions

An apology was submitted on behalf of Councillor V E Guglielmi.

16. Minutes of the Last Meeting

The minutes of the last meeting of the Committee held on Monday 13 July 2016 were signed as a correct record by the Chairman.

17. Declarations of Interest

There were none declared.

18. Dog Fouling and Bin Provision

Councillor Talbot (Environment Portfolio Holder) introduced this item on the agenda by reminding Members that this particular subject had originally been raised by Councillor Ferguson when she had been a member of the Committee. He also said that a suggested special week's blitz of certain areas would have resource implications, particularly with regard to the back office involvement in issuing Penalty Notices.

A Member asked if there had been any improvement of incidents of dog fouling along the seafronts and the Technical Officer (Jonathan Hamlet) said there had been some improvement although not extensive.

Mr Hamlet informed Members that the Council had two designated dog wardens that covered the whole of the Tendring District and that they could issue a fixed penalty notice to any dog-fouling or littering offenders. He also mentioned that other authorised Officers, including himself, had the ability to issue Fixed Penalty Notices.

Councillor Talbot commented that Frinton beach could not be cleaned by the tides like other beaches as the sea did not reach the whole of the beach area. When asked by another Member about how often the seafront areas were cleaned Mr Hamlet said that the cleaning programme covered the seafront areas on a daily basis or even twice a day in the summer and during winter this would be less often. Mr Hamlet added that he considered the winter season ran from the start of October to Easter when the summer schedule would start.

Mr Hamlet informed the Committee that there were around 1,200 dog waste bins around the District and that wrapped or bagged dog waste could also be put in the normal black waste bins. He added that the small red dog waste bins were gradually being replaced by the larger black, floor standing bins as the smaller red dog waste bins were rusting and falling apart and all black bins would have signage indicating that bagged dog waste

could be put in them. When asked a question about the disposal of cat litter Mr Hamlet informed those present that wrapped/bagged cat litter could be put in the normal weekly collection black sacks or in the District waste bins.

Mr Hamlet said that the Dog Wardens also had a dog waste disposal machine called Faeces Intake Disposal Operation (FIDO) which could collect dog waste on grassed areas such as the Greensward and other grassed areas and playing fields. He added that it did not work on concreted areas as the vacuum brushes were only designed for grass.

When asked by a Member about Brightlingsea seafront and if offenders of leaving dog waste behind were being fined, Mr Hamlet informed the Committee that quite a number of people had been caught not collecting their dog's waste and that indeed fines had been issued. When asked about FIDO collecting dog waste in Brightlingsea, Mr Hamlet said that FIDO worked to a schedule and he would check to see when it was scheduled for that area and when asked said he could see no reason why FIDO's schedule could not be put on the Council's website. Mr Hamlet also informed the Committee that if a Dog Warden received a phone call about dog fouling they would attend the area in question. He said that the two Dog Wardens were continually patrolling all areas with one starting earlier in the day than the other so that all of the daylight hours were covered. He added that if a Dog Warden was informed or finding that there was dog waste in a certain area at a certain time of day on a regular basis, they would attend to try and catch an offender. He further added that it was difficult to catch offenders once it was dark.

Mr Hamlet said that the green wheelie bins along seafronts usually had signs on them informing the public that bagged dog waste could be placed in them but unfortunately the signs could, and did, fall off. He added that most members of the public knew it was acceptable to put the dog waste in the normal waste bins, however there were people who were not aware of that fact.

During the discussion on this matter it was commented that there was more dog waste in seafront areas during the holiday season which might suggest holidaymakers could be mainly responsible for the amount of dog mess left and there was also the problem that some people would pick up their dog's waste but would then throw it into a hedge or ditch rather than dispose of it in a bin or take home for disposal. It was also commented that more signs notifying the public that normal bins were available for dog waste were needed and when asked if the information was available on the website Mr Hamlet believed that was the case.

The Chairman suggested that it might be worth putting an information leaflet in with the Council Tax letters which go out on an annual basis and the Head of Customer and Commercial Services (Mark Westall) commented that as the printing of the Council Tax leaflets was being brought back 'in-house' for printing he could look at that possibility.

Councillor Talbot commented about the dangers dog waste could cause, especially to children, with the serious parasite toxocariasis which could be carried in dog faeces. He commented that children like to play and roll on grass and could get covered with dog mess then perhaps rub it into their eyes and then get infected with the serious illness which could cause blindness.

Councillor Talbot informed the Committee that while looking at the Council's budget for next year, cutting of the street sweeping service was a possible cost saving and added that FIDO was a fairly expensive operation that had been cut back several years ago. Concern was then raised by Members that if street sweeping was cut it would cause a backlash from the public as a last straw in the cutting of services.

Members continued to discuss the issue of dog waste and waste bin provision and various comments were made from the Committee which included this Council to perhaps liaise with Essex County Council (ECC) on grass cutting, as it appeared that one Council cut the grass one day with the other Council doing a neighbouring area the next day, perhaps it could be suggested to ECC that they do the work and charge Tendring District Council for the undertaken done in their area.

The Chairman commented on the way that Brightlingsea Town Council worked as an example of best practice after Councillor Yallop commented on the way the Town Council tackled various issues. The Chairman suggested that perhaps once a year it would be an idea to meet up with the Parish and Town Councils with a representative from each, to discuss various ways of working together and sharing responsibilities. During discussion of this item it was suggested whether the Council could still maintain the Town and Parish Council precepts and it might be worth looking into that.

The Chairman suggested an Information Forum where this Council could discuss various matters, this would show there was no hidden agenda of cuts, just a matter of working closer with others. He added that dog fouling and bin provision could be the main items along with street sweeping.

A Member who was also a Town Councillor thought it was a good idea for all Parish and Town Councils to send a representative to a forum and mentioned there were maps on the ECC website to see who had the responsibility for the maintenance of various sites and areas of grounds and gave an example of where this had been useful.

Mr Westall asked Mr Hamlet that if enough Fixed Penalty Notices for dog fouling were given out would it be enough to create another post to help with dog fouling? Mr Hamlet commented that he thought there would not be enough funds even if all of the fines were paid in full. When asked by a Member about the rate of fines not being paid, Mr Hamlet said that the rate of unpaid fines was very high.

It was suggested that when Fixed Penalty Notices had been issued that this should be publicised on the Council's website as it would make the public more aware that the Council was serious about fining offenders for leaving dog waste behind and Mr Hamlet agreed that it was all about getting the message out to the public the seriousness of dog fouling.

Mr Hamlet then informed the Committee of the feedback from a meeting of the Committee he attended last year and said that the bins along the promenades would now have signage on them informing the public that bagged dog waste could be placed in them, a lot of the small red dog waste bins had now been replaced with larger general waste bins, the green wheelie bins would remain along with the seasonal waste bins and between Walton Pier and Holland there were 22 seasonal waste bins along the lower promenade. He added that the area between Walton and the golf course was not Council maintained so there were no waste bins there. A Member asked if a record was kept of the Fixed Penalty Notices issued and Mr Hamlet confirmed that was so and they were recorded on controlled stationery, that this was a new initiative and would also indicate the worse areas for dog fouling which would be very useful for the Dog Wardens

Mr Hamlet said that By-Laws were in place for fenced-off play areas and football pitches and that a Public Space Protection Order would make it a lot easier to enforce the By-Laws and protect sensitive areas such as children's play areas. He added that the Council was currently looking at expanding the By-Laws to cover other areas.

The Chairman thanked Mr Hamlet for his excellent and informative presentation and also thanked Councillor Talbot for attending in his role as Portfolio Holder. Councillor Talbot

responded by saying that the Committee was very constructive and a lot had been achieved by it.

The Committee **RESOLVED** that:

CABINET NOTED the **RECOMMENDATIONS** of the Service Development and Delivery Committee:

- (a) That the relevant Officers work with the Council's Communications Manager to compose a press release reminding residents of the number of litter bins the Council provided and that they could be used for bagged dog waste and that the press release should include details of the number of Fixed Penalty Notices that had been issued regarding dog fouling;
- (b) That the relevant Officers produce a schedule for the Faeces Intake Disposal Operation (FIDO) which would state when and where FIDO would be in operation and that the schedule should be placed on the Council's website;
- (c) That an information sharing forum be created to include Members from the Council, County Council and Town and Parish Councils, to discuss topics affecting them, such as street sweeping, dog fouling and waste bin provision, in order to promote the co-ordination of activities and promote best practice; and
- (d) That the relevant group look at incorporating dog fouling within the new Open Space Public By-law.

19. Work Programme 2016/17

The Chairman informed the Committee that Councillor Turner (Portfolio Holder for Commercialisation) would be invited to the next meeting of the Committee scheduled for 10 October 2016 to update the Committee on Public Conveniences as the Council had been let down twice by the toilet cleaning contractor and that the service was now coming back 'in-house' to the Council. He also raised concern whether the Council was properly monitoring Contractors as the current situation had cost the Council an extra £24,000.

The Chairman added that he would like to see lone worker working arrangements discussed at a meeting with the attendance of Human Resources as he was concerned that perhaps a lone worker could get into difficulties possibly including Anti-Social Behaviour.

The Chairman said that Spendalls House and Honeycroft would be discussed at the 23 November 2016 meeting and Councillor Miles said that she would like to be involved with the Officers in putting together the Feasibility Study, concerning Spendalls House, and that to date the Officers had not involved her at all. The Chairman agreed and asked Mr Westall to ensure that Ward Members would be involved along with the appropriate ECC Councillors. He added that he would like to see a report before the Feasibility Study was published and said that he wanted a site visit arranged so that the members of the Committee could see the sheltered accommodation for themselves.

Councillor Miles reminded the Committee that she had been involved with Spendalls House for a long time and did not want the Committee to be the last opportunity to have a say on the Feasibility Study. The Chairman confirmed that he had requested that input from the local Ward Members and appropriate County Councillors were consulted. He added that he would be happy for the appropriate Town Council to also be involved. Councillor Miles added that she wanted to be more proactive as she tended to hear one voice from the residents and others from Officers and the Chairman commented it might

be a good idea for a resident to be in attendance when the Committee made its site visit to Spendalls and Honeycroft.

The Chairman said perhaps this could be added to the 10 October agenda to discuss Spendalls House and Honeycroft sheltered accommodations with the appropriate Portfolio Holder being invited. He added that after that meeting he would meet with Mr Westall and Mrs Nice to discuss further ways forward which might involve having a special meeting before the end of this year.

DATE OF NEXT MEETING

The Chairman confirmed that the next scheduled meeting of the Committee was to be held on Monday 10 October 2016.

The meeting was declared closed at 8.47 p.m.

Chairman

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MINUTES OF THE MEETING OF THE AUDIT COMMITTEE HELD**ON THURSDAY 22 SEPTEMBER 2016****AT 7.30 P.M. IN THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Griffiths (Vice-Chairman, in the Chair), Chapman, Poonian and Stephenson

Also Present: Councillor Hones

In Attendance: Head of Finance, Revenues & Benefits Services & Section 151 Officer (Richard Barrett), Audit and Governance Manager (Steve Blake) and Committee Services Officer (Janey Nice)

Also in Attendance: Chris Hewitt (Ernst & Young – External Auditor) and Kevin Suter (Ernst & Young – Executive Director)

9. CHAIR

In the absence of the Chairman of the Committee (Councillor Coley), the Chair was occupied by the Vice-Chairman (Councillor Griffiths).

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Coley.

11. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 30 June 2016 were approved as a correct record and signed by the Chairman.

12. DECLARATIONS OF INTEREST

There were none on this occasion.

13. REPORT ON INTERNAL AUDIT – JUNE 2016 – AUGUST 2016

The Council's Audit and Governance Manager (Steve Blake) provided a periodic report on the Internal Audit function for the period of June 2016 to August

The Audit and Governance Manager informed the Committee that 10 audits had been completed with the final report issued and all audits completed in the period had achieved a satisfactory level of assurance, with one exception (Housing Allocations) receiving an "improvement required" classification although the service had already taken the necessary action in response.

The Audit and Governance Manager also informed the Committee of the current position in relation to:

- (i) Public Sector Internal Audit Standards;
- (ii) Internal Audit Plan Progress;
- (iii) Quality Assurance;

- (iv) Outcomes of Internal Audit Work;
- (v) Section 106 Agreements (Follow Up);
- (vi) Housing Allocations; and
- (vii) Management response to Internal Audit findings.

In respect of the on-going issues in respect of S.106 agreements, the Audit and Governance Manager confirmed that there would be a follow-up audit later in the year.

Mr Blake informed the Committee that the Section 106 agreements which had drawn attention at the previous meeting, said that while there had been issues with the findings, most of the issues remained irrelevant. He said that there would be a further follow up audit either later in this current financial year or early in 2017/18.

The Chairman commented that he would like the relevant Portfolio Holder at the next meeting of the Committee in December 2016 as he wanted assurance that all control mechanisms were in place.

Following discussion and questions by Members, it was:

RESOLVED that the contents of the report be noted; and

RECOMMENDATION that the relevant Portfolio Holder for Section 106 agreements be invited to the next meeting of the Audit Committee due to be held on 15 December 2016.

14. **AUDIT RESULTS REPORT 2015/16**

The Committee gave consideration to item A.2 of the Report of the Corporate Director (Corporate Services) which was presented by the Ernst & Young Executive Director (Kevin Suter).

- The External Auditor's Audit Results Report for the period ending 31 March 2016 and Letter of Representation for Members' consideration and approval in order to enable a final opinion on the accounts and value for money arrangements to be formally issued by the External Auditor;
- The Statement of Accounts 2015/16 for Members' consideration and approval for publication by the end of September 2016; and
- A revised Annual Governance Statement 2015/16 for Members' approval.

Mr Suter set out that Ernst and Young anticipated issuing an unqualified opinion on the Council's financial statements and that there were only a very few items management had been asked to adjust the accounts for. In respect of the value for money opinion, Mr Suter also stated that Ernst and Young expected to conclude that the Council had put in place proper arrangements to secure value for money in the use of resources. He also went on to comment that Ernst and Young had concluded that the Council had continued to respond well to the financial challenges it is facing however he did highlight the significant risk facing the Council in terms of identifying the necessary savings required over the medium term period to meet the budget gap.

Having considered the matters raised and the answers to questions, the Committee **RESOLVED:**

1. That, in respect of the Audit Results Report, the Audit Committee:

-
- (a) Considered and noted the contents of the report including the required adjustments to the Statement of Accounts 2015/16 as set out on page 5 of the A.2 Audit Results Report 2016/17;
 - (b) Subject to (a) above approved the management representation letter set out as Appendix E to the External Auditors Audit Results Report 2015/16;
 - (c) Subject to (b) above, authorised the Head of Finance, Revenues & Benefits and Audit Committee Chairman or Vice-Chairman to sign the management representation letter for forwarding to the External Auditor;
 - (d) Subject to (b) and (c) above, approved for publication the audited Statement of Accounts for 2015/16, amended for the adjusted items identified.
2. That, in respect of the Council's Annual Governance Statement 2015/16 the Audit Committee::
- (a) Approved the revised Annual Governance Statement set out in Appendix A to the afore-mentioned report: and
 - (b) Subject to 2(a) above, the Chief Executive and Leader of the to sign the Annual Governance Statement, as set out in Appendix A to the afore-mentioned report.

15. **AUDIT COMMITTEE – TABLE OF OUTSTANDING ISSUES**

The Head of Finance, Revenues & Benefits Services updated the Committee with the progress against outstanding actions identified by the Committee.

There was submitted a report by the Council's Corporate Director (Corporate Services) which presented to Members the progress against outstanding actions identified by the Committee.

It was reported that there were no significant issues to bring to the attention of the Committee, with updates provided against individual items, as set out in Appendix A to item A.3 of the Report of the Corporate Director (Corporate Services), or elsewhere on the agenda where appropriate.

Updates against actions identified within the Annual Governance Statement 2015/16 were set out in Appendix B with no significant issues to highlight at the present time. The Committee raised concern about the risks presented by the redevelopment project in Jaywick and the impairment charge representing the difference in purchase price and balance sheet value. Mr Barrett informed the Committee that a report previously presented to Cabinet addressed a number of issues that the Committee had raised including the long term approach the Council is able to take..

Updates against actions identified as part of the seafronts investigation that had been previously reported to the Committee at its meeting held on 30 June 2016 had been set out in Appendix C.

A Member also asked about the recent problems experienced with the public cleaning contract and following the associated discussion, it was suggested that the Council needs to reflect on the matter to see if there was any learning opportunities.

It was **RESOLVED** that the Committee had noted the outstanding issues; and it was:

RECOMMENDED (a) that Cabinet review the policy in respect of any future land purchases in Jaywick given the impairment loss of £0.700m in 2015/16.

(b) that in light of the recent experiences in connection with the public conveniences contract the Council reviewed its current procurement/contract processes to identify if such issues could be prevented in the future.

16. ITEMS SCHEDULED FOR THE NEXT MEETING OF THE COMMITTEE IN DECEMBER 2016

It was reported that items currently scheduled for that meeting included:

- 1) Internal Audit Regular Monitoring Report
- 2) Internal Audit Letter 2015/16
- 3) Corporate Risk Register (six monthly review)
- 4) Table of Outstanding Issues (including update against External Audit Recommendations)

17. EXCLUSION OF PRESS AND PUBLIC

It was **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 9 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A, as amended, of the Act.

The meeting was declared closed at 8.24 p.m.

