



CABINET

DATE:	Friday, 26 January 2024
TIME:	10.30 am
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

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

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DATE OF PUBLICATION: THURSDAY, 18 JANUARY 2024

AGENDA

1 Apologies for Absence

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

2 Minutes of the Last Meeting (Pages 1 - 12)

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 15 December 2023.

3 Declarations of Interest

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

4 Announcements by the Leader of the Council

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

5 Announcements by Cabinet Members

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

6 Matters Referred to the Cabinet by the Council

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

7 Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.1 - Scrutiny of the Initial Budget Proposals for 2024/25 (Pages 13 - 14)

To enable the Cabinet to consider the recommendations submitted to it by the Resources and Services Overview & Scrutiny Committee following that Committee's scrutiny of the Cabinet's initial budget proposals at its meeting held on 10 January 2024.

8 Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.2 - Review of the Council's current Planning Enforcement Arrangements (Pages 15 - 32)

To enable the Cabinet to consider the recommendations submitted to it by the Resources and Services Overview & Scrutiny Committee following that Committee's consideration of the interim report from its Council Enforcement Arrangements Task and Finish Group at its meeting held on 10 January 2024.

9 Leader of the Council's Items

There are no matters referred to the Cabinet by the Leader of the Council on this occasion.

10 Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.3 - Clacton Air Show 2023 (Pages 33 - 66)

Following a request made as part of the Council's Budget Setting Process for 2023/24 to undertake a review of the Clacton Airshow this report will enable Cabinet to consider options for future event delivery.

11 Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.4 - Updated General Fund Financial Forecast / Budget 2024/25 (Pages 67 - 92)

To seek Cabinet's approval of:

- the latest financial forecast / budget proposals and council tax amount for 2024/25 for recommending to Full Council; and
- a delegation to the Portfolio Holder for Corporate Finance and Governance to agree the detailed budget proposals and formal draft resolutions / 'technical' appendices required for Full Council on 13 February 2024.

12 Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.5 - Consideration and Adoption of Housing Policies on Temporary Accommodation, Deposit Guarantee and Homelessness Prevention (Pages 93 - 146)

To present to Cabinet for approval and adoption three new/revised housing policies:

- Temporary Accommodation Policy;
- Deposit Guarantee Policy; and
- Homelessness Prevention Policy.

13 Cabinet Members' Items - Joint Report of the Portfolio Holders for Leisure & Public Realm; Assets; Economic Growth, Regeneration & Tourism; and Partnerships - A.6 - Adoption of Policy for Events on Council Land (Pages 147 - 170)

To seek approval for the adoption of a TDC policy in respect of applications for events held on Council owned land.

14 Cabinet Members' Items - Joint Report of the Housing and Planning Portfolio Holder and the Corporate Finance & Governance Portfolio Holder - A.7 - Updated Housing Revenue Account Business Plan and Budget Proposals 2024/25 (Pages 171 - 190)

To seek Cabinet's approval of the updated HRA Business Plan for 2023/24 along with final HRA budget proposals 2024/25 (including fees and charges, capital programme and movement in HRA Balances) for recommendation to Council on 13 February 2024.

15 Management Team Items

There are no items submitted by the Council's Management Team on this occasion.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 16 February 2024.

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 15TH DECEMBER, 2023 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present: Councillors M E Stephenson (Leader of the Council & Portfolio Holder for Corporate Finance and Governance) (Chairman), I J Henderson (Deputy Leader of the Council & Portfolio Holder for Economic Growth, Regeneration & Tourism), A P H Baker (Portfolio Holder for Housing & Planning), M Bush (Portfolio Holder for the Environment), P Kotz (Portfolio Holder for Assets) and G R Placey (Portfolio Holder for Partnerships)

Group Leaders Present by Standing Invitation: Councillors J D Bray (Leader of the Tendring Residents' Alliance Group), J B Chapman BEM (Leader of the Independents Group) (except items 66 and 67) and G V Guglielmi (Leader of the Conservative Group)

Also Present: None

In Attendance: Ian Davidson (Chief Executive), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Tim Clarke (Assistant Director (Housing and Environment)), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Keith Durran (Committee Services Officer) and Thomas Hills (Communications Apprentice)

55. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors M C Barry (the Portfolio Holder for Leisure & Public Realm) and G G I Scott (Leader of the Liberal Democrats Group).

56. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 10 November 2023, be approved as a correct record and be signed by the Chairman.

57. DECLARATIONS OF INTEREST

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

58. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

Potential Noise Disruption

The Leader of the Council (Councillor M E Stephenson) reminded Members that the Christmas Pantomime was taking place that morning in the Princes Theatre attended by 500+ children and that therefore there would likely be some background noise disruption to the meeting.

59. ANNOUNCEMENTS BY CABINET MEMBERS

High Street Accelerator Fund Pilots

The Portfolio Holder for Economic Growth, Regeneration & Tourism (Councillor I J Henderson) announced that this Council had been successful in getting Dovercourt selected as one of ten areas to take part in a new national pilot scheme. Dovercourt's High Street had been chosen by the Department for Levelling Up, Housing and Communities (DLUHC) to be part of the new High Street Accelerator Pilot Programme.

Councillor Henderson placed on record his thanks to the Officers who had worked really hard to achieve this and had met DLUHC's requirements in a very short time. It had helped the Council's case that there was already a very good delivery vehicle in place in the form of the Harwich & Dovercourt Tourism Group who would act as the equivalent of a 'Town Centre Board'. He reported that under the chairmanship of Paul Milsom of the Milson Group that body would begin its work on this scheme in January.

The Leader of the Council (Councillor M E Stephenson) informed Members that he had attended the launch of the High Street Accelerator Pilot Programme held in Manchester. He stated that it was a testament to this Council's Officers that Dovercourt was the only pilot to be chosen from the southern half of the country.

Sunspot Christmas Market

The Portfolio Holder for Economic Growth, Regeneration & Tourism (Councillor I J Henderson) announced that he had been delighted to attend the first Christmas Market at the newly opened Sunspot in Jaywick Sands. It had been fantastic to see that community come together and it had demonstrated what an excellent investment the Sunspot was going to be for the future. It had been good to see local businesses thriving and already looking to expand.