Chairman

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON MONDAY 26 SEPTEMBER 2016 AT 10.00 AM,
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Heaney (Chairman), Honeywood (Vice-Chairman), Cawthron, Davis, Nicholls, White and Whitmore
Also Present:	John Wolton and Clarissa Gosling (Independent Persons)
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Monitoring Officer) and Katie Sullivan (Committee Services Officer)

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor J Brown (with Councillor Davis substituting) and Councillor Steady (with Councillor White substituting).

11. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Standards Committee, held on 29 June 2016, were approved as a correct record and signed by the Chairman.

12. DECLARATIONS OF INTEREST

Councillor Honeywood declared a Non-Pecuniary Interest in relation to agenda item 5 (A.2) as he was the Complainant and informed Members that he would withdraw from the Committee and sit in the public gallery whilst this item was discussed, however, he reserved his right, as a District Councillor, to address the Committee on this item.

13. REPORT OF THE MONITORING OFFICER - A.1 - ANNUAL UPDATE ON MANDATORY TRAINING FOR MEMBERS

There was submitted a report by the Monitoring Officer which sought to update the Committee, as part of its agreed work programme, on the current position of mandatory training for Members and named substitute Members of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

The report reiterated the Council's decision and constitutional requirement to make relevant training mandatory for Members, and their named substitutes, in respect of a number of the Council's Committees and also provided details of training undertaken and attendance to date.

The Monitoring Officer informed Members that Appendix B contained a few small errors in that Councillor Davis and Nicholls had both attended the Habitats session on 27 April 2016 however, Councillor Fairley had not. Although correct, as of the time of printing, Councillor White, who was also the Chairman of the Planning Committee, informed Members that the session with ECC Highways had now taken place and that training was scheduled on 6 October 2016 for 'Enabling Development' The Monitoring Officer confirmed that the amendments and updates would be made to Appendix B (Planning Training Programme). Councillor Heaney informed the Monitoring Officer that she had attended the Determining Planning Applications session on 28 May 2015 and Appeals session on 24 February 2016, but it had not been recorded. The Monitoring Officer

confirmed that the information was taken from the sign-in sheets but the records would be updated.

The Monitoring Officer informed Members that, in the future, the recording of Licensing and Registration Committee training would be produced in the same format as the Planning Committee training for consistency.

The Committee's approval was also sought to a slight amendment to the Planning Code and Protocol and a delegation to Officers, in consultation with the Chairmen of the Planning and Standards Committees, to make minor amendments to the Protocol.

Following discussion by the Committee, it was moved by Councillor Heaney, seconded by Councillor White and **RESOLVED** that the Standards Committee:

- (a) notes the contents of the report and its Appendices;
- (b) encourages Members of the Planning, Licensing & Registration and Audit Committees to attend organised mandatory training to comply with the constitutional requirement; and
- (c) delegates authority to the Monitoring Officer and Head of Planning Services, in consultation with the Chairmen of the Standards and Planning Committees, to make minor amendments to the Planning Code & Protocol.

14. REPORT OF THE MONITORING OFFICER - A.2 - OUTCOME OF A CODE OF CONDUCT INVESTIGATION - COMPLAINT AGAINST A DISTRICT COUNCILLOR

Councillor Honeywood had earlier declared a Non-Pecuniary Interest in relation to agenda item 5 (A.2). Councillor Honeywood withdrew from the Committee and sat in the public gallery whilst this item was discussed, however, he had reserved his right to address the Committee on this item, as a District Councillor.

The Monitoring Officer presented a detailed report to the Committee that, in accordance with the District Council's Complaints Procedure, the outcome of an investigation was being reported to the Committee following on from a Members' Code of Conduct investigation.

The Monitoring Officer reported that a complaint had been received in January 2016 from District Councillor Paul Honeywood regarding the actions of District Councillor Ivan Henderson under the Members' Code of Conduct and Complaints Procedure, which had been adopted by Council on 26 November 2013.

The complainant alleged that Councillor I. Henderson had breached the Tendring District Council Members' Code of Conduct. The basis of the complaint concerned the alleged circulation of inaccurate and misleading information on the subject of the Careline Lifting Service along with quotes attributed to Councillor I Henderson appearing in national and local media. It had been alleged that inaccurate information had also been promoted by Cllr I. Henderson through his own Twitter account. The alleged breaches related to:

- (i) Not having regard to three of the Seven Principles of Public Life:
 - Selflessness
 - Objectivity

- Honesty

- (ii) Paragraph 3.4(a) of the Members' Code of Conduct: by conducting himself in a manner which could reasonably be regarded as bringing his office, or the authority, into disrepute.

The Monitoring Officer informed the Committee that, on 4 March 2016, having considered the responses received from both parties, she had decided that it would be reasonable and appropriate that the complaint merited further investigation. There had been a fairly wide difference of opinion between whether information shared on social media was incorrect and misleading and if so, the impact of the media reporting and subsequent use of social media on the proposed Careline Lifting Service.

Members were informed that if there were a potential breach of the Code of Conduct and informal resolution, or mediation, had not been appropriate, the Monitoring Officer must consider an investigation. The Monitoring Officer stated that it was important to point out that the investigation had not looked into any policy decision.

It was reported that politically motivated complaints were not referred for investigation. Consideration of whether the policy for introducing a lifting service and the ability to charge for it was right or wrong had not been the subject of the investigation. The investigation had been commissioned to look at the evidence of how information had been used, whether it was correct or not, and if not, if it had been used intentionally to mislead the public and bring the Council into disrepute.

Members were informed that the parties involved were advised of the Monitoring Officer's decision and that an external investigator would be appointed. Section 5 of the Complaints Procedure set out how an investigation was conducted and under Section 5.6, the investigation report must contain a conclusion as to whether the evidence supported a finding of failure to comply with the Code of Conduct.

The Monitoring Officer confirmed that all parties had had the opportunity to comment on the investigation report in its draft form and the findings contained therein. Consultation had been undertaken with the Independent Person. The final investigation report had been received by the Monitoring Officer on 1 September 2016, which had concluded that Councillor I. Henderson had not breached the Members' Code of Conduct.

The Monitoring Officer reminded the Committee, that if an investigation concluded that there was no evidence of a failure to comply with the Code of Conduct, the Council's Complaints Procedure at Section 6.1 provided the Monitoring Officer with the authority in consultation with the Independent Person, to decide that no further action was required. In such circumstances, the Monitoring Officer would then notify the Standards Committee. The Council's Complaints procedure did not provide the Monitoring Officer with any discretion to refer the matter to the Standards Committee for determination.

The Monitoring Officer had agreed with the outcome of the investigation which was as follows:

- Councillor I. Henderson was found to have been acting in his capacity as a councillor (official) when posting on social media and engaging with the press in the circumstances of this case. The Members' Code of Conduct was therefore relevant.

- A finding that he failed to comply with the Members' Code would be a disproportionate restriction on his freedom of expression and, therefore, it was recommended that Councillor I. Henderson was found not to have breached the Code.
- There were concerns that *“some of Councillor I. Henderson’s posts on Twitter demonstrated a lack of good judgement on his part. The way in which councillors use social media is increasingly becoming an issue for councils across the country. It is therefore recommended that a summary of the investigation findings are provided to the Council’s Standards Committee”*.
- It was recommended that guidance be made available to all councillors on the appropriate use of social media.

John Wolton, one of the Council's Independent Persons had responded as set out below that this case clearly involved political differences from the time of the Cabinet meeting, the subsequent use of social media and submission of the complaint:

“The investigation although necessary, had involved individuals’ time and expense for the authority, and it had been unfortunate that this had started with a Cabinet Report, which, when questions were asked, the responses and details had been unclear. Details of the Policy introducing the charges should have been known and considered first, especially when the service users would be vulnerable people.

However, Councillor I. Henderson ‘jumped on’ what he saw as a political opportunity but with his vast experience he should have also considered the impact of the way in which he shared the information and used the media attention, especially after the Council’s press release”.

John Wolton had noted the reliance on freedom of expression and agreed with the Investigator's findings and looking at it from a member of the public's viewpoint he had concurred with the concerns raised.

Members discussed the report and raised a number of concerns which included not being able to determine the matter themselves, especially if they disagreed with the findings of the Investigator and the Monitoring Officer and not having the opportunity to view the Investigator's Report. The Monitoring Officer confirmed that the Investigator's report had not been made available in previous instances where an outcome was being reported rather than the Committee holding a hearing. Upon the Committee raising further questions on the Investigator's findings, the Chief Executive (Ian Davidson) reminded the Committee that the meeting was not for a Hearing, a copy of the Investigator's report had not been distributed to the Committee due to that reason and that the Monitoring Officer's report was for information only and not for further judgement.

The Monitoring Officer agreed that it would be appropriate in exceptional cases to have some discretion to refer cases to the Standards Committee to determine whether a breach of the Code of Conduct had occurred. In such matters, the Monitoring Officer would wish to consult the Chief Executive and the Chairman of the Standards Committee. The Committee was also reminded that the recommendations as set out in the report could be altered by the Committee to reflect their concerns.

The Chairman of the Committee invited Councillor Honeywood to address them and as he wished to raise matters which would identify individuals and refer to the Monitoring

Officer, the Chairman decided to exclude the Public and Press pursuant to paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

The Monitoring Officer, Committee Services Officer and the Independent Persons withdrew from the meeting. Following the Committee's consideration of the matters reported in Minute 17 below, the Monitoring Officer, Committee Services Officer and the Independent Persons were readmitted to the meeting.

Following discussion, it was moved by Councillor Heaney, seconded by Councillor Nicholls and **RESOLVED** that the Standards Committee:

- (a) Notes the outcome of an external investigation undertaken on behalf of the Monitoring Officer in respect of Councillor Ivan Henderson.

Following further discussion, it was moved by Councillor Heaney, seconded by Councillor White and **RESOLVED** that the Standards Committee:

- (b) Notes the Monitoring Officer's report that the Investigator raised concerns that the behaviour demonstrated a lack of good judgement on Councillor Ivan Henderson's part when using social media and the Committee strongly recommend Councillor Ivan Henderson undertakes Social Media training.

Following further discussion, it was moved by Councillor White, seconded by Councillor Nicholls and **RESOLVED** that the Standards Committee:

- (c) Was unhappy that, despite the concerns raised by the Investigator, as set out in (b) above that Councillor Ivan Henderson had been found not to have breached the Code of Conduct and that subject to reporting this to the Committee, no further action would be taken in respect of Councillor Ivan Henderson.

Following further discussion, it was moved by Councillor Heaney, seconded by Councillor White and **RESOLVED** that the Standards Committee:

- (d) Notes that the basis of the finding to this particular case is on the right of freedom of expression, notwithstanding there is still an expectation of high standards of behaviour for all Councillors in accordance with the Code of Conduct and Principles of Public Life.

Following further discussion, it was moved by Councillor Heaney, seconded by Councillor White and **RESOLVED** that the Standards Committee:

- (e) Agrees to a review of the Council's Social Media Policy to provide all Councillors with guidance and training on the parameters on appropriate use of social media.

Following further discussion, it was moved by Councillor Nicholls, seconded by Councillor White and **RESOLVED** that the Standards Committee:

- (f) Recommends to Council to amend the Complaints Procedure, as set out in the Constitution to allow the Monitoring Officer, at their own discretion and, in exceptional cases, following consultation with the Chief Executive and the

Chairman of the Standards Committee, to decide to refer cases to the Committee for determination where the outcome of an investigation was to recommend no breach of the Code of Conduct.

15. REPORT OF THE MONITORING OFFICER - A.3 - REVIEW OF THE CODE OF CONDUCT

The Committee reviewed the Members' Code of Conduct, with particular attention paid to the definitions of interests.

The Monitoring Officer made some suggestions on potential changes and additions to the Code, to provide clarity, each of which were discussed with Members. Some of the suggestions were in relation to:

- Separating the Rules of Conduct and General Obligations from the introduction and interpretation part of the Code;
- Merge Other Pecuniary Interests with Non-Pecuniary Interests;
- Effect of Other or Non-Pecuniary Interests on participation;
- Including a Councillor Recall Scheme; and
- Including Voluntary Sanctions.

It was agreed that the Monitoring Officer would produce a revised draft Code of Conduct for further discussion to take place at the next meeting so that the Committee could work towards recommending minor changes to the Members' Code of Conduct to full Council in early 2017.

16. REPORT OF THE MONITORING OFFICER - A.4 - QUARTERLY ORAL UPDATE FROM THE MONITORING OFFICER

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave general details of complaints received, without providing any names, and went through it with the Committee. The Monitoring Officer also highlighted a number of other matters which included:

- (1) A couple of incidents had occurred which had involved contact between the Police and the Council involving Councillors, but in both instances it had been appropriate and correct for the Police to resolve the same as they were related to alleged criminal activity or acting within their private capacity.
- (2) There had been one Parish Council in which several contacts had been made but no formal complaints received. The Monitoring Officer intended to visit a Parish Council meeting to view the proceedings and, if necessary, report back to the Clerk.
- (3) There had been no requests received for a dispensation.

The meeting was declared closed at 1.26 pm

Chairman

**MINUTES OF THE MEETING OF THE CORPORATE MANAGEMENT
SCRUTINY COMMITTEE HELD ON MONDAY 26 SEPTEMBER 2016 AT 7.30 P.M. IN THE
COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Platt (Vice-Chairman, in the Chair), Baker, Chittock, Everett, Scott and Stephenson

Also Present: Councillor Hughes

In Attendance: Head of Finance, Revenues & Benefits Services (Richard Barrett), Head of People, Performance and Projects (Anastasia Simpson), Head of Finance, Revenues & Benefits Services (Richard Barrett), Human Resources Operations Manager (Katie Wilkins), Organisational Development Manager (Carol Magnus) and Committee Services Officer (Janey Nice)

26. CHAIR

In the absence of Councillor Steady, the Chair was occupied by the Vice-Chairman (Councillor Platt) for the duration of the meeting.

27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Steady (with no substitute) and Councillor Whitmore (with Councillor Everett substituting).

28. MINUTES OF THE SPECIAL MEETING OF THE COMMITTEE HELD ON 12 SEPTEMBER 2016

Councillor Stephenson asked if the Minutes of 12 September 2016 could be corrected under item Minute no. 25 – Financial Strategy – Working Parties. He said that, on the fourth line, where the Minute stated "but he asked what assets...." This should read: "Councillor Baker asked what assets". After Councillor Baker agreed the change should be made, the Minutes of the special meeting of the Committee, held on 12 September 2016, were approved as a correct record and signed by the Chairman.

29. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

30. FINANCIAL STRATEGY – INITIAL FINANCIAL BASELINE 2017/18

The Committee was informed that, at its meeting on 5 August 2016, Cabinet had considered the Initial Financial Baseline for 2017/18 and had resolved that (minute 45 referred):

"(a) Cabinet agrees the initial financial baseline for 2017/18 and requests Portfolio Holders, supported by Officers, to continue to facilitate the various savings strands and initiatives to deliver a balanced budget for presenting to Cabinet in December 2016;

(b) the Corporate Management Committee be consulted on the initial financial baseline for 2017/18;

(c) the Local Council Tax Support Scheme grant to Town and Parish Councils be reduced by 5% in 2017/18, and

(d) the decision whether to remain in the Essex-wide pool for non-domestic rates in 2017/18 be delegated to the Finance, Revenues and Benefits Portfolio Holder, in consultation with the Corporate Director (Corporate Services)."

A copy of the report considered by Cabinet was before Members and provided the Committee with the opportunity to comment on the Initial Financial Baseline for 2017/18 as part of developing the budget in accordance with the Council's Budget and Policy Framework.

The Head of Finance, Revenues & Benefits Services (Richard Barrett) informed the Committee that it had been another difficult year with the initial financial baseline for 2017/18 setting out an initial budget 'gap' of £1.565m. He said the Committee had had several Working Parties looking for outcomes and decisions for savings to be made from the Budget

Mr Barrett referred to page 5 of his Report to Cabinet on 5 August 2016 (as attached to item A.1 of the Report of the Corporate Director (Corporate Services)) which showed a table which set out the initial financial baseline for 2017/18. Although this would be subject to revisions and updates as the year progressed, it did set out the estimated initial funding 'gap' for the year. He said the grey column showed a significant difference to the current budget.

He said that the Council were not allowed by Central Government to raise Council Tax by more than 1.99% (that was on the assumption that the Government retained the 2% limit) and the table had been based on Council Tax being raised by 1.99%.

Mr Barrett informed the Committee of the cost pressures the Council were facing and some adjustments to the Council's reserves. Once he had any further information this would be brought back to the Committee.

Members asked Mr Barrett a number of questions and made a number of suggestions, which included:

- Potential savings by Parish Councils maintaining playgrounds within their Parishes;
- Poorly maintained seafront shelters, should they be maintained or removed?;
- Street cleaning and waste, the Council should receive more funds back from recycling;
- The Council maintaining three large buildings which were costing the Council a lot of money, what could the way forward for those buildings be;
- A suggestion that the operations in the Pier Avenue building be moved to the Town Hall with the large, modern building being made available to a paying tenant;

In reply Mr Barrett said that it would be worth the Council looking at the suggestion of Parish Councils taking over the maintenance of the Council's playgrounds. He further responded by saying the seafront shelters only cost about £18,000 to maintain per annum which would only make a small dent in the larger amount.

On the matter of recycling, Mr Barrett agreed, and said that the Council were not quite meeting its recycling budget and that Councillor Talbot's Working Party were currently examining this.

With regard to the Council's three large buildings, Councillor Baker commented that he was sitting on a Working Party and this was one of the items they were currently looking at.

Mr Barrett commented that these were ideas worth looking at and he referred Members to page.11 of the afore-mentioned report which gave ideas for “Saving Strands – Potential Ideas/Proposals for Reviews” and said that the table gave a good starting point which could be useful, not only for this coming year, but for future years. He commented that the Working Parties were politically balanced and Officers attended, with different people all having different ideas for potential savings.

When asked about the process of Working Parties and their way forward, Mr Barrett informed the Member that the Working Parties were advisory with the relevant Portfolio Holder reporting back to Cabinet with the ideas for savings, which would then come back to this Committee to scrutinise the options.

A Member raised his concern about the possibility of fly-tipping when Essex County Council (ECC) raised its charges for trade waste at its Refuse Tips especially as the cost of clearing up fly-tipping came out of this Council’s budget, not ECC’s.

Mr Barrett was also asked about what income was generated for July/August for car parking as that was when residents could not use their free parking permits and he said he would give the figures in his next report to the Committee, but that he believed the figures were meeting budget expectations.

Having considered and discussed the Initial Financial Baseline the Committee agreed to make the following **COMMENT** to Cabinet:

“To raise the Committee’s concerns concerning fly-tipping due to the changes to business waste due to take place from 31 October 2016.”

31. CORPORATE BUDGET MONITORING REPORT FOR THE FIRST QUARTER OF 2016/17

The Committee had before it a report of the Corporate Director (Corporate Services), which presented it with an overview of the Council’s actual financial position against the budget as at the end of June 2016.

The Committee was aware that, at its meeting held on 9 September 2016, Cabinet had considered the Corporate Budget Monitoring Report for the first quarter of 2016/17 and had resolved (minute 61 referred) that:

“(a) the financial position as at the end of June 2016 was noted;

(b) the 2016/17 budget is to be amended via the transfer of up to £0.150m from employee budgets to a planning inquiry budget to meet this cost pressure which had emerged during the first quarter of 2016/17;

(c) delegation to be given to the Head of Finance, Revenues and Benefits to amend the 2016/17 budgets to reflect the IT service being brought in-house from April 2016 with no net impact on the Council’s overall budget; and

(d) delegation to be given to the Head of Finance Revenues and Benefits, in consultation with the Finance, Revenues and Benefits Portfolio Holder, to accept the Government’s 4 year revenue support grant offer, via the submission of an efficiency plan, if favourable to the Council.”

The Cabinet report referred to above was attached as Appendix A to item A.2 of the Report of the Corporate Director (Corporate Services) for the Committee’s consideration.

During the discussions of this item, it was suggested that the Council extend parking permits to the London Boroughs to encourage visitors to the Tendring area rather than going to Southend-on-Sea. Mr Barrett said that it was a matter of a fine balance, if the Council's car parks were full of visitors where would the District's residents park? When Essex Wildlife Trust was mentioned as a tourist attraction at Walton, the Committee was informed by a Member that the Essex Wildlife Trust had the biggest membership of any other Trust in England. The Committee agreed that those suggestions should be raised with the Head of Public Realm.

Mr Barrett informed the Committee that the Local Plan budget stated that the variance shown was for the first quarter which would not be equal to the level of spend as costs may come up further in the year. When asked if the figures were on track, Mr Barrett said it was difficult to say as the Head of Planning (Cath Bicknell) would be controlling the budget. He added that costs could mount during the inquiry stage, at the moment he was not aware of any pressure of overspend currently but he reminded Members that the other three quarters had yet to be figured in.

A Member raised concerns about figures on page 14 of the Report of the Corporate Director as he could see that the revenue figure was down in the first quarter with less income from Business Rates from March onwards.

Concern was also raised by a Member about the New Homes Bonus which was shown on page 16 of the afore-mentioned report and Mr Barrett said that this was an underspend. The Member commented on the large amount being spent on one Planning Inquiry and asked if this was on a separate budget. Mr Barrett said it was not the case but the Head of Planning had to manage the whole of the Planning budget and costs for an appeal would depend on how far an appeal could go and Mrs Bicknell could manage the costs up to a point. He added that Cabinet had allocated £150,000 to help cover any gap and said that it was never a straight-forward matter to recover costs especially as the last planning appeal had been very expensive.

It was also asked if a lot of planning appeals were to be expected and if the Council was putting enough money aside for those appeals and Mr Barrett said that money was set aside but that the budget could not take too much pressure. The Member commented that the St Osyth Priory Planning Appeal had cost a substantial amount of money at its last hearing and was there enough money set aside, he was informed that £150,000 had been set aside for the same site.

A Member queried the money budgeted for the seafront café and Mr Barrett informed him that no decision whether to proceed had yet been taken. If not, then the money would go back into the budget. The Member also queried about Westleigh House and if it was going to be demolished and what was happening with the building and was informed by Mr Barrett that the issue of the Council's assets was being dealt with in one go.

There was also a query about the cost of beach equipment of £50,000 and was informed that the equipment was not just for the beach but could actually be used elsewhere when needed.

Mr Barrett also informed the Committee that any funding money given by the Environment Agency which was left over, the Council would be allowed to keep.

On page 38 a query was made about the cash office expenditure and Mr Barrett said the figure was correct. Mr Barrett said that a small amount of additional funding of £100,000, which was made to cover several years, was allocated to give grants and loans and when

repaid, the Council would ring fence it for 3 to 5 years and this then could be re-allocated out to final grants.

Mr Barrett was asked about the cash incentive scheme on page.40 of the aforementioned report and was it for encouraging people to move? Mr Barrett said this was a valid scheme although it had not been heavily used. When asked about the New Build Initiatives and Acquisitions Mr Barrett said that this was funded.

A question was asked about the Section 106 money on page 43 which needed to be spent by the end of September 2016. Mr Barrett said the money had been moved into another budget as it was allowed to be spent where needed from the agreement's point of view. The Member was worried about Section106 monies available which were not being spent and he said he wanted it to be invested to gain interest. Mr Barrett said he would be speaking to the Corporate Director (Operational Services) (Paul Price) to see if the monies could be part of a scheme he was using for the Jaywick Project and would check with him to see if that was indeed the case.

A Member asked about £6,000 put aside for Open Space and Mr Barrett said he would speak to the relevant department to see what was happening to this money and there was a general discussion as to what this money could be used for, with Mr Barrett confirming it was a 'one-off' amount of money and he added there was never a problem spending open space money. When asked how long the open space money was kept for Mr Barrett said that the legal view was 5 to 7 years.

When asked about the Revenue Scheme Mr Barrett explained about the processes of how it worked.

A question was asked about the Right to Buy (RTB) number of properties and was informed that 11 were sold last year but the actual figures did not show that and monies were held on a capital programme and explained again how that worked. When asked if the cash receipts were put aside and if the Council was building property, Mr Barrett said that building property had gone ahead in Brightlingsea, a flat had been acquired in Walton-on-the-Naze and that with the big Jaywick project the Council was acquiring properties. He added that the Council needed to sell 3 -4 houses to have enough money to build another property as the Council had a duty to ensure its properties were properly maintained.

Having considered and discussed the budget monitoring report:-

It was **RECOMMENDED** to Cabinet that:

- (a) Cabinet notes the concerns about the 1% rent reduction and the impact for Tendring District Council; and
- (b) Members of the Cabinet raise this matter as a concern at the relevant Local Government Association conference.

32. PERFORMANCE REPORT – QUARTER ONE REPORT – APRIL 2016 TO JUNE 2016

The Committee had before it a report of the Corporate Director (Corporate Services) which presented the Performance Report for Quarter One (April 2016 to June 2016), including the Corporate Plan and Priorities and Projects 2016. Appendix A to that report contained details of the 14 indicators and projects where performance was measured. Of those, 12 (86%) were on, or above, their expected target and 2 (14%) were not currently in line with the expected performance. Three of the indicators and projects highlighted in

the report were deemed 'non-measurable' as this Council's role was that of influence only.

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

Questions and comments raised by the Members included:

- More information about Broadband being more widely available;
- Recycling targets not being met and why this Council did not accept all types of waste plastics rather than the hard plastic collected currently. However, it was commented by another Member that the Council only received recycling credits on the higher graded plastics;
- Concern was raised about the accuracy of the planning application figures and a request was made for a breakdown of the figure of 3.8 years and how it was calculated. The Member said the figures needed to be accurate in light of the Boundary Commission review. The Human Resources Operations Manager (Katie Wilkins) replied that the figures were for the first quarter of the year up to the end of June and the figures would have changed since then;
- When asked who sets the targets that needed to be met, the Head of People, Performance & Projects (Anastasia Simpson) said that the Corporate Plan and the Performance Report targets had been agreed by all Councillors at full Council;
- Members commented that the 5 year housing supply figure given by the Boundary Commission needed inclusion of applications that had not yet received planning permission including approvals for small building applications that had been Officer granted; and
- Congratulations should be given to the Officers responsible for the increased numbers of members of the public using the Council's Leisure Centres.

After discussion of the report it was **AGREED** that the Committee **COMMENTS TO CABINET** that the Committee:

- (a) notes the Council's performance report for the period April to June 2016; and
- (a) Cabinet notes the Committee's comments.

The meeting was declared closed at 9.29 p.m.

Chairman

**MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE
HELD ON 27 SEPTEMBER 2016 AT 7.30 P.M. IN THE COUNCIL CHAMBER, COUNCIL
OFFICES, THORPE ROAD, WEELEY**

Present: Councillors Turner (Vice-Chairman in the Chair), Amos, Bray, Broderick, G V Guglielmi, V E Guglielmi, Howard, Land, Newton, Platt, Scott, M J D Skeels and Stephenson

Also Present: Councillors Bucke, McWilliams and White

In Attendance: Head of Planning Services (Cath Bicknell), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Planning and Regulation Manager (Simon Meecham) and Committee Services Officer (Janey Nice)

Also in Attendance: Planning Officer (Will Fuller)

6. CHAIR

In the absence of Councillor Stock, the Chair was occupied by the Vice-Chairman (Councillor Turner).

7. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Stock (who was substituted by Councillor V E Guglielmi), Cawthron and I J Henderson.

8. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 9 June 2016, be approved as a correct record and signed by the Chairman.

9. DECLARATIONS OF INTEREST

Councillor Howard declared a Non-Pecuniary Interest in that he was currently an employee of Essex University.

10. PUBLIC SPEAKING

The Chairman invited the following persons to address the Committee:

Item A.1 – Local Development Scheme 2016 - 2019

Mrs Carol Bannister

Mrs Bannister, a resident of Weeley, made a statement concerning the University Garden Community Plan and the Local Development Plan (LDLP) and the location of the proposed Garden Community on the west of the Tendring District. She raised concerns about the timetables of the different Plans which she thought should be brought in line with each other rather than at separate dates. She also commented that no decisions had been made yet about boundary areas and numbers.

Item A.2 – Local Plan Evidence Update

Mrs Bannister made a statement concerning the proposed number of 550 houses to be built per year and raised her concerns about the junctions that are used by commuters and are gridlocked in rush hours, particularly at Weeley and Frating roundabouts and many other junctions. She believed that the figure of 550 new homes per annum had been derived from simulated theoretical modelling exercises which were vastly removed

from the experiences the commuters faced on a daily basis. Commenting that the next meeting of the Committee would be examining new data, released from the Government, she hoped that the proposed number of both housing and employment needs in Weeley were actually being reduced to a more realistic, fair, proportionate and manageable figure. Mrs Bannister commented that Consultants had said that the greatest demand for employment came from the Colchester area with the use of employment sites which concluded that that provision should be in West Tendring, with easily accessible commuter routes by road and rail.

Mr Smith-Daye, a resident of Weeley, made a statement that the Courts had made judgements that a strong evidence base was key in setting objective needs for Local Plan purposes. He also commented that the Committee had made a resolution at a previous meeting to lower the number of required properties to 479 but this had not been done and he failed to see how the number of 550 properties could be correct. He further commented that the figure was overstated and perhaps guided by the wishes of Central Government to maximise housing growth at the expense of actual local needs and wishes of local residents. He said he appreciated the need for the Local Plan to be completed to stem the flow of inappropriate development and he further stressed the need for the Committee to take into account the strong local opinion

Ms Angela Hastings a resident of Weeley made a statement on the proposed 350 houses development on land around Thorpe Hall (Lifehouse) and pointed out the land contained a listed garden with many species of plant life. She said such a large proposal in the centre of the village was inappropriate even though Lifehouse had stated that they were not a sustainable business. She pointed out that Thorpe was a very busy village with a very heavy flow of traffic which was already making houses shake in the High Street; Thorpe also contained two schools which also added to the heavy traffic, particularly in Landamere Road. She gave figures of the already approved developments and said the proposal for 350 houses at Lifehouse would not be of any benefit to the village, it would destroy an historical habitat and heritage which was the lifeblood of the village.

Ms Sue Jiggins, a resident of Weeley, asked:

“What measures are you going to put in place, as a result of the strategy you have chosen, to ensure that gridlock, increased rat running along narrow country lanes, more accidents and reduced air quality will NOT be the future for Tendring District and Weeley and Tendring villages in particular?”

The Chairman responded on behalf of the Local Plan Committee:

“As can be seen by the transport evidence update in today’s agenda – the impacts of our strategy have been modelled by the County Council and where needed junction design improvements have been suggested.

Essex County Council (ECC) is working in partnership with Tendring District Council on the Local Plan to ensure that the transportation impacts of the proposed developments are fully understood and mitigation measures are secured through the planning system.

This council has a good record in campaigning for road improvements as can be seen with the A120 where accident numbers have fallen dramatically. The Leader of the Council, Councillor Neil Stock has had numerous meetings to ensure improvements are also made to the A133 - as a matter of urgency.

As to air quality – Tendring is one of few authorities that does not have the need for Air Quality Management Zones and long may that continue to be the case. Through modelling the impacts of our strategy, we can help to ensure that we will always be a step ahead”.

Item A.3 – Comments on Braintree and Colchester’s Preferred Options Local Plan Consultation Documents

Mrs Bannister said that she thought the planned Garden Community plan was inspirational and commented that the plan was going to cover a 30 year period when the current draft Local Plan was for up to 2023. She commented that the timetable needed to be closer to the Local Authority’s plans and mentioned the need for decisions to be made about land boundaries.

11. LOCAL DEVELOPMENT SCHEME 2016 - 2019

Mr Meecham introduced the Local Development Scheme Local Plan (LDS) and the Committee’s agreement was sought to publish a new Local Development Scheme (LDS) and to update the proposed timetable for preparing the new Tendring District Local Plan and other planning documents.

The proposed LDS included the anticipated timetable of consultation periods, examinations and expected dates of adoption. Publishing the LDS also ensured that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate were kept aware of the timetable the Council was working to and organise their time and resources accordingly.

It was reported that the updated LDS proposed a revised timetable for the Local Plan and the Community Infrastructure Levy and introduced the preparation of an Area Action Plan (AAP) for the proposed east of Colchester garden community in the west of the Tendring District.

Members were informed that this LDS was the first one to be produced that aligned Braintree, Colchester and Tendring Councils’ Local Plan and AAP timetables.

Mr Meecham said that the revised Local Plan would be going out for consultation in February/March 2017

A Member mentioned about the number of schools and surgeries which would be needed and the need for the infrastructure to be in place before houses were built, especially as many schools and surgeries were already full. Mr Meecham responded by saying that the LDS was about the actual timetable for the documents to be prepared and that the evidence supporting the plan was available on-line and more would come later.

A Member commented that on page 22 of the Report of the Head of Planning that the Geographical Area for the Community Infrastructure Levy (CIL) covered all of the Tendring District, although some areas of Tendring may be CIL exempt and wanted an explanation for the CIL. Mr Meecham responded by explaining that the levy is viability tested across the whole District, where it proved unviable to charge a levy, for example where land values were low, the levy may be zero. Also some large schemes could be made exempt and developer contributions would come from Section 106 Agreements. When asked again about the CIL. Mr Meecham said that the Section 106 would continue to cover affordable housing.

The Committee having considered all of the information provided, it was moved by Councillor G V Guglielmi and seconded by Councillor Stephenson and:

RESOLVED that the Committee approved the Local Development Scheme (LDS) 2016-2019, attached as Appendix 1 to item A.1 of the Report of the Head of Planning Services, and agreed to its publication on the Council’s website.

12. LOCAL PLAN EVIDENCE UPDATE

The Committee was provided with an update on the progress of the evidence that was necessary to underpin the content of the new Local Plan particularly with regard to the Objectively Assessed housing Need, retail, employment and transport evidence.

Evidence summaries were reported to the Committee under the following headings:-

- (1) Objectively Assessed housing Needs (OAhN);
- (2) Transport Junction Modelling Phase 2;
- (3) Retail Study; and
- (4) Other studies underway or to be commissioned.

Mr Meecham informed the Committee that the Office for National Statistics had published new population projections and the Government had used those to create new household projections. He said that the Council's evidence needed to be updated to reflect the data and that Peter Brett Associates had been appointed to advise the Council on any changes to Tendring's housing requirements. Mr Meecham added that, if available, this would be presented to the meeting of the Local Plan Committee in November 2016.