Councillor Henderson stated that the Christmas Market had been a big hit with families, with almost 200 children eagerly awaiting their turn to enter Santa's grotto which had featured Santa's cabin, a sleigh, and free popcorn and candyfloss, kindly provided by the excellent volunteers from the Jaywick Sands Community Forum. Almost 300 presents and prizes had been handed out thanks to free donations from a range of organisations, including Clacton-on-Sea Lions Club, Colchester Zoo, HAT Projects, Jaywick Sands Community Forum, Rotary Club of Clacton-on-Sea, and Tesco.

Orwell Place (formerly the Starlings site), Dovercourt

The Portfolio Holder for Economic Growth, Regeneration & Tourism (Councillor I J Henderson) informed Cabinet that 4th December had marked the Christmas lighting up and opening of this new open space. He further informed Members that very evening at Orwell Place an open air Christmas Carol Service would take place, complete with a 20 foot Christmas Tree supplied by Harwich Town Council (HTC) (for the public record, Councillor Henderson reminded Members that he was a member of HTC). Participating

in this event would be the Tendring Brass Band, the Choir from Harwich & Dovercourt High School, the Sea Scouts and the Police Cadets.

New Waste and Street Cleaning Contract for 2026 – Progress Update

The Environment Portfolio Holder (Councillor Bush) informed Cabinet that this Council had engaged with EELGA, as consultants, to develop a full business case and to provide a tender specification for the new contract.

Climate Action Plan

The Environment Portfolio Holder (Councillor Bush) informed Cabinet that this Council had appointed ACSE, as energy consultants in order to produce and evaluate the carbon and energy use data for 2023 as part of the Climate Action Plan for the period 2024 – 2027.

60. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

61. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.1 - POST DELIVERY SCRUTINY OF THE SUNSPOT COMMERCIAL WORKSPACE

Cabinet was informed that, in accordance with the decision of Council on 11 July 2023 (minute 37 referred), the Resources and Services Overview and Scrutiny Committee ("the Committee") had undertaken a post decision scrutiny of the Sunspot commercial workspace in Brooklands, Jaywick Sands on 19 September 2023 (minute 29 referred). As part of its enquiry, and immediately prior to the Committee's meeting, its Members had been provided with a tour of the new premises and the adjacent community garden. During the tour the Committee's Members had met with the intended operator of the café on site.

The Portfolio Holder for Economic Growth, Regeneration and Tourism had spoke to the Committee and had expressed his gratitude for the support received and had provided an update on the Sunspot project, highlighting its positive progress. He had mentioned the availability of 24 affordable commercial units, with 14 businesses already signed up, surpassing the initial expectation set out in its business plan. The Operations and Facilities Manager, though absent for this meeting due to illness, had been employed to support tenants, and the Portfolio Holder outlined the diverse spaces within the building, including a covered market, committee room, and a cafe with an experienced operator.

The Portfolio Holder had also emphasized the potential for skills development and job opportunities within the project, citing the café's intention to take on apprentices. He had acknowledged the past challenges, including cost overruns and delays, attributing them to capital cost inflation and external factors such as the COVID-19 pandemic. Despite the challenges, he had likened the project's journey to overcoming a "perfect storm" and he had acknowledged the collective effort to reach the current stage. He had also acknowledged Essex County Council's funding support.

The Corporate Director for Place and Economy (Lee Heley) had then addressed concerns related to costs and he had provided a detailed timeline of the Sunspot

project. The feasibility study had commenced in January 2020, and the application for further funding to the Local Enterprise Partnership had been submitted in September 2020. The initial estimate had been for 13 units for £1.97 million. Changes, including an increase to 24 units and an additional £300,000, had been made after advisors had reviewed the scope of the project in February 2021.

Committee Members had heard that tenders had been sought in December 2021 for a £2.1 million project. Cost consultants had estimated a potential increase to £2.7 million, but the lowest tender had come in at £3.9 million. Despite challenges, including cost overruns and delays, the decision had been made to continue, securing investment from partners, including Essex County Council. The construction contract had been awarded in April 2022.

The Corporate Director (Place and Economy) had also highlighted the unique challenges faced, including unexpected ground conditions and the need for additional funding, leading to a total cost increase of £760,000. Refinancing had been necessary, involving discussions with partners around the refinance process. The speaker emphasized the importance of closely monitoring costs, refining project scopes, and considering potential challenges for future projects.

It was reported to the Committee that the cost increases in the project were due to capital costs going up globally due to COVID and the war in Ukraine.

The Committee had resolved to recommend to Cabinet:-

- “a) that the positive news about occupancy rates for the Sunspot Centre, Jaywick Sands and the intentions around the on-site market be noted; and*
- b) that the capacity and expertise of the Council in costing and programme managing major capital schemes of the Council be strengthened to avoid or minimise unforeseen “mission creep” in schemes and unrealistic cost assessments being presented as part of approval mechanisms (that then needing to be repeated when true market costings are subsequently identified).*

The Committee had further resolved:-

- c) that delivery against the business plan compared with the experience in the first six months operation of the Sunspot Centre, Jaywick Sands be confirmed in the Committee’s Work Programme for April 2024.”*

Cabinet had before it the following comment submitted by the Portfolio Holder for Economic Growth, Regeneration and Tourism:-

“The Sunspot is a great success for Jaywick, for the Tendring District and the Council. The building is already occupied with 15 of the 24 business units with a tenant in place. Another four units will be occupied in January 2024. That will leave 5 units vacant and just under 80 percent occupancy. Officers are going to start advertising one of the empty units as a ‘rent a desk space’ in the new year. The café is busy, and the market is popular.

While capital costs rose across the World during the period the Council completed the Sunspot, the Council worked closely with partners including Essex County Council to ensure the project had sufficient funds to complete.

The success of the project has received positive reviews in the local and national press, and has been used as an exemplar of good practice as far afield as Stockton.

As with any major project, the Council has learnt during the process of completing the Sunspot, and will be able to apply those lessons to future capital schemes. We have increased the capital delivery capacity of the organisation with the appointment of an expert contractor in support of the levelling up schemes."

Having duly considered the recommendation submitted to Cabinet by the Resources and Services Overview & Scrutiny Committee, together with the response of the Economic Growth, Regeneration and Tourism Portfolio Holder thereto:-

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

RESOLVED that the recommendation made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Portfolio Holder for Economic Growth, Regeneration and Tourism thereto be endorsed.

62. LEADER OF THE COUNCIL'S ITEMS - A.2 - DELIVERING AGAINST THE COUNCIL'S CORPORATE PLAN 2024-28 - INITIAL PROPOSALS FOR HIGHLIGHT PRIORITIES FOR 2024/25

Cabinet considered a report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance (A.2). The report reminded Members that the Council's strategic direction was set out in its Corporate Plan which was a fundamental element of the Council's Policy Framework. The Corporate Plan ('Our Vision') had been adopted unanimously by Council on 28 November 2023 (Minute 76 referred) and covered the period 2024-28 (and was reproduced at Appendix A to the Portfolio Holder's report). Key elements of delivering against the adopted Corporate Plan would be through annual highlight priority actions approved by the Cabinet. The 2024/25 initial proposals for highlight priorities were set out at Appendix B to the Portfolio Holder's report. Through that report, Cabinet was invited to adopt these for consultation purposes before finalising its highlight priorities for 2024/25; which would involve consideration of the outcome of the consultation undertaken.

Recognising that the rationale for the Portfolio Holder's recommendations was to set out openly for all concerned the initial proposals for highlight priorities for 2024/25 and that this supported the openness agenda of the Council and provided an opportunity for engagement with the public, businesses and partners on those initial proposals. Through consultation it was hoped that the views received could help shape the priorities that would finally be adopted (within the reality of the Council's budgetary position).

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

RESOLVED that Cabinet resolves that -

- (a) the initial highlight priorities for 2024/25, as set out at Appendix B to report A.2, be approved for consultation;
- (b) all Councillors, other partners and the public be invited to consider the initial priorities referred to in (a) above; and
- (c) the outcome of the consultation referred to in (b) above be reported to Cabinet on 15 March 2024 in order that Cabinet can formally adopt its finalised highlight priority actions for 2024/25.

63. LEADER OF THE COUNCIL'S ITEMS - A.3 - PROPOSED MINOR AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Cabinet considered a report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance (A.3), which sought its approval for the recommended changes to the Constitution (Council Procedure Rules) for referral onto Full Council following a review undertaken by the former Portfolio Holder for Corporate Finance and Governance (Councillor Guglielmi) through the Councillor Development Portfolio Holder Working Party. The proposals covered amendments to the Council Procedure Rules 33.3, 34.3 and 34.4, in order to ensure the Council's Constitution remained effective, efficient and consistent at an operational level and to be an expression of best practise and to meet expectations of Members. In addition, this report set out an update in relation to proposals for amendments to the terms of reference and delegated powers of the Human Resources & Council Tax Committee and its sub-committee.

It was reported that the Councillor Development Portfolio Holder Working Party (CDWP) had met on 23 January 2023. At that meeting the Working Party, inter alia, had considered existing areas of mandatory training together with whether such mandatory training should be expanded to cover other areas such as for members of the Council's overview and scrutiny committee.

In addition, Cabinet was made aware that the review of the terms of reference and delegated powers of the Human Resources and Council Tax Committee and its sub-committee to be conducted in accordance with Full Council's decision taken on 29 March 2022 would be undertaken as part of this year's annual review of the Constitution.

A summary of the proposed changes compared to the existing CPRs 33.3, 34.3 and 34.4 was provided in the background section of the Portfolio Holder's report.

Having considered the outcome of the review of the mandatory training of Members carried out by the Councillor Development Portfolio Holder Working Party and the Portfolio Holder's recommendation arising therefrom, and in order to enable that recommendation to be submitted to the Full Council for approval and adoption:-

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

RESOLVED that Cabinet RECOMMENDS TO COUNCIL that the Council's Constitution be amended to reflect the proposed changes as set out in Appendix 1 attached hereto report A.3.

64. LEADER OF THE COUNCIL'S ITEMS - A.4 - UPDATED GENERAL FUND FINANCIAL FORECAST / BUDGET 2024/25

Cabinet considered a report of the Leader of the Council & Portfolio Holder for Corporate Finance and Governance (A.4), which enabled it to consider the updated financial forecast and budget proposals for 2024/25 for consultation with the Overview and Scrutiny Committees.

Cabinet was aware that a 'live' forecast was maintained and reported to Members throughout the year. The most up to date position in December each year was translated into the detailed budget for the following year for consultation with the Overview and Scrutiny Committees. As part of maintaining a 'live' forecast, this report 'built' on the last position that had been presented to Cabinet on 10 November 2023.

It was reported that, despite the challenging financial and economic environment, confidence in the long term approach to the forecast remained, which was supported by the forecast risk fund. The Council had maintained a prudent and sustainable approach to its long term plan, which provided the 'platform' against which it could consider its financial position in response to the very challenging economic outlook it continued to face.

Members were informed that further changes to the forecast had been made since 10 November 2023, with a revised position set out in Appendix A to report A.4. The changes required broadly reflected updates to cost pressures and savings. Those cost pressures included to date reflected unavoidable items. Work remained on-going in consultation with Services and it was likely that additional cost pressures would need to be included in later iterations of the forecast before final budget proposals were recommended for presenting to Council in February 2024.

Cabinet was advised that, in terms of the savings identified to date, those could be considered as 'secured' and not projections, given the nature of the budgets they related to. Although the income from treasury activities would be subject to various changes during 2024/25 the estimated saving included was based on a prudent approach and assumptions on likely cash balances and projected interest rates.

Taking the above into account and in comparison with the position reported to Cabinet on 10 November 2023, the net overall position reflected a forecasted annual deficit of £2.674m (an increase from £2.422m).

Members were told that an annual review of reserves had also been undertaken, which highlighted the need to continue to maintain a number of reserves to support key actions / activities as part of the Council's overall prudent and sustainable approach to managing its finances.

Cabinet also heard that any changes emerging from the Local Government Finance Settlement for 2024/25 would be reflected in the forecast that would be reported to Cabinet in January 2024 when it considered its final budget proposals for recommending to Full Council in February 2024. That budget included a Council Tax levy increase of 3%, with this level of increase expected to be confirmed as part of the Government's wider finance settlement announcements.

Members were made aware that, once the final position for 2024/25 was determined, the remaining years of the forecast would also be revised along with the consideration of extending the forecast period, which would be reported to Members later on in the budget setting process.