In regards to the transport modelling evidence, Mr Meecham said that each stage of the Local Plan was reviewed by Essex County Council (ECC) and that ECC had considered the preferred options for employment and housing in the Local Plan and assessed the need for any design changes to junctions to accommodate the growth. He said that for the Preferred Options Local Plan ten junctions had been modelled. He added that five of the ten junctions were already having issues at peak hours and evidence showed where that was and was actually happening.

Mr Meecham informed the Committee that each arm of the current junction layouts were considered to see if the existing design could take the additional peak time traffic and if not, modest design changes would be applied to the applicable junction. He added that those would increase the ratio of the flow of traffic through the junctions and that employment and mixed use allocations would have an impact on the junction flow.

With reference to retail Mr Meecham informed the Committee that the retail study had looked at the health of the District's town centres and the headroom for additional growth in retail, this was based on the population growth that was being planned for in Tendring District's Local Plan. He added that the study had found that Clacton, Frinton-on-Sea, Dovercourt and Brightlingsea had good retail occupancy rates with good accessibility making them healthy and viable centres. He also commented that the study had found Walton-on-the-Naze had higher than average vacancy rates and the study considered it would benefit from the development of some regeneration sites, for example, the Town Hall site but said the study had considered Walton-on-the-Naze to be generally healthy.

Mr Meecham confirmed that the study had found Manningtree to be healthy with good retail occupancy levels but suggested it would benefit from more comparison shops, (non-food shops). That the study showed that Harwich had high vacancy rates with a low footfall and did not perform a town centre role. The Preferred Options Local Plan had already classified Harwich a District centre rather than a town centre.

The Committee was informed that the study had considered two population catchment areas, one including Colchester, the other focussing on Tendring and for Tendring the study considered there to be potential growth of retail expenditure between 2015 and 2032 of:

- £48m Convenience goods (e.g. foods); 980 – 1850 sq. metres (after existing commitments); and

- £366.4 Comparison goods (e.g. clothes, white goods) 11,880 – 19,800 sq.m (after existing commitments).

Mr Meecham gave further details on other studies which included: Employment Land Review; Sustainability Appraisal and other evidence studies.

A Member commented that the evidence appeared to be commissioned more by Chelmsford and Colchester and asked why the Tendring District was not part of the evidence required. Mr Meecham replied that a shared evidence base was important to underpin the Duty to Co-operate, to plan effectively across the sub-region and it was also about efficiency, frameworks, and Tendring took a full role in the development of the briefs, assessment of tenders and steering the consultants commissioned.

A Committee member said he was pleased that the junctions were being considered as in the early evenings and during the summer months congestion was a serious problem. He added that he had seen maps concerning the new road proposals for the A133 and A120 and suggested that this road should be added when looking at junctions on the A.133 and A120 and that the seasonal summer months did not appear to be considered. Mr Meecham responded that the link road would be considered by Ringway Jacobs as part of the Concept Framework for the east of Colchester garden community highlighted in the report. In terms of the months of July and August, that had been raised with ECC in regards to phase 1 of the transport modelling and the phase 2 report addressed that matter.

The Member further commented that Tendring was a different area, and the modelling did not take into account the seasonal issues especially during the summer and for tourism.

Councillor G V Guglielmi said that as an Essex County Councillor, he would be more than happy to take to the Transport Board the extra consideration needed in the junction modelling and the extra traffic in the Tendring District and said that he believed a new transport report had just been released. This was welcomed by the Committee member who had raised the issue and wanted this matter to be added to the Committee's recommendation.

Another Committee Member commented about the problems at the Frating roundabout and expressed surprise that Weeley roundabout had not been mentioned, he added again, that Tendring is a holiday resort and was not being treated as such. He added that far more attention was needed to look at the bottleneck at both ends of the A133.

In addition to the above the Committee raised concerns about a number of issues which included:

- The High Street at Thorpe-le-Soken which had dreadful traffic problems, engagement was needed to engage both Tendring and ECC Councillors;
- Transport modelling gave the impression that Tendring had had no input into the study and it was said that the Transport Modelling should have been modelled on the District's behalf;
- The different approach to the presentation of figures on pages 35 and 39 percentages and others not, and no figures being provided on page 42, raised concern;
- It was noted that the site at Horsley Cross was not to be allocated due to the weakness of the site, there had been a long-standing debate about Horsley Cross and it had previously been decided that the site be added to the Draft Local Plan. Questions were raised as to why it had now been taken out; and
- That the Committee was still considering various figures and forecasts after many months and there needed to be progressed quickly otherwise there was a real risk of the Local Plan timetable not being met.

Mr Meecham replied in response to the above comments, that ECC/Ringway Jacobs used different software models for the junctions and this was why some had percentages and the red/amber/green was the easiest way to see which junctions had the poorest flow. He said that the County Council should be asked to consider the issues in Thorpe-le-Soken and this need not be part of the Local Plan as there were few allocations in that vicinity. He read out the occupancy levels for Dovercourt and that the Town Centre Manager had stated this was the highest level ever recorded for Dovercourt and shops were being occupied with good footfall. He also explained the reasons for not including Horsley Cross, these included lack of viability and that if sites were known to be unviable were put into the Local Plan, then that would make the Local Plan unsound.

Horsley Cross was again discussed by Members with one commenting that in the 2012 draft document it had been decided that the A120 was the best place to regenerate the area, especially Harwich. It was also commented there was sufficient land for 7,000 houses at Horsley Cross and if built there it would regenerate the whole area.

A Member commented that there was an opportunity not to upset little settlements and if development at Weeley went ahead it was needed to sort roads and schools first.

Road issues in Thorpe-le-Soken were mentioned again by a Member saying that Thorpe needed to be assessed on its own merits due to the huge amount of traffic going through, with tourist traffic going through to the Frinton-on-Sea and Walton-on-the-Naze resorts. It was also added that Tendring Technology College in Landmere Road caused a great amount of traffic including a large amount of school buses, there appeared to be no mention of Thorpe in the documents with the roads now no longer capable of the increasing amount of heavy traffic, there had been a recent sink hole in Thorpe High Street with Anglia Water needing assurances that the road was being considered. Mr Meecham said that that particular area had 100 homes allocated.

Members of the Committee further discussed the modelling and a suggestion that a meeting be held with Essex County Council officers on the road issues and in relation to the traffic count. It was made clear by Members that they were concerned about Frating roundabout figures which did not appear to be correct with a number of cars seeming to be missing from the figures with the survey needing to be retaken. The Committee also discussed the roundabout on the A133 which had previously been mentioned and Cox's Hill which had not taken into account the impact on the road of extra traffic, except mention of a planning application for that stretch of road. It was also mentioned that land ownership had not been taken into account.

Mr Meecham, in response to the above comments, said that the modelling was not to everyone's taste but it was required by the National Planning Policy Framework and that transport professionals were employed to look at the modelling. He added that figures for a.m. and p.m. traffic would be different because of the spread of the traffic and not a case of losing cars from the figures.

The Head of Governance & Legal Services Manager (Lisa Hastings) suggested it might be appropriate to arrange a session with the Local Plan Committee and the Officer and Consultants to listen to concerns about transport assessments and to enable a question and answer session..

A Committee Member said that his biggest concern was when asking for something to be done, the Committee's previous requests had been ignored completely and when questioned as to why a matter was not done, an answer was generally unhelpful, he said he did not want the Committee to enter into Phase 3 when Phases 1 and 2 were not completed.

The Chairman (Councillor Turner) agreed that there was a need for the Committee to be firm in what needed to be done and agreed with Mrs Hastings' suggestion. He reminded the Committee that the Deputy Leader of the Council and Portfolio Holder for

Enforcement and Community Safety (Councillor G V Guglielmi) had mentioned he would take transport issues to the appropriate person at Essex County Council and it was necessary for the Committee to be in full agreement. A Committee Member requested that Councillor G V Guglielmi make his request to the County Council as quickly as possible.

The Committee and having discussed the recommendations and their additional concerns, it was moved by Councillor Scott and seconded by Councillor M J D Skeels Senior that it was:

RESOLVED

- (a) The Local Plan Committee noted the latest progress on the evidence base to justify the content of the Local Plan and that the Head of Planning continued to commission/prepare the outstanding studies as set out in Table 1 of the Report of the Head of Planning – item A.2 Local Plan Evidence Updates, providing updates to the Local Plan Committee on an ongoing basis;
- (b) That it was requested that Essex County Highways address the seasonal movements in their transport model and engage Tendring District Council representatives in their future studies and evidence gathering before final reports were issued; and
- (c) That it was requested that a briefing and question and answer session was to be organised with the Highway Transport Consultants for members of the Local Plan Committee as a matter of urgency due to the impending timescale.

13. COMMENTS ON BRAINTREE AND COLCHESTER COUNCILS' PREFERRED OPTIONS LOCAL PLAN CONSULTATION DOCUMENTS

The Local Plan Committee's endorsement was sought with regard to the Officers' responses to Braintree District Council and Colchester Borough Council's Part 2 Preferred Options Local Plans.

It was reported that Braintree, Colchester and Tendring Councils had each agreed the content of Part 1 of their respective Local Plans. The individual councils had agreed part 2 of each Local Plan. The consultations on those Local Plans had now finished. Officers had therefore provided comments to Braintree District Council and Colchester Borough Council on their Local Plans, subject to the endorsement of this Committee.

The submitted Officer comments on both the Colchester and Braintree Preferred Options Local Plans supported the progress that those Authorities had made in producing the strategic policies in Part 1.

Braintree Preferred Options Local Plan

The officers' comments were that, in both Parts 1 and 2, the starting date of the Braintree Local Plan be aligned with both Tendring and Colchester. Additionally, the officer comments had requested that it be made clear how the shortfall in housing completions from April 2013 had been dealt with within their housing requirement.

Colchester Preferred Options Local Plan

Officers had expressed concern that housing growth had been included within the area of search for the east of Colchester garden community in Part 2 of the Colchester Local Plan. This growth would be in addition to that already proposed in Part 1 of the Colchester Local Plan. In addition, Officers had made Colchester aware that part of a potential allocation for the expansion of the University of Essex

had been allocated within Tendring District Council's boundary and had requested discussions to address this matter should the allocation go forward in either, or both, of the next versions of the Colchester and Tendring Local Plans.

Mr Meecham informed the Committee that Officers support both Braintree and Colchester's approach to Part 1 of their Local Plans and that Part 1 was the same for Braintree, Colchester and Tendring. However, it was recommended that Braintree Council be asked to align its Local Plan start date with Colchester and Tendring which was for 2013 and requested Braintree took into account the housing completion shortfalls from April 2013.

The recommended response to Colchester requested that it did not allocate growth above that agreed in the Part 1 of the Local Plan within the area of search for the east of Colchester garden community and had also that an allocation for the University of Essex expansion be removed from their Policies map as this was within the Tendring District.

A Member commented that Colchester Borough Council (CBC) did have land in the wrong area and raised a query about the boundaries coming off the land of the University and which side it was.

Mr Meecham said there were two areas for University expansion, one was north of the A.133 which is in Colchester Borough and the other south of the A.133 near to the gates of Wivenhoe House.

The Member said that if CBC was planning to expand in the University area it brought into question the very busy junction and it was needed to think about the safety of that area very carefully. If expansion went ahead there would be more students and more traffic in what was a traffic hot area especially in the early morning.

A Member applauded the work the Officers had done in working with the other two Councils, Braintree and Colchester and the concerns that they had raised. Having considered and discussed all of the information provided, it was moved by Councillor G V Guglielmi, seconded by Councillor Scott and:

RESOLVED that the Local Plan Committee endorsed the comments provided by Officers in regards to Braintree District Council and Colchester Borough Councils' Preferred Options Local Plan consultation documents, as set out below:

“Braintree District Council

Tendring District Council supports Braintree District Council in its commitment to establish a new Local Plan for its district. Tendring District Council is committed to working with Braintree District Council on an active and on-going basis and is particularly proud that the councils along with Colchester Borough Council and Essex County Council have agreed a common strategic framework in Part 1 of the Local Plans for Braintree, Colchester and Tendring.

Part 1 is an excellent output from the four Councils' Memorandum of Co-operation and the agreement to collaborate on evidence, development of options and addressing economic growth across the sub-region. Part 1 also presents a strong and specific joint strategic planning framework for the Councils' ground breaking work on Garden Communities and Tendring District Council looks forward to further developing these options as the Councils move to implementation.

Tendring District Council offers the following officer observations to meet Braintree's consultation timetable. These will be presented to Tendring's Local Plan Committee on September 27 2016 for comment and to seek endorsement.

Vision and Objectives. Tendring District Council welcomes the positive approach taken by Braintree especially in relation to aspirational economic growth and improvements to the road and rail networks.

Part 1.

The Objectively Assessed housing Needs (OAN) evidence for Braintree, Colchester and Tendring has a common start date of April 2013. It would be helpful if Policy SP2 was amended to reflect that bringing the Braintree plan in-line with the 2013-2033 plan period of Colchester and Tendring. This is important to a common assessment of any under or oversupply against our annualised housing requirements within the shared housing market area. It is accepted that the plan periods and housing requirements may change as new evidence emerges and Tendring Council will continue to work with Braintree, Chelmsford and Colchester Councils in this regard.

Part 2.

As the Councils' Objectively Assessed housing Needs (OAN) evidence has a common start date of April 2013 it would be helpful if 6.67 was amended to reflect that the Braintree plan is in-line with the 2013-2033 plan period of Colchester and Tendring. This is important to the common assessment on any under or oversupply against the annualised housing requirements within the shared housing market area. It is accepted that the plan periods and housing requirements may change as new evidence emerges and Tendring Council will continue to work with Braintree, Chelmsford and Colchester Councils in this regard.

Colchester Borough Council

Tendring District Council supports Colchester Borough Council in its commitment to establish a new Local Plan for the borough. Tendring District Council is committed to working with Colchester Borough Council on an active and on-going basis and is particularly proud that the councils along with Braintree District Council and Essex County Council have agreed a common strategic framework in Part 1 of the Local Plans for Braintree, Colchester and Tendring.

Part 1 is an excellent output from the four Councils' Memorandum of Co-operation and the agreement to collaborate on evidence, development of options and addressing economic growth across the sub-region. Part 1 also presents a strong and specific joint strategic planning framework for the Councils' ground breaking work on Garden Communities and Tendring District Council looks forward to further developing these options as the Councils move to implementation.

Tendring District Council offers the following officer observations to meet Colchester's consultation timetable. These will be presented to Tendring's Local Plan Committee on September 27 2016 for comment and to seek endorsement.

Vision and Objectives. Tendring District Council welcomes the positive approach taken by Colchester especially in relation to job creation, public transport improvements and quality of design.

Part 1 - Tendring District Council has no further comments to make on Part 1 of the Local Plan in relation to Colchester.

Part 2 – Policy EC1. Tendring District Council supports the economic resource and job generation from the protection and expansion of the Knowledge Gateway and its integration in to the east of Colchester garden community as well as the wider sub region. Tendring District Council supports the expansion of Zone 1, subject to

further joint work on land use zones and access within the east of Colchester garden community. Tendring District Council notes that the majority of Zone 2 falls within the boundary of the Tendring district. We understand this is an error in mapping but that the intention would be to secure Tendring District Council's agreement to designate the appropriate parts of Zone 2 in its Submission version of the Local Plan. Tendring District Council requests further dialogue on this matter with both the University of Essex and Colchester Borough Council to inform the next stage of both our Local Plans.

Table SG2. Tendring District Council welcomes the identification within Table SG2 on the potential hierarchy of settlements and the potential growth within these settlements to meet Colchester Borough Council's housing requirement. In developing Part 1 of the Local Plan agreement was reached to make provision for up to 1250 homes in each of the authorities boundaries within the broad area of search for the proposed east of Colchester garden community. To this end no further allocations within this broad area of search were deemed appropriate until the boundaries for the garden community had been agreed.

It is therefore of concern that an allowance for up to 930 houses has been provided for in the Colchester housing figures with a view to this provision being on sites to the east of Colchester, within the current broad area of search for the garden community albeit these being determined following the definition of the boundary for the garden community.

Our concern includes that;

- 1) If the entire areas of search is taken then this 930 would need to be part of the garden community – not a separate allocation. The delivery of 930 plus 2500 housing units up to 2033 is beyond current delivery expectations; and
- 2) If the area of search is reduced would any of the 930 have a detrimental impact on the ethos or the delivery of the garden community. This could include access, landscape, market price and delivery impacts.

Tendring District Council has not allocated any additional growth within the area of search and requests that Colchester reviews this additional 930 units in line with the concerns expressed here for the submission versions of our Local Plans. Any further allocation to the east of Colchester which is not part of the garden community is of a concern to Tendring District Council and it is requested that Colchester reviews the approach to this additional 930 units in line with the concerns expressed."

The meeting was declared closed at 9.17 p.m.

Chairman

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP
AND PARTNERSHIPS COMMITTEE
HELD ON MONDAY 3 OCTOBER 2016 AT 7.35 P.M. IN THE COUNCIL CHAMBER,
COUNCIL OFFICES, WEELEY**

Present: Councillors Fairley (Chairman), Baker (Vice-Chairman), Amos, Davis, I J Henderson, King, Land, Newton, Parsons and Yallop

Also Present: Councillors Hughes (Portfolio Holder for Corporate Services), McWilliams (Portfolio Holder for Leisure, Health & Wellbeing) and Bucke

In Attendance: Head of People, Performance & Projects (Anastasia Simpson), Executive Projects Manager (Rebecca Morton) and Committee Services Officer (Janey Nice)

Also in Attendance: Graham Lancaster (Essex County Council's Lead Commissioner for Primary Schools (North East))

14. CHAIR

As the Chairman of the Committee (Councillor Fairley) was delayed due to a road accident, the Chair was occupied by the Vice-Chairman (Councillor Baker) for items 15, 16, 17 and 18 part).