It was reported that both Appendices and C included related in-year adjustments for 2023/24. Those would be subject to further review before being finalised for inclusion in the Quarter 3 Financial Performance Report that would be presented to Cabinet later on in the financial year.

In order to set out the latest financial forecast as part of the process of developing the budget proposals for 2024/25:-

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

RESOLVED that Cabinet -

- a) approves the updated Financial Forecast and proposed budget position for 2024/25 as set out in report A.4 and its appendices; and
- b) requests the Overview and Scrutiny Committees' comments on this latest financial forecast and proposed budget position for 2024/25.

65. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.5 - GOVERNMENT FUNDING OPPORTUNITIES FOR TENDRING

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.5), which updated it with an overview of the different funding streams totalling up to £40,237,000 made available to the Council by Central Government, and to set out their purpose in regeneration opportunities for the District. The report also set out the implications to resourcing and managing those significant projects, and the decisions to accept the funding for the High Street Accelerator, the Long-Term Plan for Towns, and to establish the management of Town Boards for the respective funds.

The three funding streams are detailed below; a table that illustrated each funding stream and its link to this Council's priorities and outcomes for residents was provided as Appendix A to report A.5.

Levelling Up Partnerships

Cabinet recalled that, at the Budget Speech on 15 March 2023, the Government had announced 20 areas which would be selected to form Levelling Up Partnerships (LUP) with the Department of Levelling Up, Housing and Communities, which had included Tendring on the list at number eight. This had been considered at Cabinet on 23 June 2023.

It was reported that Government officials would visit Tendring between January and March 2024 in order to carry out a 'Deep Dive'. This would be a review of data, documents, and meetings with key partners. To prepare for that process, a capital pipeline of projects would be developed. Government had requested projects which required funding within 12 months of March 2024, for example, purchasing land or property or implementing capital projects that had already been developed.

Government Ministers would make the ultimate decision on what the £20m would fund, and their officials would complete the business cases for the funding to demonstrate that they were value for money.

Long Term Plan for Towns Funding

Cabinet was reminded that on 1 October 2023 Government had announced that Clacton-on-Sea would be one of 55 towns across the UK to receive a ten-year endowment-style fund, with £20 million of funding and support to give towns long term certainty to deliver projects over multiple years. Government had confirmed that the Long-Term Plan for Towns Funding would be 25 percent resource, 75 percent capital.

The Council would be required to establish a Town Board, to be chaired by a local business or community leader, and then to develop a plan setting out priorities for investment and regeneration, aligned to themes of safety and security, high streets, heritage and regeneration, and transport and connectivity. Towns would be required to demonstrate how they had developed plans in consultation with local people.

High Street Accelerators Pilot Programme

Members further recalled that, on 13 September 2023, the Council had been advised by the Department for Levelling Up Housing and Communities (DLUHC) that Tendring had been identified as one of 10 Districts nationally selected to pilot the Government's new High Street Accelerator Pilot Programme. This programme looked to fund the establishment of a Town Centre Board and would pilot projects selected in partnership, making £237,000 in total available over the next two financial years.

Cabinet was informed that, following a meeting between Officers and DLUHC on Monday 9 October 2023, DLUHC had indicated they would be supportive of an application for Dovercourt to be a pilot area for the programme. The deadline for submission had been 16th October 2023. The existing Harwich and Dovercourt Tourism Group would meet the requirement for a 'board' to discuss and deliver potential projects under the scheme. Dovercourt had been formally announced by the Government as a participating location in the pilot, on Wednesday 6th December 2023.

Members were advised that the objective of the High Street Accelerators Pilot Programme was for local stakeholders to work in partnership to support the long-term revival and regeneration of declining high streets. The work could be focused on reinventing the high street as a community hub that local people could be proud of, and the projects underpinning it could range from the repurposing of spaces, (such as the building of new park lets and gardens), to projects which improved the energy efficiency of high street buildings, or tackle vacancy rates by helping match community groups and small businesses with empty properties.

In addition to those Government funded schemes, the Council could also consider appropriate existing Section 106 contributions in those areas, to support the work being undertaken and increase the outputs for local people.

It was considered that the key to making the most significant impact on local ambitions was to ensure a considered choice of the most appropriate blend of projects in order to deliver transformational change against local priorities and the criteria for each funding stream.

Existing Council strategies included a range of exciting ambitions which could be developed into a project pipeline and form the basis of planned improvements to the towns identified. There would not be sufficient funding to implement all projects, so

careful consideration would be required with partners in Central Government and Council partners to identify the most appropriate course of action.

It was reported that, over the next six months, the Council would work with partners, including Central Government and residents, to develop a suite of projects in each location. This would culminate in a funded plan for each funding stream, to maximise the opportunities they provided. The plan for LU Partnerships would be developed through the 'deep dive' process signed off by Ministers. The Council would produce a Long Term Plan for Clacton by July 2024, in consultation with a newly constituted towns board, to be in place by April 2024. Given the helpful timing, the Council would be able to draw on the work of the Levelling Up Partnership as an input of information to support the plan for Clacton.

Cabinet was advised that a further report would be brought to it in April 2024, setting out further detail on projects to be funded, and the respective funding streams which would support them, and timescales for delivery.

As those funding streams would enable the Council to accelerate progress towards further achieving the Council's ambitions and delivering for local people against the newly adopted Corporate Plan, offering a chance to support a range of opportunities across the District's largest towns, as Government had targeted interventions to specific locations in Tendring and acknowledging that many of the funding streams had a short timeline to achieve their objectives and the Portfolio Holder's recommendations would allow delivery to continue at pace:-

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

RESOLVED that Cabinet –

- (a) accepts the High Street Accelerator Funding offered by the Department for Levelling Up, Housing and Communities and authorises the Corporate Director (Place and Economy) and the Section 151 Officer to enter into a Memorandum of Understanding on behalf of the Council, which sets out the agreement;
- (b) delegates the forming of the High Street Accelerator Board, and acceptance of its Terms of Reference, to the Portfolio Holder for Economic Growth, Regeneration & Tourism;
- (c) accepts the Long Term Plan for Towns Funding offered by the Department for Levelling Up, Housing and Communities and authorises the Corporate Director (Place and Economy) and the Section 151 Officer to enter into a Memorandum of Understanding on behalf of the Council, which sets out the agreement;
- (d) delegates the forming of the Towns Board, and acceptance of its Terms of Reference, to the Portfolio Holder for Economic Growth, Regeneration & Tourism;
- (e) delegates the authorisation of the spending of the £45,000 Levelling Up Partnership Capacity Payment to the Portfolio Holder for Economic Growth, Regeneration & Tourism; and
- (f) delegates entering into any agreements with the Department for Levelling Up, Housing & Communities for the funding streams set out in this report (LU Partnership, Long Term Plan For Towns, High Streets Accelerator) to the Corporate Director (Place and Economy), in consultation with the Section 151 Officer.

66. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING AND PLANNING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.6 - UPDATED HOUSING REVENUE ACCOUNT BUSINESS PLAN AND BUDGET PROPOSALS 2024/25

Cabinet considered a joint report of the Housing & Planning Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.6), which set out and sought approval of an updated Housing Revenue Account (HRA) Business Plan, which included proposed changes in 2023/24 along with budget proposals for 2024/25.

Members were aware that, similarly, to the General Fund's long-term forecast, a 'live' HRA Business Plan was maintained on an on-going basis, with the most up to date position in December each year being 'translated' into the detailed budget for the following year for consultation with the Resources and Services Overview and Scrutiny Committee. It was reported that a number of changes had been made to the business plan for 2024/25 onwards that largely reflected increased inflationary pressures. Some of those pressures were also being experienced in 2023/24, with corresponding adjustments set out accordingly.

Cabinet was informed that, unlike last year when the Government had intervened and had set a rent increase 'cap', and unless the Council heard to the contrary, it was proposed to increase rents in-line with the formula set out by the Regulator for Social Housing which allowed rents to increase by up to CPI+1% each year. Although Councils could set lower increases, this would be a very difficult approach to adopt in terms of the future sustainability of the HRA business plan, given the 'telescopic' impact this would have and the imbalance it would create as expenditure would be increasing ahead of income. Such an impact had been experienced when the Government had required Councils to reduce rents by 1% over the 4 year period from 2016/17 to 2019/20 and that continued to have an impact over the long-term life of the business plan.

Members were advised that, based on the above, the average weekly rent proposed for 2024/25 was £100.89 (£93.68 in 2023/24). After taking into account the various adjustments set out in Appendix A to report A.6, there was an estimated budget deficit of £0.764m in 2023/24 and an estimated surplus of £0.180m in 2024/25. In respect of 2023/24, this was £0.484m more than the budgeted deficit.

Cabinet heard that it was proposed to fund the estimated deficit for 2023/24 by calling money from HRA balances as an alternative to reducing expenditure, which was partly offset by the proposal to transfer the estimated surplus in 2024/25 to the same reserve. HRA General Balances were currently estimated to total £3.572m at the end of 2024/25 (after taking account of the use of balances highlighted above) that would remain available to support the 30 year Business Plan and associated risks to the forecast.

Members were told that there would undoubtedly be further changes required to the forecast before the detailed estimates were finalised for reporting to Cabinet in January 2024, which would provide the opportunity to revisit the above proposals accordingly.

It was further reported that the proposed HRA Capital Programme for 2024/25 reflected the commitment to maintain the necessary investment in the existing tenant's homes. HRA debt continued to reduce year on year as principal was repaid with a total debt position at the end of 2024/25 forecast to be £32.535m, which also took into account the refinancing of an historic loan via an internal borrowing approach.

Cabinet was made aware that, in addition to requesting comments from the Resources and Services Overview and Scrutiny Committee, it was also proposed to consult with the Tenant's Panel during January 2024, with the outcome reported to Cabinet later that month, when the final HRA budget proposals would be considered for recommending onto to Full Council in February 2024.

In order to enable Cabinet to approve the most up to date HRA Business Plan which set out a revised position for 2023/24 along with the proposed HRA budget for 2024/25 for consultation with the Resources and Services Overview and Scrutiny Committee:-

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

RESOLVED that Cabinet -

- (a) approves the updated Housing Revenue Account (HRA) 30 year Business Plan, which includes the proposed revised position for 2023/24 along with budget proposals for 2024/25; and
- (b) requests the Resources and Services Overview and Scrutiny Committee's comments on this latest HRA financial forecast.

67. MANAGEMENT TEAM ITEMS

There were no items submitted by the Council's Management Team on this occasion.

The Meeting was declared closed at 12.01 pm

Chairman

CABINET

26 JANUARY 2024

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.1 SCRUTINY OF THE INITIAL BUDGET PROPOSALS FOR 2024/25

(Report prepared by Ian Ford)

BACKGROUND

In accordance with the requirements of the Budget & Policy Framework Procedure Rules the Resources and Services Overview and Scrutiny Committee (“the Committee”) has undertaken its scrutiny of the budget for the Council. Prior to its meeting on 10 January 2024, the Members of the Committee, met informally on 3 January 2024 with the Section 151 Officer and the Head of Democratic Services & Elections. The informal meeting aided the Members of the Committee in developing key lines of inquiry for its formal scrutiny meeting that was held on 10 January 2024.

At the Committee’s formal meeting on 10 January, it was aware that the initial General Fund and the Housing Revenue Account (HRA) Budget proposals for 2024/25 had been considered by Cabinet on 15 December 2023.

The Committee had been provided, as part of the material for them to consider, the following:

- 1) Updated General Fund Financial Forecast / Budget 2024/25 – the report considered by Cabinet on 15 December 2023.
- 2) Updated Housing Revenue Account Business Plan and Budget Proposals 2024/25 – the report considered by Cabinet on 15 December 2023.

Following the informal meeting of the Committee held on 3 January 2024 a series of written questions had been circulated to Portfolio Holders and their responses had been circulated to the Committee prior to its formal meeting on 10 January 2024. The Minutes of that meeting record those questions and responses in an Appendix.

At the 10 January meeting further supplementary questions had been asked of Cabinet Members and responses provided including, in some cases, a commitment to provide a written response.

The following such commitments to written responses being provided were given to the Committee:-

- Cllr. Andy Baker, Portfolio Holder for Housing & Planning - regarding whether the Council would pursue ‘joint ventures’ (such as ‘lease back’) as a way of increasing the housing stock.
- Cllr. Andy Baker, Portfolio Holder for Housing & Planning – in relation to how often the 30 year HRA Business Plan will be reviewed.