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Raby (with Councillor Davis substituting) and also from Councillor Poonian (with no substitute).

16. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 11 July 2016, were approved as a correct record and signed by the Chairman.

17. DECLARATIONS OF INTEREST

Declarations were made by Councillor K T King (as his wife was employed as a teacher) and Councillor I J Henderson (as he was a Member of Essex County Council).

18. WORKING IN PARTNERSHIP TO SUPPORT THE RECRUITMENT AND RETENTION OF TEACHERS

During the consideration of this item the Chairman arrived and occupied the Chair.

Mr Lancaster informed the Committee that he had been previously employed as a teacher and was now employed by Essex County Council (ECC) as the Lead Commissioner for Primary Schools (North East).

Mr Lancaster said he had attended the Council's Locality Board meeting held on Thursday 29 September 2016 and said that the Tendring District had a great cause for celebration in respect of its School Ofsted reports. He reported that Ofsted had reported Tendring Secondary Schools as being 100%, good or outstanding. This was unheard of in Essex previously and also 80% of Primary Schools were now good or outstanding. He said that several other Primary Schools were due to be examined in the near future, which he believed, would bring the figure up to 90% which would be an enormous improvement. He added that those figures were closing in on the national figures. Mr Lancaster further said

that in terms of the gap with disadvantaged pupils, Tendring was doing better than the whole of Essex.

Mr Lancaster informed the Committee that there were a number of challenges that schools were facing which included recruitment and retention of teachers and also school readiness for pupils at the age of 4 who could have differing problems ranging from being unable to speak, not toilet trained and with very low development skills. He added that there was an enormous amount of work to make children ready to enter schools' reception classes and parents needed to help get their children ready for school.

He said there was an enormous challenge for school places, especially with Colchester being the fastest growing town in the country and there was also an immense pressure for school places in Tendring. He explained that there was a great deal of communication currently going on between school placement departments and Headteachers, along with school class numbers, the expansion of schools or even the building of new ones. He added that there was a 10-year tracking of numbers of pupils in schools in the county.

With regard to recruitment and retention of teachers Mr Lancaster said that he Chaired groups of Headteachers Associations and had a workforce team who advertised teacher vacancies. He added that this was a national problem, with the Eastern Region being a particular problem, with it being an even worse problem in Essex and the Coastal area being even worse still, along with the area around the M25.

Mr Lancaster said there were two reasons why schools in Tendring were attaining better results, the first being the quality of leadership whereby that in 40 schools only 5 or 6 of them had the same Headteacher currently since he had got involved around 4 or 5 years ago. He said that a new Headteacher would give real passion to the role and real belief that Tendring pupils could attain good results as elsewhere. Secondly, he said, Headteachers expected teachers to be effective in the classroom. If teaching vacancies could not be filled, improvements would be lost and he said that standards must be retained.

He gave an example of two schools where Headteachers had vacancies and because of that, were actually taking classes to help fill the gaps which meant they could not effectively lead their schools. He said the reasons for so many vacancies for teachers were that not enough new teachers were coming through the system, some when interviewed were not of good enough quality to teach and he asked the question, what could be done to resolve the problem?

Mr Lancaster said there were a number of initiatives being considered from free teacher training for highly skilled teaching assistants to try and see if teaching could be a further for them and said that efforts were being made to encourage teachers who had left the profession to return to teaching, and if out of the classroom for some time, offer suitable retraining courses.

Mr Lancaster said there were no teacher training courses available at any Essex Universities only by independent companies. He said that this made it more difficult to attract teachers to Essex. He said that last year the Department of Education imposed a national cap for the number of teacher training places, but this was not based on geographical locations, but only for numbers for primary schools, secondary schools and certain subjects. He said that the national cap had hit providers very hard and that his department was lobbying on behalf of the East of England and that for 2017/18 only 75% of places had been bid for.

A Member asked why the cap had been imposed and Mr Lancaster said that the majority could need bursaries or grants or loans and that more places could be funded, again the cap was not taking geographical requirements into consideration.

When asked by another Member if there was any possibility for bursaries, loans and grants being more localised than from national Government, Mr Lancaster said he was not aware of

any discussions on that, but thought it would be a good idea. The Member added it would lead to more control over training. Mr Lancaster said that there was a scheme called 'Teach First' which was a pilot for targeting areas of deprivation and Colchester would start this off with its Council taking part in 2017. The scheme, he said, would mean that trainees would have to agree to teach in a school in the area where trained for a year. He added that research had shown that most new teachers tended to move on after one year.

He also looked at the retention of teachers, why do some leave? Why do some take early retirement? He said that some were lost to the profession only two or three years after being trained. Mr Lancaster said he had researched all of Essex schools and had spoken to Headteachers of the levels of teacher turnover and what they did to retain their teachers and he would shortly be sending out a 'toolkit' which had been written by Headteachers for Headteachers of which he had collated the information provided. He said the toolkit would give suggestions which Headteachers could employ. , They could also set up a local network for newly qualified teachers to meet up where they could discuss the issues where they were feeling pressure and other matters.

Mr Lancaster said he found that Headteachers could offset the pressures the Ofsted inspections could cause and they could look at the most efficient ways of responding and try and remove the pressures off teachers in the particularly difficult Years of 2 and 6. . He said that teachers claimed that they always seemed to be marking work, planning school work and seemed to have no life outside of school, even though they had the opportunities of long school holidays. He said it had been commented that some would rather earn less and have such no work pressures. He added that this was a national problem of offsetting the problems of Ofsted inspections.

He said it was a big problem of getting across how nice an area Essex was to live and work in and indicated on a recruitment site which gave positive answers along with a video of how attractive a place Essex was. He commented that the Department had tried recruiting from overseas, including from Australia and Ireland, which had an excess of teachers. He said one problem was that slick recruitment agencies attracted teachers by offering incentives then passed finder's fees onto the school, possibly in the region of £5,000 to £6,000 per teacher so there was no hope of competing with those agencies. He added he had been in negotiation with three possible overseas recruitment agencies to enter into a partnership where they could identify vacancies in Essex school by school and would recruit for his Department for a fee which would be rather smaller than the fees charged by other agencies.

Mr Lancaster said that on the issue of housing for teachers there were three different scenarios that could happen, one was where empty Essex buildings could be converted into flats, there was one in Witham currently being used as a children's centre which was due to close at Christmas and could be converted. He said he had received permission from an investment board recently to make a business case for its conversion into flats with the rent income going to ECC with subsidised rents for teachers in the Witham area.

He said the second was in large scale building developments where possible housing units could be allocated for key staff and he mentioned Jaywick and a site in Braintree.

Mr Lancaster said the third initiative could come from the significant redevelopment of school sites, Alderman Blaxhill school in Colchester was due to be demolished and flats for teachers could be built on that site. He mentioned that there was a need also for homes for other key workers which would include social workers, nurses, plus housing for adults with learning difficulties.

A Member asking about recruitment, asked for an explanation of what training was needed and where advertising was being undertaken. Mr Lancaster said that he had received funding for five recruitment fairs for people interested in teacher training at different locations in the country, with advertising in various local newspapers. Another initiative he said, was tracking secondary school pupils, seeking to identify sixth formers who might be interested in

training as a teacher in the future. This was a longer term project and part of training, living and working in Essex.

Mr Lancaster was asked by a Member if there were different scales of pay in different areas and about some of the agency involvement. He responded by saying that in the Essex area recruitment in IT was a problem and even worse than that, Mathematics, English and History and there was not enough trainees attracted to those subject areas. He said it was hypothetical that schools could get into a bidding war with other schools and gave an example of Tendring Technology College, based in Frinton-on-sea and Thorpe-le-Soken, bidding against Clacton County High. He said it could be a possibility that presently teachers could be placed as a Head of a Department in a school with only three or four years teaching experience as against taking seven to eight years to previously reach a Head of Department post. Mr Lancaster said that schools had a free range in pay which had helped towards retention of teachers.

He said that in Primary Schools, the Juniors were often one Ofsted grade lower than other areas, generally down to higher pressure of work to keep up standards and they tended to struggle to recruit teachers. He added that Roman Catholic schools also struggled to recruit suitable teachers, this being from a very small pool of available teachers.

A Member asked why there was a lack of Universities in the Essex area offering teacher training courses. Mr Lancaster said it was a case of once bitten, twice shy, some courses had been really poor so they had been forced to close the training courses. He added that Universities had to be on a very sure footing. However, he commented, that there had been ongoing discussions between Secondary School Headteachers and Universities to see what options there could be for opening up teacher training courses, but those would have to be of the right quality.

The Chairman asked about the possibility of schools working together and Mr Lancaster said that this was very difficult, but that Primary Schools could work in clusters especially in areas such as educational needs where such teachers were mainly part-time so possibly three or four schools could perhaps share an educational needs teacher. He added that this could be more difficult in Secondary Schools and more collaboration was needed between them. He said that Secondary Schools tended to be quite competitive in who or what they were prepared to share as those schools tended to be judged by outcomes. He added that this would not be much of an issue if the Secondary School was full, but if not full, exam results could be a real issue.

A Member asked Mr Lancaster what was his view on the idea of selection of pupils in schools and Mr Lancaster commented that was an interesting subject and that at a recent briefing on the new green paper issued by Central Government, the Local Authority position was very much for exploring the extension of grammar schools. He said that grammar schools gave more advantages for children to thrive in a more academic institution, however if it was a case of creaming off the top percentile of pupils it would cause a great problem. He said that he was a fan of the Finnish school system where they had selection at the age of 12 then another opportunity at the age of 15, this would give a child another opportunity if they attained better results at a later age. He added that in Finland there was no distinction between grammar schools, or their equivalent, and at the age of 12, the child's aptitude was examined to see which would be the best school for them to be tailored for their needs. He believed that this was where the British schooling went wrong as only 50% of pupils went on to University degree courses.

When a Member asked about lower than average skilled teachers in Essex, Mr Lancaster said that what would be acceptable in one school would not be acceptable in another. He said that not enough was done in tracking teachers to see what, if any, extra training was needed. He then said he had had discussions with supply agencies for daily cover (or longer) and commented that he thought the training they provided was not that great and it

could be a good thing to link their staff to Essex schools to broker better training which would then improve the quality of teachers on their books. He added that he had personally been involved in removing poor teachers, only then to find the same teacher working as a supply teacher in another school.

When asked by a Member about gaps in school places and if a central system would be better which could then be sub-divided by region, and whether this would give a better idea of what was going on and if any new entrants needed extra coaching to help them, Mr Lancaster said that he would like to create one and that his workforce team colleagues go to recruitment fairs to encourage teachers to come to Essex visited recruitment agencies tended to beat them for placements and it was impossible to compete with them, but that they would try. He said that newly qualified teachers had an expectation of support training and he had a branch of his team to help look after them. He said that it was ideal for a new teacher to have a mentor in the school to help look after them by supporting and managing them and having the job of reporting any issues back to a central agency to see what could be done to assist them. He then commented rather than have a new teacher fail it would be better to broker a sidewise move to give a better chance of success.

A Member suggested that if there was a problem of beating the Recruitment Agencies to newly qualified teachers, it might give his Department more scope if they reached the trainees before they became qualified and perhaps other initiatives such as student loans or anything else to get their loyalty while still training. Mr Lancaster said that he was looking at that in terms of recruiting overseas teachers and also looking at travel vouchers as he had over £200,000 to assist in initiatives, however, he pointed out that sum would not go far when covering 600 schools. He was trying to support schools to address problems and suggested that if they pooled resources their "pulling power" might be greater and he was trying to encourage schools to work together.

Career guidance was raised by a Member by asking how close the Department's links were with Career Advisors, perhaps they could steer pupils towards a teaching career in more detail. Mr Lancaster said that this had come up recently with a different twist to look at career choices in a different way, to making the career of teaching at secondary schools more exciting, perhaps pupils could meet up with teachers who were keen to pass on their enthusiasm as there were teachers who were excited about their jobs and he thought this was a good idea worth pursuing.

A Member said that he got the impression that teaching was all about exams which would discourage entrants into teacher training and Mr Lancaster said that testing of pupils seemed to be getting to a younger age which did put two pressures on teachers, namely continued accountability of test results and the other was the narrowing of the curriculum that went with extra testing. He added that this could take the joy out of the job but that some Headteachers had found extra ways around that and he gave an example of some schools which had weaved expectations into the curriculum and also had weaved the joy of teaching as well.

Other questions and suggestions from Members concerned:

- Career advice at schools being given at an earlier age, showing them various options;
- How this Council could help ECC with recruitment and retention of teachers;
- On new build estates where 40% was put aside for affordable housing, perhaps those could be allocated as key worker properties;
- About 15 years ago a film production company in St Osyth had made a film showing that Tendring was a good place to live and work and wondered if it was still in business;
- Recruitment of ex-service personnel into teacher training; and
- Boarding schools, were they a good thing?

Mr Lancaster said that resources on careers advice were very limited and agreed that it would be useful to reach youngsters at an earlier age.

He said the Council could help by listening to the problems that schools were facing with recruitment, more lobbying would be helpful in attaining more teacher trainees. He suggested that Members visit schools and see how they were doing which would give them an idea of what support was needed. He also suggested that perhaps regular Press Releases of what was happening in Tendring schools would be much appreciated especially celebrating how well schools in the Tendring area were performing.

Mr Lancaster said that he thought Boarding Schools were very good especially for children with special needs and that the Government's recent green paper included mention of boarding schools and that collaboration between the public and private sector would be a good thing. Some independent schools were excellent and he mentioned how excellent the special needs school at Market Fields, Elmstead was, especially as the Headteacher was very much involved.

The Chairman thanked Mr Lancaster for his excellent presentation to the Committee and asked him to let it know if there was anything it could do to support his work.

After discussing the various issues it was **RECOMMENDED** to Cabinet that:

Cabinet look into the lack of career advice in schools as more was needed to assist pupils of the directions they could take in their future career choices.

19. **UPDATE ON COMMUNITY PROJECTS - EDUCATION**

The Council's Executive Projects Manager (Rebecca Morton) gave an update on Education and she advised the Committee that the Council was working with both teachers and schools and gave an update on the work undertaken so far. She said that there had been a Teach First Partnership Conference in May 2016 with Senior Executives and representatives from Canterbury Christ Church University.

The Teach First Summer School, she said, had been launched in the summer of 2016 for students commencing teacher training and it was intended that teachers would be placed in Tendring schools in 2017.

Mrs Morton informed the Committee that a Wellbeing Hub had started a pilot scheme with the Headteacher at Great Bentley Primary School becoming a Cluster Lead. The Headteacher was keen to work on a teacher led after school facility with trained Youth Mental Health First Aiders with the training being provided by Mental Health First Aid England. She said that it was designed to enable teachers to identify early signs of mental health issues to signpost mental health issues to mental health experts. She said it was intended to pilot the scheme in the 2016/17 academic year and if it proved successful it was intended to cascade training to other clusters in the Tendring District.

She said that a Post 16 Provision a meeting had been held in April 2016 with local education providers, Councillors and Officers to discuss education provision and what support was available and how discretionary grants could be used, for example, for transport and essential equipment.

Mrs Morton said that Memorandums of Understanding were now in place with the University of Essex and Anglia Ruskin University with a representative from Anglia Ruskin to attend a meeting of the Tendring Education Improvement Group to explore the ways the University could support primary schools, and added that secondary school links and support were already well established.

She said that when it came to school places there had been a recent meeting held with the Schools Organisation Officer at ECC regarding a 10 year Plan for school places, covering 2016 – 2026.

Mrs Morton said that there were a number of challenges ahead which meant schools in Tendring needed to maintain and raise standards, recruitment and retention of teachers which included the retention of the District's Headteachers. She added that it was necessary to encourage schools to work together, sharing resources and preparing children for school readiness.

A Member asked if in addition to the current work there were any projects looking at developing cross-skills, peer education and helping towards employment. Miss Morton said that there was nothing immediately planned but that the Education Improvement Group were keen to encourage career guidance.

A Member raised the issue of mental health and identifying youngsters with that problem and said that there had been a real concern amongst group case studies that some youngsters were waiting after 37 weeks to be assessed on their issues which was unhelpful for the children and their families suffering from those delays. He said that ECC had a responsibility for children who had been referred which had now been outsourced to a North East London Company Foundation Trust. He added that youngsters with mental health problems were not being noticed at an early enough age and were not getting the support they needed and felt that more concern should be shown.

Mrs Simpson responded by informing the Committee that she intended to contact the relevant authorities to find out more about the issue of mental health in youngsters and referral waiting times.

A mental health centre for youngsters in Colchester was mentioned by a Member who said that it was most beneficial for children up to the age of 16. He further commented there seemed to be a gap between the ages of 16 – 18 which was a critical time when a person was going to get well. He further commented that it appeared that it tended to be more girls with eating disorders and self-harming than boys.

The Chairman talked about careers advice, what options were available, and how the Council could facilitate them and look at what projects were being delivered.

After discussions amongst the Committee, it was:

RECOMMENDED to Cabinet that:

- (a) the Committee would like Cabinet to note their concerns about the lack and consistency of career's advice within schools; and

RESOLVED that

- (b) the contents of the report be noted.