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

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|--|
| <ul style="list-style-type: none">(a) Portfolio Holders review the individual cost pressures and cost savings across their respective service areas and explain how they are managing that process;(b) this Committee must be consulted on both the review of the Housing Strategy and on any revised Strategy proposals that come forward before the Cabinet makes any decisions on this matter;(c) a longer term Savings Plan be produced to ensure longer term financial sustainability and that it be submitted to this Committee for scrutiny in the first quarter of 2024/2025;(d) a review be carried out of the Council's preferred service providers/contractors to ensure compliance with the Council's Procurement Procedure Rules; and(e) a review be carried out on whether to introduce a "traffic light" risk management system to manage cost pressures. |
|--|

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

PORTFOLIO HOLDERS' COMMENTS

The comments of the Corporate Finance & Governance Portfolio Holder and other relevant Portfolio Holders (as appropriate) will be submitted to Cabinet at the meeting, to be considered as part of items 11 and 14 of the agenda, which are the General Fund and HRA final budget proposals for 2024/25.

RECOMMENDATIONS TO CABINET:

That the recommendations made by the Resources and Services Overview & Scrutiny Committee be welcomed and noted and that it be further noted that the responses of Portfolio Holders thereto will be considered as part of items 11 and 14 of the agenda.

CABINET

26 JANUARY 2024

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.2 REVIEW OF THE COUNCIL'S CURRENT PLANNING ENFORCEMENT ARRANGEMENTS

(Report prepared by Ian Ford)

BACKGROUND

The Resources and Services Overview and Scrutiny Committee ("the Committee") at its meeting held on 10 January 2024, considered an interim report from its Council Enforcement Arrangements Task and Finish Group which had been submitted following that Group's conclusion of the element of its enquiry concerning Planning Enforcement.

The Committee had been provided, as part of the material for them to consider, the following:

- 1) the Head of Democratic Services & Elections' covering report; and
- 2) the Interim Report of the Council Enforcement Arrangements Task & Finish Group following the element of its enquiry concerning Planning Enforcement dated 31 October 2023.

Those reports are attached as Appendices 1 and 2 respectively to this report.

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

That:-

- (1) the pilot monthly update list on planning enforcement cases (showing Ward, location, alleged planning breach and reference number) be rolled out to all Councillors from the start of January 2024 and that, in the list, those cases relating to the same premises be cross referenced or be shown sequentially and allegations of breaches around the creation of Houses in Multiple Occupation be clearly identified;
- (2) moves be made to utilise the functionality built into the Planning computer software system, Uniform/Public Access, in order to provide up to date details on planning enforcement cases through the website. This use should be timed to commence from 1 April 2024 for new cases, that existing live cases be added as updates are made to those cases during 2024/25 and that in March 2025 a report be provided to Councillors of those cases not available at that point on the website through the stated software packages;
- (3) the following be instigated in relation to arrangements across the Council to support joined up and effective enforcement:
 - a. The pilot arrangements for action logs being created for meetings of the Operational Enforcement Group (that are associated with matters discussed

at meetings of that Group (and are then monitored away from meetings of the Operational Enforcement Group)) be implemented fully going forward. These action logs would also include relevant responses concerning information held by other service areas of the Council about premises that are referenced to the Group by any one of the service areas who are represented on the Group (including 'NIL' responses if appropriate).

- b. A mechanism of alerting service areas who are represented on the Operational Enforcement Group of live enforcement cases in each of the other service areas on that Group, an ongoing basis, be developed and implemented so as to improve the knowledge flow in the Council of allegations and provide for appropriate enforcement and timely interventions to be made to secure the best interests of the Council, its residents and businesses with a view to raising public confidence in the Council's competence to secure those best interests and deliver 'smarter' working across service areas.
 - c. A protocol be developed setting out the corporate expectations on individual service areas to identify the types of information that service areas hold, and examples of where that information could reasonably be expected to be utilised to support enforcement action or service delivery in that service area or another service area. By way of example, Council Tax Collection could usefully benefit from information around properties being empty for a year as the Council Tax payer may then be subjected to an empty property premium being applied to the Council Tax bill for the property. Another example would be around information that the Licensing Team were to revoke a Licence held by a Business and the potential need for swift action to recover unpaid Business Rates.
- (4) a mechanism for reviewing activity in respect of planning enforcement cases which have been live for over a year be developed and maintained with a view to avoiding the status quo continuing and resulting in an ever reducing harm assessment in respect of those cases to the point that the infringement/non-compliance becomes permitted by default/legal action is not an option as it is then out of time. The intention of the review is to ensure that issues are not missed and appropriate action is taken by the Council; and
- (5) as part of good and reasoned decision making, a policy statement be developed or reviewed on the use of 'public interest' within Planning Enforcement as the reason for either taking or not taking particular enforcement action. The policy statement is to set out the considerations officers must take account of. In each case where 'public interest' is to be utilised to support a planning enforcement decision, an assessment of the competing elements of the public interest in taking or not taking that particular enforcement action are to be set out in writing with an indication as to why taking or not taking action outweighs the other public interest and that assessment is to be endorsed by a more senior officer.

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

HOUSING & PLANNING PORTFOLIO HOLDER'S COMMENTS

The comments of the Housing & Planning Portfolio Holder in response to the above are as follows:-

- (1) Response: A weekly list of enforcement cases developed by Officers has been piloted with Members of the Task & Finish Group and this has been well received. I am happy to instruct the Director of Planning to have this list circulated to all Ward Councillors from now on. I hope it will be a valuable tool for Members in understanding some of the issues being investigated in their areas.*
- (2) Response: Whilst, due to the sensitive nature of some planning enforcement issues, it might not be possible to put all information in the public domain; having a basic level of information on the website is a good idea – enabling interested residents to see for themselves the latest position with regards to local cases. I question the specific purpose of the suggested March 2025 report, given the amount of data that will be provided as matter of course through the regular list to Ward Members, but am happy to explore with Officers the best way of reporting back to Members any cases not, for whatever reason, listed for public view by that point.*
- (3) Response: I completely support looking at measures to improve joined up and effective enforcement across the Council's services – so long as we comply with necessary data protection rules. I am conscious that our Officers already work well together across the services both through operational enforcement group and on a day-to-day basis on cases where there could be multiple issues, but there is always room for improvement – particularly when it comes to raising public confidence in the joined-up approach. The specific suggestions put forward by the Committee are noted and will require further liaison with Officers and fellow Cabinet Members to explore the mechanics around introducing any specific measures.*
- (4) Response: With a properly staffed Planning Enforcement Team now in place and the efforts that have gone into cutting in half the number of live enforcement cases on our files, the Council is now in a good position to take appropriate action in regard to both new cases and older cases with a longer history. I will explore with Officers the need for any additional mechanisms or safeguards in respect of cases that have been live for an extended period and will action accordingly having taken their advice.*
- (5) Response: The Council already has its Planning Enforcement Policy and associated Harm Risk Assessment which does provide an explanation, in line with government guidance, how action is considered with regard to the wider public interest. As a living document that can be updated by the Planning Committee as and when required, I will explore with Officers whether any further improvements or explanation can be incorporated at a logical time for review. Officers already take a variety of factors into account in exploring the right course of action for different cases and these factors will differ from case*

to case, so having a list of considerations that Officers 'must' take account of will need careful consideration. The Planning Enforcement Team is however already developing a means by which a short report is completed on the closure of any case, which will comment on public interest considerations and referral to other services as appropriate; I hope to be able to give an update on that in due course.

RECOMMENDATION TO CABINET:

That the recommendations made by the Resources and Services Overview & Scrutiny Committee be welcomed and noted and the response of the Housing & Planning Portfolio Holder thereto be endorsed.

A.2 APPENDIX 1

RESOURCES AND SERVICES OVERVIEW AND SCRUTINY COMMITTEE

10 JANUARY 2024

REPORT OF HEAD OF DEMOCRATIC SERVICES AND ELECTIONS

A.1 COUNCIL ENFORCEMENT ARRANGEMENTS TASK AND FINISH GROUP – INTERIM REPORT (PLANNING ENFORCEMENT)

PURPOSE OF THE REPORT

The purpose of this report is to provide the Committee with the interim Report from its Council Enforcement Arrangements Task and Finish Group. This interim report is being submitted as the Task and Finish Group has concluded the element of its enquiry concerning Planning Enforcement. The interim report is set out in the Appendix to this report. The intention of the whole enquiry was recorded as:

“To identify the extent to which here are further steps that can be taken to further achieve a fair and equitable use of enforcement powers, taking account of relevant information and that the resources made available for enforcement are used to best effect.”

SCOPE - THE AIMS AND OBJECTIVES OF THE REPORT

The Council on 11 July 2023 approved an enquiry through this Committee into the matters set out here. The Committee approved that this enquiry would be undertaken through a Task and Finish Group and following a published decision the Task and Finish Group was formed and the enquiry is underway.

“Council Enforcement arrangements, including:

- (a) Planning Enforcement (and other areas) where decisions are taken ‘in the public interest’ whether to take particular enforcement action. To look at written statements to support the basis of such judgements and the matters demonstrably weighed up in reaching such decisions,*
- (b) The existing and possible opportunities for information to be provided by Ward Councillors in respect of matters which may attract enforcement action and decisions to not take enforcement (given the unique role of Councillors in representing their Ward).*
- (c) The extent to which enforcement powers are looked at in a silo or corporate way to ensure that (within the purposes of particular enforcement powers) the Council considers the ability to address non-compliances robustly.*
- (d) The experience of fly tipping on public land and the actions to deter such fly tipping*
- (e) The use of mobile CCTV cameras openly and covertly to identify offences and, potentially, offenders.”*

The enquiry has addressed, to this point, elements (a), (b) and (c) above in relation to Planning Enforcement. The interim report references the enquiry to this point. Further phases of the enquiry will concentrate on points (d) and (e) from the above scope. It may well return to points (b) and (c) as it considers other enforcement matters with the scope of the enquiry.

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A.2 APPENDIX 1

INVITEES

The Task and Finish Group Chairman (Cllr Paul Honeywood) will speak to the interim report set out as the Appendix to this report. Other members of the Task and Finish Group may also wish to refer to the work of the Group to this point. To facilitate this, Councillors Morrison and Sudra (who are not members of this Committee) have been invited to attend this meeting.

The lead officers for the whole enquiry, Damian Williams (Corporate Director for Operations and Delivery) and Anastasia Simpson (Assistant Director for Partnerships) have been invited to attend the meeting. As the element of the enquiry covered by the Interim Report has focussed on Planning Enforcement, Gary Guiver (Director of Planning) has been invited to attend this meeting.

BACKGROUND

The background to the enquiry (to this point) is set out in the interim report attached as the Appendix to this report.

RELEVANT CORPORATE PLAN THEME/ANNUAL CABINET PRIORITY

The enquiry was established in the summer 2023 and the relevant Corporate Plan was that for the period 2020-24. The relevant Corporate Plan theme identified at that time was:

“Delivering High Quality Services - Effective regulation and enforcement”

In the Corporate Plan for 2024-28, the following high level themes are relevant to the enquiry as it moves into 2024:

“Pride in our area and services to residents”

“Championing our local environment”

DESIRED OUTCOME OF THE CONSIDERATION OF THIS ITEM

The Committee is invited to receive the interim report from the Task and Finish Group and consider its recommendations. If satisfied, the Committee is invited to submit those recommendations to Cabinet as appropriate.

DETAILED INFORMATION

The detailed information concerning this enquiry (to this point) is set out in the interim report attached as the Appendix to this report.

RECOMMENDATION

That the Committee receive the interim report from the Council Enforcement Arrangements Task and Finish Group set out in the Appendix to this report and, if satisfied, submit recommendations to Cabinet as appropriate on the matters set out in the Appendix.

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PREVIOUS RELEVANT DECISIONS	
Council on 1 July 2023 – Minute 37 refers (this was to approve the enquiry to which the interim report relates)	
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL	
None.	
APPENDICES	
Appendix – The interim report of the Council Enforcement Arrangements Task and Finish Group (in respect of the element of the enquiry concerning Planning Enforcement).	