The meeting was declared closed at 9.09 p.m.

Chairman

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**MINUTES OF THE MEETING OF THE SERVICE DEVELOPMENT AND DELIVERY SCRUTINY COMMITTEE HELD ON MONDAY 24 OCTOBER 2016 AT 7.30 P.M.
THE COUNCIL CHAMBER, COUNCIL OFFICES, WEELEY**

Present: Councillors Griffiths (Chairman), V E Guglielmi (Vice-Chairman), Amos, Chapman, Hones, Pemberton and M J Skeels Jnr

Also Present: Councillors Baker, Honeywood (Housing Portfolio Holder) (item 23 only), Poonian (except items 24 and 25) and Turner (Commercialisation Portfolio Holder)

In Attendance: Head of Customer & Commercial Services (Mark Westall), Head of Housing (Tim R. Clarke) (except items 24 and 25), Head of IT & Corporate Resilience (John Higgins) (except item 25), Head of Public Realm (Ian Taylor), Committee Services Manager (Ian Ford) and Housing Manager (David Black) (except items 24 and 25)

Also in Attendance: Brian Jones (Honeycroft Tenants' Representative) (except items 24 and 25)

20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Fowler, Miles (with Councillor Amos substituting) and Yallop (with Councillor Chapman substituting).

Apologies were also submitted on behalf of Councillor G V Guglielmi (Enforcement and Community Safety Portfolio Holder) who had been invited to attend the meeting in relation to the matters discussed under Minute 24 below but who had been unable to attend due to a prior parish council commitment.

21. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on Monday 19 September 2016 were signed as a correct record by the Chairman.

22. DECLARATIONS OF INTEREST

Councillor V E Guglielmi declared an interest in respect of the update on Spendalls House and Honeycroft insofar as she was a next door neighbour to Honeycroft and also a local Ward Member.

Councillor Baker also declared an interest insofar as he was a local Ward Member for Honeycroft.

23. SPENDALLS HOUSE AND HONEYCROFT – UPDATE

Councillor V E Guglielmi had earlier declared an interest in respect of the update on Spendalls House and Honeycroft insofar as she was a next door neighbour to Honeycroft and also a local Ward Member.

Councillor Baker also earlier declared an interest insofar as he was a local Ward Member for Honeycroft.

The Council's Head of Housing (Tim R. Clarke) gave a presentation which updated the Committee on progress towards the creation of a feasibility study and consultation piece on Spendalls House and Honeycroft.

The presentation covered the following areas:

- (1) What stage are we at;
- (2) The six Options available to the Council
 - (i) No Change;
 - (ii) Increase the range of occupancy (lower the age range);
 - (iii) Close both units and sell off the land;
 - (iv) Convert into flats;
 - (v) Demolish and replace with bungalows or almshouses for older persons; and
 - (vi) Transfer the units to another provider (such as Essex County Council);
- (3) The consultation events undertaken at Honeycroft and Spendalls House;
- (4) Feedback from those consultations;
- (5) Sheltered Support Satisfaction Survey; and
- (6) What have we learnt?
 - (i) General support for doing something different;
 - (ii) Closure and/or Transfer options were only supported by Spendalls House residents; *[Explanatory Note: Following the meeting the Head of Housing Services informed the Committee by email that some figures had been transposed during the initial data analysis and that actually the closure and transfer options were not supported by residents of either scheme]*
 - (iii) Good, general support for all the other options.

The Head of Housing then answered questions raised by Members on various issues which included:

- (a) The financial costs to the Council of implementing any of the six options;
- (b) The contents of the final report to Cabinet;
- (c) Why it had taken the Council so long to reach this point;
- (d) Why were so many residents of Spendalls House in favour of its closure *[see explanatory note above]*; and
- (e) The location of these units.

With the permission of the Chairman, the Housing Portfolio Holder (Councillor Honeywood) and Councillors Baker and Poonian contributed to the discussion of this item.

At the invitation of the Chairman, Mr Brian Jones, representing the tenants of Honeycroft, addressed the Committee and outlined the community experiences of living at Honeycroft. He also informed the Committee that the favoured option for the tenants of Honeycroft was to convert the building into self-contained flats.

During the general discussion of this item it was agreed that there should be a further consultation with the local Ward Members and the residents of Honeycroft and Spendalls House on the contents of the Head of Housing's draft final report.

The Chairman reminded Members that the Head of Housing's final report was due to be submitted to the Committee at its next meeting on 25 November 2016. However, in view of the additional pieces of work that the Committee had asked the Head of Housing to undertake he accepted that this may now not be possible.

The Committee noted the forgoing.

24. IMPACT OF THE £1.5 MILLION THREE YEAR STRATEGIC INVESTMENT STRATEGY

The Committee received a presentation from the Council's Head of IT & Corporate Resilience (John Higgins) on the impact on the Council of the £1.5 million, three year strategic investment strategy.

The presentation covered the following areas:

- (1) New computer storage area network (SAN) investment;
- (2) Replacement Cisco based Council network (Voice & Data);
- (3) Strategic Operational Investments;
- (4) Strategic Communications Investments; and
- (5) Strategic IT Investment Programme Financial Analysis.

During the discussion of this matter the Head of IT & Corporate Resilience undertook to email all Members with regard to the availability of Council laptops etc. together with the Council's conditions of use of the Council's IT hardware.

The Committee **RESOLVED** that the Head of IT & Corporate Resilience be required to attend a further meeting of the Committee in twelve months' time to give a practical demonstration of the Council's new IT systems in operation such as Microsoft Skype for Business.

The Committee further **RESOLVED** that **CABINET** be requested to consider the **RECOMMENDATION** of the Service Development and Delivery Committee that the Head of IT & Corporate Resilience arrange an IT Surgery for Members over the course of an afternoon and evening together with an ongoing schedule of IT training for Members.

25. REVIEW OF THE IN-HOUSE PUBLIC CONVENIENCE CLEANING CONTRACT AND WORKING ARRANGEMENTS

The Committee discussed the new in-house public convenience cleaning contract and working arrangements and other issues such as safety and anti-social behaviour at Magdalen Green and Holland Haven public conveniences.

At the request of the Chairman, the Commercialisation Portfolio Holder (Councillor Turner) addressed the Committee and outlined the contractual and other (e.g. vandalism) issues that the Council had faced in recent years with regard to cleaning the District's public conveniences. He was pleased to report that this function was now back "in-house" with a dedicated team of Council staff. Councillor Turner also reported that it was his intention to close the public conveniences at Magdalen Green and Holland Haven.

The Council's Head of Public Realm (Ian Taylor) provided further detail on the history of this matter together with information on how the new in-house arrangements had been implemented.

The Chairman thanked and congratulated Councillor Turner, Mr Taylor and his Team for the excellent turnaround of this issue and he further thanked Mr Taylor for providing him with useful information with regard to lone-working.

The Committee **RESOLVED** that the Corporate Management Committee be requested to investigate and confirm that there are robust procedures in place to ensure that the contractual terms of all future contracts entered into by the Council are sound and fully protect this Council's interests.

DATE OF NEXT MEETING

The Chairman confirmed that the next scheduled meeting of the Committee was to be held on Wednesday 23 November 2016, subject to the availability of agenda items.

The meeting was declared closed at 9.44 p.m.

Chairman

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MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE

**HELD ON 3 NOVEMBER 2016 AT 6.05 P.M. IN THE PRINCES THEATRE, TOWN HALL,
STATION ROAD, CLACTON-ON-SEA**

Present: Councillors Stock (Chairman), Turner (Vice-Chairman), Amos, Bray, Broderick, M Brown, Cawthron, G V Guglielmi, I J Henderson, Howard, Land, Scott, M J D Skeels and Stephenson

Also Present: Councillors Bucke (except item 19), Everett (except item 19), Nicholls, Porter, Watling (except item 19) and White

In Attendance: Head of Planning Services (Cath Bicknell), Head of Governance and Legal Services & Monitoring Officer (Lisa Hastings), Committee Services Manager (Ian Ford), Planning and Regulation Manager (Simon Meecham), Communications Manager (Nigel Brown) and Planning Officer (Will Fuller)

Also in Attendance: Chief Executive (Ian Davidson) (except item 19) and Senior Development Technician (Mary Foster)

14. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Platt (who was substituted by Councillor M Brown) and Newton.

15. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 27 September 2016, be approved as a correct record and signed by the Chairman, subject to on Page 5 of the Minutes and in relation to the paragraph on Horsley Cross the sentence "*Questions were raised as to why it had now been taken out;*" being amended to read: *Questions were raised as to **when and** why it had now been taken out;*"

16. DECLARATIONS OF INTEREST

Councillor Scott declared a non-pecuniary interest in respect of item A.2 of the Report of the Head of Planning Services insofar as he was the Ward Member for Alresford and also a Parish Councillor for Alresford Parish Council. He also declared that he was a member of the same political party as Sir Bob Russell who was listed to speak at the meeting under the public speaking scheme.

Councillor I J Henderson declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was a Town Councillor for Harwich and also the County Councillor for the Harwich Division.

Councillor Howard declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was currently an employee of Essex University and that he was also the Chairman of Little Oakley Parish Council.

Councillor Turner declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was a Town Councillor for Frinton and Walton Town Council and also an author of that Council's representations on the 2016 Local Plan Preferred Options.

Councillor M Brown declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was the Ward Member for Little Clacton and Weeley and also a Parish Councillor for Weeley Parish Council.

Councillor M J D Skeels Snr. declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was the Ward Member for the St Johns Ward.

Councillor G V Guglielmi declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was a Parish Councillor for Lawford Parish Council and also the County Councillor for the Tendring Rural West Division.

Councillor Land declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was a Parish Councillor for Thorpe-le-Soken Parish Council.

Councillor Stock declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was the Chairman of Little Bromley Parish Council.

Councillor Bucke, present in the public gallery, declared a non-pecuniary interest in respect of item A.1 of the Report of the Head of Planning Services insofar as he was a Town Councillor for Frinton and Walton Town Council.

17. **PUBLIC SPEAKING**

The Chairman invited the following persons to address the Committee:

Item A.1 – 2016 Local Plan Preferred Options Consultation Response Summary

Councillor Richard Everett asked the following question:

“In the consultation exercise much concern has been shown by Councillors and members of the public over the details of Tendring District Council’s housing supply.

Section 47 of the NPPF requires, among other things, an annual report to be produced on the Council’s position regarding a 5 year housing supply.

The Council has not yet published a 5 year housing supply report. Will the Local Plan Committee please instruct Officers to publish the report and further require that this is updated annually as required by the NPPF.”

The Chairman of the Committee replied along the following lines:

“Thank you for your question Councillor Everett. I agree, the lack of housing supply has long dogged Tendring District Council, not only having an out of date plan, but also the recent recession limiting land coming forward for development. In 2014 we set up this Committee to ensure that we could get a Local Plan in place which delivers certainty for investors and homes that are much needed. As you can see from the agenda today we have made great strides in delivering the Local Plan and have consulted on our preferred options, with the land supply we agreed back in April 2016. I am also glad to inform you that Tendring District Council does provide an annual report on housing – and has done so long before the NPPF. The report is called the Authorities Monitoring Report and is on our website. Our Local Development Scheme – approved at the last meeting of this Committee requires the report to be published in December/January each year - so you can expect an update very soon.”

Councillor Bray suggested that there be a standard agenda item in future whereby the Officers gave an update on the five year housing land supply. The Chairman undertook to discuss this suggestion further with the Head of Planning Services.

Mr William Shunnucks asked the following question:

“Why does the Plan make so little mention of the employment growth opportunities offered by the University of Essex? Also whether the opportunity for transport orientated development along the Sunshine Coast Line is being considered?”

The Chairman of the Committee replied along the following lines:

“Thank you Mr Sunnucks, I recognise you as member of the Campaign Against Urban Sprawl in Essex – or CAUSE in short.

We welcome CAUSE’s, representation to the Tendring Local Plan; which provides endorsement of the east Colchester / west Tendring garden community. I agree that both the university and the sunshine coast prove a sound basis for employment generation and travel sustainability in plan making. Part 1 of the draft Local Plan, fully recognises the opportunities presented by the University of Essex expansion. Tendring District Council is actively working with the University in regards to new employment, academic and student space. In addition a study is underway to look at the potential demographics of the new garden community and the types of employment that can be expected to be delivered with the benefit of the university expansion and more generally.

In relation to Tendring’s settlement hierarchy, I can indeed confirm that rail stations are an important criteria for achieving sustainable development. Settlements within the ‘Sunshine Coast’ take the majority of allocations, or are existing development commitments to deliver Tendring’s Objectively Assessed Housing needs. This includes, Alresford, Great Bentley, Weeley, Thorpe-le- Soken, Clacton, Kirby Cross and Walton – very much a Metro Plan.”

Councillor I J Henderson suggested that the Committee should receive information on the control period for future Railtrack investment on rail infrastructure within the District. The Chairman undertook to arrange this with the Head of Planning Services.

Mr Donald Emslie, joint owner of the Lifehouse Hotel and Spa at Thorpe-le-Soken, made a statement advocating the inclusion within the Local Plan of a mixed development around Thorpe Hall.

Ms Angela Barnes, Vice-Chairman of Weeley Residents’ Association (WRA), made a statement on her concerns that the objections raised by the residents of Weeley had been ignored by the Council. She reiterated the reasons why the WRA felt that Weeley was not the right location for a large scale housing development.

Parish Councillor Christine Hamilton, Vice-Chairman of Weeley Parish Council, made a statement expressing her disappointment that the Parish Council had not been officially consulted. She stated that Weeley was not the right location for a large scale housing development and raised several issues that she wanted the Council to address.

Ms Tina Starling, a resident of Thorpe-le-Soken, made a statement expressing her objections to any inclusion within the Local Plan of the proposed mixed development around Thorpe Hall on highway grounds.

Sir Bob Russell made a statement with regard to Local Plan issues on the boundary between Colchester Borough Council (CBC) and Tendring District Council (TDC). He stated his concern that CBC and TDC were not necessarily “on the same page” especially with regard to the boundary of the proposed country park. He felt it was important that the boundary of the country park be fixed before any housing sites were allocated. Sir Bob also stated his concern that Colchester would urban sprawl eastwards and he hoped that TDC would prevent an urban development on the boundary.

Parish Councillor John Cutting, Chairman of Little Clacton Parish Council, made a statement in which he again urged TDC to put a Local Plan in place as soon as possible in order to protect residents and also to stop the “presumption in favour” of development. He stated that he felt that the current wording of Local Plan Policy LP6 was not in the best interests of residents and needed to be amended. He felt that it favoured developers and put “the presumption in favour” of development ‘in stone’ especially where a shortage of affordable housing had been identified.

Mrs Bannister made a statement in which she urged the Council to change the designation of Weeley from “Expanded Settlement” to “Rural Service Centre” as even with the removal of Option W from the Local Plan Weeley would still be vulnerable to further large developments in the future. Mrs Bannister stated that Option T was still too large an allocation of housing for Weeley and was in the wrong site. She urged the Council to work with the Parish Council and the WRA to find a better site.

18. **2016 LOCAL PLAN PREFERRED OPTIONS CONSULTATION RESPONSE SUMMARY**

As detailed in full under Minute 16 above, Councillors I J Henderson, Howard, Turner, M Brown, M J D Skeels Snr., G V Guglielmi, Land, Stock and Bucke had all declared non-pecuniary interests in this item.

The Committee had before it a detailed report of the Head of Planning Services which provided it with a summary of the consultation responses received by the Council and which also gave an update on the position with regard to the Objectively Assessed Needs.

Members were reminded that the Tendring District Council, Preferred Options Local Plan consultation had taken place from 14 July 2016 to 8 September 2016 so that technical stakeholders, businesses, developers and landowners, community representatives and members of the public could comment on the draft policies and the policies maps. The draft Local Plan was supported with Sustainability Appraisals and those had also been out to public consultation, Part 1: 8 August to 19 September 2016 and Part 2: 28 August to 10 October 2016.

It was reported that the representations received varied from suggested amendments to wording, through to full support of policies or full objections to policies. Representations also included proposals for additional sites for housing and/or employment growth or updates to sites already part of Tendring District Council’s Strategic Housing and Employment Land Availability Assessment document. The representations received could be viewed on the Council’s website.

The Committee was made aware that any proposed changes to the Preferred Options Local Plan to create the Submission version of the Local Plan would be presented to a future meeting of the Committee.

In respect of the Objective Assessed Needs, Members recalled that on 21 January 2016 the Committee had approved the following resolution:

“That the Local Plan Committee:

(b) approves that the range of Objectively Assessed Needs for Tendring District Council is 500-600 dwellings per annum; that the mid-point of 550 dwellings per annum is used as the Council’s provisional housing target for the Local Plan and that officers consider options up to 600 dwellings per annum as the Local Plan refines through its next consultation stage and new data is assessed;”

On 9 June 2016, the Committee had approved the locations for the supply of the Objectively Assessed Needs (OAN) of 550 homes each and the location for the supply of the additional potential needs of up to 600 homes each year for public consultation.

On 27 September 2016, the Committee had been informed that the Office for National Statistics had published new population projections and that the Government had used those to create new household projections. The Committee had been informed that the Council's evidence needed to be updated to reflect the data and that Peter Brett Associates had been appointed to advise the Council on any changes to Tendring's housing requirements and that, if available, this would be presented to this meeting of the Committee in November 2016.

It was reported that, whilst the OAN report update had not been finalised at the time of writing the Officer's report, it had been confirmed by Peter Brett Associates that Tendring could proceed on the basis of the lower of the range of housing requirements, at 550 homes each year.

Summaries of the representations received were reported to the Committee under the following headings:-

- (1) Summary of the Local Plan Preferred Options and Sustainability Appraisal Consultation Responses;
- (2) Technical Stakeholders Representations;
- (3) Businesses, Developers and Landowners Representations;
- (4) Community Representatives Representations;
- (5) Summary of Sustainability Appraisal Representations;
- (6) The Preferred Options Public Consultation Exercise; and
- (7) Next Steps

Details of the actual representations received were set out in the Appendices to the report as follows:

- (a) Appendix 1 – Representations on the Preferred Options Local Plan: Part 1 and Part 2 – Technical Stakeholders;
- (b) Appendix 2 – Businesses, Landowners and Developers (Part 1);
- (c) Appendix 3 – Businesses, Landowners and Developers – Part 2 – Sites being promoted for new housing or mixed-use including housing by District Ward and also representations which concerned existing and proposed employment-related sites including tourism;
- (d) Appendix 4 – Community Representations (Councillors, Town & Parish Councils, Residents Groups, Other Organisations);
- (e) Appendix 5 – Members of the Public; and
- (f) Appendix 6 – 'Post It Notes' (Comments from Exhibition Attendees).

The Committee had before it a list of "Errata" which minor textual amendments to the contents of the Officers' report and appendices thereto.

The Planning and Regulation Manager (Simon Meecham) gave a presentation to Members which highlighted the salient issues within his report including:-

- (1) OAN Update;
- (2) Consultation responses by numbers;
- (3) The Consultation Events;
- (4) Consultation Responses on the Key Issues – Weeley and the Colchester Fringe;
- (5) Consultation Responses from the Technical Stakeholders, Community Representatives, Businesses/Landowners/Developers – No objections from Colchester Borough Council or Essex County Council and no additional sites required at this stage; and
- (6) Sustainability Appraisals – Colchester Fringe and Weeley

Councillor Stephenson requested a written response from Officers as to why Royal Mail had failed to distribute many of the consultation information leaflets to households in good time.

Councillor Howard requested that a list of any sites/policies that were removed or added or amended be included as an Appendix to future Local Plan reports. The Chairman undertook to discuss this suggestion further with the Head of Planning Services.

The Committee having considered all of the information provided, it was moved by Councillor Stock and seconded by Councillor Turner and unanimously:

RESOLVED that the Committee:

- (a) Notes that the consultation responses for Part 1 of the Preferred Options will be jointly collated by Braintree, Colchester and Tendring Councils to jointly consider whether any necessary changes are to be proposed, which will be presented to the next meeting of this Committee;
- (b) agrees that, if the final report, expected in November 2016, from Peter Brett Associates on Tendring District Council's Objectively Assessed Needs confirms 550 homes each year as the Council's annualised housing requirement, the Head of Planning Services be authorised to proceed with Option T and not Option W in respect of allocations in Weeley in the draft Pre-Submission Local Plan;
- (c) agrees that Weeley be re-designated as a "Rural Service Settlement";
- (d) notes that the representations received in response to the consultation on Part 2 of the Preferred Options Draft Local Plan will be considered by the Head of Planning and any minor changes will be presented in the pre-submission draft to the Local Plan Committee on 19 January 2017 for consideration and approval; and
- (e) requests that, when considering the representations received, the Head of Planning Services consults the Local Plan Committee on major changes, or those matters which have been highlighted by the Committee during its debate, such as the wording of Policy LP6 and anything that affects the progress of Option T, prior to presenting the pre-submission draft at its committee on 19 January 2016; this is to ensure that there is no further delay to the timetable.

19. ADOPTION OF ALRESFORD NEIGHBOURHOOD PLAN AREA

Councillor Scott had earlier declared a non-pecuniary interest in respect of this item insofar as he was the Ward Member for Alresford and also a Parish Councillor for Alresford Parish Council.

The Committee had before it a report of the Head of Planning Services which sought its agreement to designate the Alresford Neighbourhood Plan Area.

It was reported Alresford Parish Council had submitted an application to this Council to agree the proposed Neighbourhood Plan Area (NPA). If so designated, the application would represent the initial stage in the preparation of the District's first Neighbourhood Plan.

Members were informed that this Council had undertaken an eight-week public consultation exercise from July 14 until September 8 2016 and had invited residents and other interested parties to comment. Only two representations had been submitted to the Council.

Members were advised that the justification provided by the Parish Council, the scale and nature of comments received as well as the recent changes to Neighbourhood Plan legislation had all been evaluated and that Officers considered the proposed Neighbourhood Plan Area to be acceptable. Therefore, if Members wished to designate the proposed Plan Area this would allow the Parish Council to proceed with the preparation of its Neighbourhood Plan.

The Committee having discussed the information provided, it was moved by Councillor Scott and seconded by Councillor Turner and:-

RESOLVED that the Local Plan Committee agrees to designate the proposed Neighbourhood Plan Area, as attached at Appendix A to item A.2 of the Report of the Head of Planning Services.

The meeting was declared closed at 8.00 p.m.

Chairman

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Motions to Council pursuant to Council Procedure 12

The following motions to Council have been received, on notice, from Members of the Council:

Motion to Council – Number One – Submitted by Councillor Fred Nicholls

“Following increasing concerns by people living in the rural villages of Tendring, this Council demands the Police Officer in charge of Tendring Police Division provide sufficient Police Officers to carry out speed enforcement checks within the rural area of Tendring as well as a full Speed Watch training programme for all Town and Parish Councils.

This request is made in the interest of road safety to stop potential serious and fatal road accidents and in accordance with the seventh priority of the Police & Crime Commissioner’s Crime Plan to improve safety on the county’s roads.

Council will agree that the Community Safety Manager and Portfolio Holder for Community Safety should both work with the District Police Commander to draw up a plan to tackle this very serious issue.”

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Cabinet Members' Items – Reports of the Portfolio Holder for Finance, Revenues & Benefits

85. LOCAL COUNCIL TAX SUPPORT SCHEME, COUNCIL TAX DISCOUNTS 2017/18, ANNUAL MINIMUM REVENUE PROVISION AND HARDSHIP POLICY (Report A.9)

There was submitted a report by the Portfolio Holder for Finance, Revenues & Benefits (Report A.9), which sought Cabinet's approval of the Local Council Tax Support Scheme 2017/2018 (including the associated exceptional hardship policy); the Council Tax Exemptions and Discounts for 2017/2018 and the Annual Minimum Revenue Policy Statement for 2017/2018 all for recommendation to Council.

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

RECOMMENDED TO COUNCIL that

- (a) the Local Council Tax Support Scheme (LCTS) remains the same as the current year, as set out as Appendix A and that therefore:
 - i) the LCTS be approved with the maximum LCTS award being 80% for working age claimants; and**
 - ii) delegation be given to the Corporate Director (Corporate Services), in consultation with the Finance, Revenues & Benefits Portfolio Holder, to undertake the necessary steps and actions to implement the LCTS scheme from 1 April 2017.****
- (b) the Council Tax Exceptional Hardship Policy, as set out in Appendix B, be approved.**
- (c) the proposed Council Tax exemptions and discounts, as set out in Appendix C, be approved and that delegation is given to the Corporate Director (Corporate Services), in consultation with the Finance, Revenues & Benefits Portfolio Holder, to undertake the necessary steps and actions to implement the Council Tax exemptions and discounts from 1 April 2017..**
- (d) the Annual Minimum Revenue Provision (MRP) Policy Statement for 2017/18, as set out in Appendix D, be approved.**

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

4 NOVEMBER 2016

REPORT OF FINANCE, REVENUES AND BENEFITS PORTFOLIO HOLDER

A.9 THE LOCAL COUNCIL TAX SUPPORT SCHEME, COUNCIL TAX EXEMPTIONS / DISCOUNTS FOR 2017/18 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2017/18

(Report prepared by Richard Barrett)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to consider and agree the proposed Local Council Tax Support Scheme 2017/18 (including associated exceptional hardship policy) and Council Tax Exemptions and Discounts 2017/18 for recommendation to full Council along with seeking Cabinet's approval of the Annual MRP policy statement for 2017/18 for recommendation to Council.

EXECUTIVE SUMMARY

- This report outlines the proposed Local Council Tax Support (LCTS) scheme and Council Tax exemptions and discounts for 2017/18
- In respect of the LCTS scheme for 2017/18 it is proposed to continue with the current scheme which was approved by Full Council on 24 November 2015, which provides for a maximum discount of 80% for working age claimants.
- The associated exceptional hardship policy has been reviewed for 2017/18 and it is proposed to increase the eligibility criteria to include all Council Tax payers and not just those receiving an LCTS discount along with backdating such support where applicable.
- In respect of council tax discounts and exemptions for 2017/18, it is proposed to continue with the same level of discounts as agreed for 2016/17 that were approved by Full Council on November 2015.
- The Annual Revenue Provision Policy Statement has also been reviewed for 2017/18 with no changes proposed.
- If it is agreed that no changes are necessary, there will be no need for public consultation. However, if any amendments are proposed and approved at Full Council on 22 November 2016, 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. Although associated with the LCTS scheme, the exceptional hardship policy is a standalone policy and therefore does not 'trigger' the requirement to undertake public consultation.
- In addition to the above, The Annual Minimum Revenue Provision Policy Statement for

2017/18 has been prepared with the associated policy set out at Appendix D which needs to be considered by Cabinet before recommending on to Full Council.

RECOMMENDATION

It is recommended:

- a) That Cabinet agrees that the LCTS scheme will remain 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 Corporate Director (Corporate Services) in consultation with the Finance, Revenues & Benefits Portfolio Holder to undertake the necessary steps to put in place the LCTS scheme from 1 April 2017;****
- b) that Cabinet agrees the Council Tax Exceptional Hardship Policy as set out in Appendix B;**
- c) that Cabinet agrees the proposed Council Tax exemptions and discounts as set out in Appendix C and recommends the same to full Council for approval:
 - i) that subject to c) above, delegation is given to the Corporate Director (Corporate Services) in consultation with the Finance, Revenues & Benefits Portfolio Holder to undertake the necessary steps to put in place the Council Tax exemptions and discounts from 1 April 2017; and****
- d) Cabinet recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2017/18 as set out in Appendix D be approved.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

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

FINANCE, OTHER RESOURCES AND RISK

LCTS scheme for 2017/18

LCTS is treated as a discount within the council tax calculations which means that the council's taxbase will reduce (as will the taxbase for County, Fire and Police and Parishes).

Although the link to funding coming from the Government via the Revenue Support Grant has weakened over time as that grant continues to reduce year on year, the cost of the LCTS scheme needs to be considered in the context of the Council's overall budget position like any other area of the Councils expenditure / income.

There is some logic in arguing that the 36% reduction in revenue support grant for 2017/18 should be 'passported' across to the LCTS and therefore reduce the support available to claimants. However for 2017/18 it is proposed on protecting the current position within the Council's overall budget with the scheme proposed remaining unchanged from 2016/17 where

a maximum discount of 80% can be awarded to working age claimants.

From a practical perspective it is also recognised that continuing to reduce the level of discount awarded will eventually arrive at a tipping point where people are no longer prepared to pay a proportion of Council Tax if receiving support through the LCTS. This is something that is being kept under review and may need to be reflected in future schemes.

It is not proposed to remove the family premium element from the LCTS which is covered in more detail further on in this report. The estimated cost to the Council of maintaining the family premium in 2017/18 is **£22,000**.

The total estimated 'cost' of the LCTS is **£11.700m**, with approximately 10% of this amount (**£1.170m**) falling to TDC with the remainder being met by the major preceptors. It is also worth highlighting that for every 5% decrease / increase in the discount the council would gain / lose approximately **£50,000** per year.

Council Tax Hardship Scheme

The Council has operated a council tax exceptional hardship policy since the inception of the LCTS Scheme with the total cost of the scheme over recent years as follows:

Year	Applications Rec'd	Amount Awarded
2014-2015	46	£12,838.84
2015-2016	24	£5,201.73
2016-2017 (to date)	5	£2,435.44

Following a review this year, a revised policy is attached. Although fundamentally remaining the same as the current year's scheme, the eligibility criteria has been extended to include those not receiving LCTS support and provides the flexibility to backdate awards.

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 proposed policy sets out broad guidelines, which promotes transparency and openness in the Council's decision making processes. The policy also has a focus on 'reasonable' expenditure and affordability for the claimant and is based on evidence that they are also being proactive themselves in managing the situation. This mirrors the same approach being applied to discretionary housing payments where in consultation with the Department for Works and Pensions, support is focused on those claimants who are seeking employment for example.

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

The cost of the exceptional hardship scheme is met by contributions from TDC and the major preceptors based on their respective proportion of the overall Council Tax bill. Therefore TDC is required to meet approximately 10% of the cost of any award up to an annual aggregate total of **£24,000**. For any awards over and above this annual amount, 100% of the cost is met by TDC in accordance with the wider Council Tax sharing agreement with the major preceptors.

Council Tax exemptions and discounts for 2017/2018

It is proposed to keep the level of exemptions and discounts at the same level as 2016/17

which are as follows:

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

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

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

- **0% discount**

Class C – Unoccupied and substantially unfurnished dwellings.

- **0% discount**

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

- **100% discount**

By leaving the current level of discounts / exemptions unchanged it supports the Council Tax base which is one of the Council's core income streams especially as the revenue support grant decreases year on year. It is worth highlighting that for every 10% increase in any one class of discount, the Council's would lose up to approximately **£25,000** per year income.

As highlighted in previous years, the Council receives feedback from owners of empty and furnished properties who consider it to be unfair that they are charged 100% for a property that demands little from local services while a single occupant of the property receives a 25% discount. However, this approach supports this Council's ambition to reduce the number of empty properties and therefore does not necessarily directly link the amount paid for the services received.

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.

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 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 business planning process in future years.

Other Financial Considerations

Although the Government are reviewing the New Homes Bonus (NHB), a current factor in the calculation of any NHB Homes Bonus due to the Council is the number of empty properties. The more empty properties there are the lower the NHB receivable will be.

In terms of the Council's overall collection fund performance to date, at the present time it is forecast that the overall amount of council tax collected for the year will be in line with the budgeted amount.

Risk

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

The proposals therefore seek to balance this issue along with the Council's overall financial position.

LEGAL

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (SI 2012/2885).

The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 (SI 2013/501).

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

The Local Government Finance Act 1992. Schedule 1A of the 1992 Act states that if a LCTS is revised or replaced, full consultation is required. As the recommendation is to continue with the current scheme for 2016/17, consultation is not required. However, should Council make any amendments to the scheme, consultation will be necessary before the scheme can be approved and adopted.

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

OTHER IMPLICATIONS

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

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

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

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

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

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

PROPOSED LCTS SCHEME 2017/18

LCTS scheme

A level of funding is received from the Government via the RSG to support the cost of the scheme. Given the significant reductions in RSG over recent years it is difficult to identify the funding that specifically relates to the LCTS but it is accepted that it is now significantly lower than the 90% commitment originally made by the Government, which will be reducing to nil by 2020 in any case. The cost of the scheme is therefore no different to any other expenditure item within the Council's budget which is subject to review each year as part of the annual budget cycle.

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).

The Government have recently removed the family premium element for housing benefit applications for new claims. This change in effect reduces the amount of money claimants can earn before they lose benefit. The Council could follow the government's lead and make the same adjustment to its LCTS scheme but it is not proposed to do so. Therefore LCTS claimants in Tendring will not be faced with having support reduced as is the case with claims for housing benefit which is not a local scheme.

The Pensioner age group under the Council's LCTS scheme remains unchanged.

Authorities must adopt a scheme on an annual basis which must be agreed by 31 January each year for the subsequent year's scheme. A summary of the proposed scheme for 2017/18 is set out as **Appendix A**.

The LCTS scheme proposed for 2017/18 continues as in 2016/17 which includes the following elements :-

- Include all child minders income
- Include all household income (i.e. remove deductions for non-dependents)
- No backdating of claims
- No underlying entitlement
- No second adult rebate
- Further 25% reduction in support for those who have been in receipt of Job Seekers Allowance (JSA) for more than 3 years
- Blanket charge of 20% on all "non-pensioner" Council Tax liability

Based on current forecasts, the above approach would enable the scheme to be delivered without adding additional financial pressure to the 2017/18 budget.

Although other Essex LA's have yet to agree their LCTS for 2017/18, the Council's current scheme provided the same or higher level of maximum discount than all but one authority across Essex.

Current LCTS scheme 2016/2017

There are currently 14,860 household receiving LCTS at a cost (forgone income due to the

discount awarded) of approximately **£11.700m**

As at the end of September 2016 some key LCTS facts are as follows:

Total Working age households receiving support – 7,052

Total Pensioner households receiving support – 7,808

Collection performance for those accounts where LCTS has been awarded – 47.59% (total overall council tax collection performance is 56.59%)

PROPOSED COUNCIL TAX DISCOUNTS AND EXEMPTIONS 2017/18

The discounts proposed for 2017/18 remain the same as those agreed for 2016/17 by Full Council on 24 November 2015.

Full details of the proposed discounts are set out in **Appendix C**, which remain based on the underlying principle of encouraging property to be maintained in use or brought back into use.

Annual Minimum Revenue Provision Policy Statement (AMRP)

Attached as **Appendix D** is the proposed Annual MRP policy statement for 2017/18 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 2016/17, proposes that where new borrowing is undertaken in accordance with the prudential code, and is therefore not supported by Central Government via the formula or specific grant, the provision is calculated on a straight line method over the initial life expectancy of the asset.

Although there are no expectations of supported borrowing within the General Fund, for completeness the policy in respect of any potential future supported borrowing has also been set out and is based on a rate of 4% pa.

The timing of approval of the MRP is to enable it to be taken into account when setting the budget for 2017/18 over the coming months.

BACKGROUND PAPERS

None

APPENDICES

Appendix A Proposed Local Council Tax Support Scheme (summary) 2017/18

Appendix B Council Tax Exceptional Hardship Policy

Appendix C Council Tax Discounts and Exemptions 2017/18

Appendix D Annual Minimum Revenue Provision Policy Statement 2017/18



Local Council Tax Support Scheme (LCTS) 2017/2018

**A summary of the scheme for Working Age persons and
the Government scheme for Pension Age claimants**

DRAFT

Local Council Tax Support (LCTS)

A summary of the scheme for Working Age persons and the Government scheme for Pension Age claimants	1
Introduction	4
The LCTS scheme for working age persons	4
The LCTS scheme for working age persons	4
Class 1	4
Class 2	4
What LCTS will be payable to working age person?	5
Protection for certain working age persons	5
The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)	5
The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)	5
Class 1	5
Class 2	6
Class 3	6
What LCTS will be payable to Pension Age persons?	6
How LCTS works	6
Who can claim?	6
How much LCTS can I get?	7
How is maximum LCTS calculated for the Working Age Scheme	7
How is maximum LCTS calculated for the Pension Age Scheme	7
Extended Payments	7
If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance... Capital	8
Absences from home	8
Going away	8
How to claim	8
Appointees	9
Information and evidence	9
How long will it take to decide your claim for LCTS	9
Date of claim	9
If you change your address	9
Backdating a claim	9
Start of LCTS	9
Start of LCTS where a claimant acquires a partner	10
End of LCTS	10
End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement	10
People who live with you - non-dependants	10
Non-dependants	10
Non-dependant deductions from LCTS (Pension Age Scheme)	11
Working out the amount of LCTS	11
How is maximum LCTS calculated for the Working Age Scheme	12
How is maximum LCTS calculated for the Pension Age Scheme	11
What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance? .	12
Second Adult Discount Pension Age Scheme	12
Income less than applicable amount	13
Income greater than applicable amount	13



Calculating your needs.....	13
Living Allowances or Applicable Amounts	14
Calculating your resources	16
Income	16
Capital.....	21
How LCTS is paid	23
How you will be notified about your LCTS	24
How can I appeal?	24
Changes of circumstances	24
Students.....	24
Information and information sharing	25
Counter Fraud and Compliance	26

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Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit ended and was replaced by a new scheme called Localised Support for Council Tax or Local Council Tax Support (LCTS). Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme is decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive will be less than under the previous national scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) therefore if you are a pensioner, then the amount of help you receive under the new LCTS scheme will be broadly the same and operate in a similar way to the previous Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the LCTS scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council.

The LCTS scheme for working age persons

The Council has decided that there will be two classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Any reference to "income" in the working age scheme refers to household income (i.e. including Non-Dependants income)

Class A

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on maximum Universal Credit or income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above the capital limit set by the Council
- e. be a person who's *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based), on 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, on 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 2017/18, 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 2017/18, 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 (PIP)
- War widows.

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Class A

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- f. have made a valid application for the support

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid claim for the scheme; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government

Class C

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid claim for the scheme;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What LCTS will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability. This also applies if a person is in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service).

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

LCTS for a person in Class C may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances

How LCTS works

Who can claim?

If you have to pay Council Tax, you may be able to get LCTS

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will be eligible for support.

Most full-time students are not entitled to LCTS.

How much LCTS can I get?

Maximum LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the council tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

Extended Payments

This is if your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of LCTS are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you are going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner/civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you have been getting one of the following benefits:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks
- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and

- you have not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you will get the same amount of LCTS as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work LCTS. Once your extended payment period has ended, you can move onto in-work LCTS (provided you are entitled to it) without having to make a new claim.

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax.

This is worked out by comparing the maximum LCTS you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than the capital limit set by the Council and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get LCTS (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

Absences from home

There are some special situations in which you may continue to get LCTS and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. However the Council may not need to know if you will be absent for only a short time (for example less than 4 weeks) and your circumstances remain unchanged. If in doubt, please ask us.

- If you are temporarily absent you can normally get LCTS for a maximum of 13 weeks as long as you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get LCTS for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 52 weeks.

How to claim

Claims for LCTS can be made in writing, by telephone and electronically. Contact the Council on 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

The following people do not count as non-dependants, whether they share accommodation or not:

- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;
- tenants of owner occupiers; and

- Landlords and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your LCTS may be affected by Non-Dependant deductions for the Pension Age Scheme, or inclusion of their income in the LCTS calculation for the Working Age Scheme.

Non-dependant deductions from LCTS for Pension Age Scheme

Deductions will be made from your LCTS for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your LCTS if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner is aged 65 or more and a non-dependant moves into your home, or the non-dependant's circumstances change to increase the deduction.

Working out the amount of LCTS

The maximum amount of LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the Council Tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker’s Allowance, 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	25 per cent of the Council Tax

<p>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;</p>	<p>due in respect of that day;</p>
<p>(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>	<p>Gross Income is less than £187.00 per week; 15 per cent of the Council Tax due in respect of that day;</p> <p>Gross Income is not less than £187.00 per week but less than £243.00 per week; 7.5 per cent of the Council Tax due in respect of that day;</p>
<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).</p>	<p>100 % of the Council Tax due in respect of that day.</p>

Income less than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you get maximum LCTS (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum LCTS as allowed under the scheme if your income is the same as your applicable amount.

Income greater than applicable amount (see “Living Allowances or Applicable Amounts” below)

In this case you will get an amount less than your maximum LCTS. The amount by which your LCTS is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum LCTS

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family then the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums.

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.

Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before Child Benefit stops.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind
- or receiving Disability Living Allowance / Personal Independence Payment

Disability premium

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

- either of you is registered blind; or
- either of you gets one of the qualifying benefits listed below; or

- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner gets any of the following benefits:

- Disability Living Allowance ;or
- Personal Independence Payment
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate or short-term higher rate paid at the long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:

- receive the care component of Disability Living Allowance at the highest or middle rate, Personal Independence Payment, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your LCTS is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service

Enhanced Disability Premium

- Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA), Enhanced

component of Personal Independence Payment or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA/PIP is suspended during hospitalisation. This premium is awarded at three different rates. They are:

- a rate for each dependent child/young person in your household who receives the highest rate of DLA/ Enhanced component of Personal Independence Payment;
- a rate for a single person who receives the highest rate of DLA/ Enhanced component of Personal Independence Payment;
- a rate for couples where at least one member of the couple receives the highest rate of DLA/ Enhanced component of Personal Independence Payment.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner is looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.

Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your LCTS (the disregards), or taken fully into account.

For the Working Age Scheme your resources and those of your partner are taken together along with any Non-Dependants income when your household income and capital are worked out.

For the Pension Age Scheme your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, as an employee, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.

Earnings from employment mean any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and
- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your LCTS

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings.

The Council will apply a minimum income floor calculation in such cases where the declared income is less than an amount determined as appropriate for the type of business.

Child-minders

If you are a child-minder only one third of your earnings from child-minding will be taken into account when the council works out your LCTS for the Pension Age Scheme.

For the Working Age Scheme all of your earnings from child-minding will be taken into account.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your LCTS is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or
- the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your LCTS is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time fire-fighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- a member of the Territorial Army or the Reserve Forces.

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £350 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;
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country (Local Scheme)

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.

- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for LCTS purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of LCTS

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the Council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000. Actual interest payments or dividends are not counted as income but as capital.

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

For the Pension Age scheme if you have capital over £16,000, you may still be entitled to Second Adult Discount, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the Council decides that you deliberately disposed of capital just so that you can get LCTS, it may assume that you have notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get LCTS even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.

If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding mortgage or legal charges will be deducted, together with 10% of the total to cover the cost of the sale.

National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing LCTS.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Personal Independence Payment, Universal Credit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For LCTS purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get LCTS or to get more LCTS.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How LCTS is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your LCTS has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.

How you will be notified about your LCTS

The Council will reach a decision on your entitlement to LCTS as soon as possible after our claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The Council has two months to reply to you. If the Council agrees with your appeal then the LCTS will be amended and you will receive another Council Tax bill showing the revised amount.

If the Council does not agree with your appeal or you do not receive a response within two months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your LCTS accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of LCTS.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance, Universal Credit or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to LCTS

The changes must be notified in writing although in certain circumstances the Council may accept this by telephone or electronically

Most of these changes will affect your LCTS in the following support week, but changes in the amount of Council Tax payable will affect your LCTS from the day on which the change occurs.

Students

LCTS is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Students who are liable to pay the Council Tax may claim Second Adult Discount (SAD) if they are of pension age.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period the Council, or Student Awards Agency for Scotland, will tell you the period it does

cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

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

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

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

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

Students and partners

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

Other income

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

Loans from the Student Loans Company

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

Access funds

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

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

Information and information sharing

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

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

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

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

Counter Fraud and Compliance

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

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

DRAFT

A.9 APPENDIX B
Localised Support for Council Tax
Exceptional Hardship Policy

CONTENTS

1.0	Background	3
2.0	Exceptional Hardship Fund and Equalities	3
3.0	Purpose of this policy	4
4.0	The Exceptional Hardship Fund Process	4
5.0	Awarding an Exceptional Hardship Fund Payment	5
6.0	Publicity	6
7.0	Claiming an Exceptional Hardship Fund payment	6
8.0	Changes in circumstances	7
9.0	Duties of the applicant and the applicant's household	7
10.0	The award and duration of an Exceptional Hardship Payment	7
11.0	Award of the Exceptional Hardship Fund payment	7
12.0	Overpaid Exceptional Hardship Fund Payments	7
13.0	Notification of an award	7
14.0	Appeals	7
15.0	Fraud	8
16.0	Complaints	8
17.0	Policy Review	8

1.0 Background

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

1.2 The main features of the fund are as follows:

- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 1st April 2013 and **will not be available for any other debt other than outstanding Council Tax**;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant and it is expected that payments will be made for a short term only to give applicants time to explore sustainable / alternative solutions; and
- All applicants will be expected to engage with the Council and undertake the application process.

2.0 Exceptional Hardship Fund and Equalities

2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.

2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that sudden or unexpected changes to individual circumstances may cause temporary financial hardship with any support made under this policy being at the total discretion of the Council. However exceptional hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining accessibility to the Fund and also in respect of the decisions made on each application.

4.0 The Exceptional Hardship Fund Process

4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:

- Make a separate application for assistance;
- Provide full details of their income and expenditure;
- Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
- Identify potential changes in payment methods and arrangements to assist the applicant;
- Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
- Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
- Where applicable, explain actions they are currently exploring to find a sustainable response to their current circumstance if it is expected that exceptional hardship may continue for a longer period of time.

4.2 Through the operation of this policy the Council will look to

- Support those in exceptional hardship;
- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
- Enable long term support to households in managing their finances;
- Help applicants through personal crises and difficult events that affect their finances;
- Help those applicants who are trying to help themselves financially; and
- Encourage and support people to obtain and sustain employment.

4.3 It cannot be awarded for the following circumstances:

- Where full Council Tax liability is being met by Council Tax Support;
- For any other reason, other than to temporarily reduce Council Tax liability;

- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these;
- To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly;

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be up to a maximum of the amount of Council Tax outstanding, with each decision being reviewed by a senior manager to demonstrate fairness and consistency.

5.2 When making this decision the Council will consider:

- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- All capital, income received & expenditure of the applicant, their partner and any member of their household irrespective of whether the income is included or not as household income under the Council Tax Support scheme
- How **reasonable** expenditure exceeds income;
- The difficulty experienced by the applicant that prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will last.
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property; and
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

6.0 Publicity

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

- 7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council, preferably via email to benefitsmail@tendringdc.gov.uk.
- 7.2 If it is not possible to make a claim via email or if any further help is required, assistance is available at the Council Tax Office, Pier Avenue, Clacton between 10am and 4pm Monday to Friday.
- 7.3 Where the Revenues and Benefits Service identify a household that is failing to clear previous years Council Tax but are paying current Council Tax with best endeavours, then their ability to pay arrears maybe considered for help through the hardship fund. This clause is not intended to cover those taxpayers who have not paid or have failed to pay until a summons has been issued.
- 7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person liable to pay Council Tax, however, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed.

9.0 Duties of the applicant and the applicant's household

- 9.1 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Award of the Exceptional Hardship Fund payment

- 11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Fund Payments

12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

14.0 Appeals

14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.

14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable. This decision will be final.

14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.

14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

15.0 Fraud

15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

16.1 The Council's 'Compliments and 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 discounts will apply for the 2017/2018 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 an exemption is allowed under Class G).

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

0% discount

Class C – Unoccupied and substantially unfurnished dwellings.

0% discount

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

(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

ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT for 2017/18

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 is usually repayable on maturity at an agreed future date. To reflect this, the minimum revenue provision (MRP) exists which is a concept whereby an amount is charged to revenue each year in order to have sufficient monies set aside to meet the future repayment of principal on any borrowing undertaken.

The regulations require Local Authorities to set aside as its annual MRP an amount that it considers to be “prudent”. The aim of the regulations is that the period over which an MRP is calculated closely relates to the life of the asset.

However in the case of the Housing Revenue Account (HRA) it has been the Council’s policy not to make any MRP charge to the HRA because the level of borrowing relating to the HRA is significantly less than the value of the housing stock. Following the implementation of the new self financing arrangements from April 2012, the structure of the borrowing to fund the associated HRA debt settlement was based on principal being repaid over the 30 years of the HRA business plan. Therefore this principal is in effect the amount set aside to repay debt and will therefore be treated as HRA MRP. In terms of MRP for ‘old’ HRA debt, this will be reviewed as part of future HRA business planning processes.

The options applicable in calculating MRP are as follows:

Where Capital Expenditure is financed by Government Supported Borrowing

- **Regulatory Method** – This is where borrowing is supported by the Government through the Formula Grant and Local Authorities can continue to use the existing approach as set out in the old regulations.
- **Capital Financing Method** – Similar to the above, Local Authorities can continue to set aside 4% of their General Fund capital expenditure financed by borrowing each year as MRP. The difference compared with the regulatory method is that it excludes a transitional adjustment that relates to the regulations that were applicable before the current regulations. As this adjustment does not apply to TDC, the two approaches are essentially the same.

Where Capital Expenditure is financed by Prudential Borrowing

- **Asset Life Method** – Two alternatives are provided within the guidance. The first is that MRP can be calculated by taking the amount borrowed and dividing it by the associated assets useful life – equal instalment method. The second is based on a more complicated annuity basis although based on the same principle.
- **Depreciation Method** – This requires that an MRP is made in accordance with current rules for depreciation accounting whereby an amount would be charged equal to the annual depreciation of the specific asset which could differ from the previous options given the alternatives for calculating depreciation.

A significant advantage of the asset life method over the depreciation method is that MRP does not have to start until the year the related asset becomes operational which may be different to the year in which depreciation would be charged.

It is important to note that subject to the type of asset acquired there may be a significant impact on the revenue budget, which would need to be taken into account in any future spending / borrowing decisions.

Having reviewed the position for 2017/18, no changes compared to 2016/17 are proposed. Therefore the Annual Minimum Revenue Provision Policy Statement for 2017/18 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 2017/18 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.

COUNCIL

22 NOVEMBER 2016

REPORT OF CHIEF EXECUTIVE

A.2 COUNCILLOR M J D SKEELS SNR.

(Report prepared by Ian Ford)

I formally report that, pursuant to Regulation (9(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor Michael John Daniel Skeels has served formal notice on the Council that he wishes to be treated as a member of the Conservative political group. The notice was counter-signed by the Deputy Leader of the Conservative Group (Councillor G V Guglielmi).

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 was subsequently carried out. No changes to the membership of Committees were required as a result of that review.

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

**IAN DAVIDSON
CHIEF EXECUTIVE**

COUNCIL

22 NOVEMBER 2016

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

A.2 COUNCILLOR M J D SKEELS SNR.

Notice of Wish to join a Political Group signed by Councillor M J D Skeels Snr., counter-signed by Councillor G V Guglielmi and dated 30 September 2016.

COUNCIL

22 NOVEMBER 2016

REPORT OF CHIEF EXECUTIVE

A.3 COUNCILLOR J A BROWN
(Report prepared by Ian Ford)

I formally report that, pursuant to Regulation 10(b) of the Local Government (Committees and Political Groups) Regulations 1990, Councillor John Anthony Brown has served formal notice on the Council that he no longer wishes to be treated as a member of the UKIP political group.

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

IAN DAVIDSON
CHIEF EXECUTIVE

COUNCIL

22 NOVEMBER 2016

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

A.3 COUNCILLOR J A BROWN

Notice of Wish to no longer be treated as a Member of a Political Group signed by Councillor J A Brown and dated 9 November 2016.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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