REPORT CONTACT OFFICER(S)	
Name	Keith Simmons
Job Title	Head of Democratic Services & Elections
Email/Telephone	ksimmons@tendringdc.gov.uk/ (01255) 686580

INTERIM REPORT OF THE COUNCIL ENFORCEMENT ARRANGEMENTS

TASK & FINISH GROUP

**FOLLOWING THE ELEMENT OF ITS
ENQUIRY CONCERNING PLANNING
ENFORCEMENT**

DATE: 31 OCTOBER 2023

A.2 APPENDIX 2

TERMS OF REFERENCE OF THE TASK & FINISH WORKING GROUP

At the meeting of Council on 11 July 2023, the work programmes for the two Overview and Scrutiny Committees were approved. This included, within the scope of the Resources & Services Overview and Scrutiny Committee, an enquiry into the Council's Enforcement Arrangements. Specifically, an element of the enquiry was to include the following:

“(a) Planning Enforcement (and other areas) where decisions are taken ‘in the public interest’ whether to take particular enforcement action. To look at written statements to support the basis of such judgements and the matters demonstrably weighed up in reaching such decisions,

(b) The existing and possible opportunities for information to be provided by Ward Councillors in respect of matters which may attract enforcement action and decisions to not take enforcement (given the unique role of Councillors in representing their Ward).

(c) The extent to which enforcement powers are looked at in a silo or corporate way to ensure that (within the purposes of particular enforcement powers) the Council considers the ability to address non-compliances robustly.”

This interim report seeks to set out the process of the enquiry into the above (to this point) and its interim conclusions and recommendations concerning Planning Enforcement.

THE AIMS AND OBJECTIVES OF THE ENQUIRY

The enquiry scope was considered to be directed towards the following Corporate Plan 2020-24 Theme: ***“Delivering High Quality Services - Effective regulation and enforcement”***

In approving the scope for this enquiry, Council recorded that the anticipated value of it was:

“To identify the extent to which there are further steps that can be taken to further achieve a fair and equitable use of enforcement powers, taking account of relevant information and that the resources made available for enforcement are used to best effect.”

MEMBERSHIP OF THE TASK & FINISH WORKING GROUP

On 17 August 2023, a decision in the name of the Chief Executive was published constituting the Task and Finish Group. Authority for the decision derived from Minute 5 of the Resources and Services Overview and Scrutiny Committee on 27 June 2023. That provided for Officers to be authorised, in consultation with the Committee Chairman, to make appointments to a Task and Finish Group as approved by Council (Minute 37 of 11 July 2023).

The Membership of the Task and Finish Group was - Cllr Paul Honeywood (Chairman), Cllr M Cossens, Cllr Sue Honeywood, Cllr Morrison, Cllr Smith and Cllr Sudra.

OFFICER SUPPORT FOR THE TASK & FINISH GROUP

Management Team identified as joint lead officers for this whole enquiry as:

Damian Williams, Corporate Director Operations and Delivery
Anastasia Simpson, Assistant Director Partnerships

However, as this element of the enquiry was focussed on Planning Enforcement, it was heavily supported by the **Director for Planning (Gary Guiver)**, together with the Head of Planning and Building Control (John Pateman-Gee) and the Planning Enforcement Manager (Matthew Deal).

Otherwise the Task and Finish Group was supported by the Head of Democratic Services

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& Elections (Keith Simmons).

INVITEES AND PARTICIPANTS (TO THIS POINT)

In addition to the officers identified in the section headed “Officers support for the Task & Finish Group”, this element of the enquiry was assisted by the Portfolio Holder for Planning and Housing (Cllr Andy Baker).

EXPECTED OUTCOME(S) OF THE ENQUIRY (TO THIS POINT)

The section above sets out the broad “Aims And Objectives Of The Enquiry” which were the expected outcomes of this element of the enquiry also.

By:

- (1) reviewing the progress with the adopted recommendations following the Planning Enforcement enquiry in 2022 (through a Task and Finish Group under the Resources and Services Committee and then adopted by Cabinet following the 4 May 2023 elections);
- (2) using real examples to explore the processes around planning enforcement decisions;
- (3) exploring the numbers of planning enforcement cases, the means of keeping Councillors informed of enforcement cases (and thereby allow them to submit relevant evidence) and update residents;
- (4) learning about the interaction between different elements of the Council with enforcement powers to avoid silo working; and
- (5) considering what underpinned decisions stated as being ‘not in the public interest’ to pursue through planning enforcement mechanisms.

It was intended that there would be an informed position to make recommendations to support the intentions set out in the “Aims And Objectives Of The Enquiry” section above.

ACTUAL OUTCOME(S) OF THE ENQUIRY (TO THIS POINT)

Through the three meetings of the Task and Finish Group, and the receipt of information outside of those meetings from those invited to attend, the Task and Finish Group Members consider that they are in a position to make the recommendations set out below which themselves are designed to meet the intentions set out in the “Aims And Objectives Of The Enquiry” section above.

INTERIM RECOMMENDATION(S)

That the Resources and Services Overview and Scrutiny Committee be recommended to approve the following on the basis that the relevant recipient of the approved recommendation will have the recommendation concerned referenced to them:

- (1) That the pilot monthly update list on planning enforcement cases (showing Ward, location, alleged planning breach and reference number) be rolled out to all Councillors from the start of January 2024 and that, in the list, those cases relating to the same premises be cross referenced or be shown sequentially and allegations of breaches around the creation of Houses in Multiple Occupation be clearly

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identified.

- (2) That moves be made to utilise the functionality built into the Planning computer software system, Uniform/Public Access, in order to provide up to date details on planning enforcement cases through the website. This use should be timed to commence from 1 April 2024 for new cases, that existing live cases be added as updates are made to those cases during 2024/25 and that in March 2025 a report be provided to Councillors of those cases not available at that point on the website through the stated software packages.
- (3) That the following be instigated in relation to arrangements across the Council to support joined up and effective enforcement:
 - a. The pilot arrangements for action logs being created for meetings of the Operational Enforcement Group (that are associated with matters discussed at meetings of that Group (and are then monitored away from meetings of the Operational Enforcement Group)) be implemented fully going forward. These action logs would also include relevant responses concerning information held by other service areas of the Council about premises that are referenced to the Group by any one of the service areas who are represented on the Group (including 'NIL' responses if appropriate).
 - b. A mechanism of alerting service areas who are represented on the Operational Enforcement Group of live enforcement cases in each of the other service areas on that Group, an ongoing basis, be developed and implemented so as to improve the knowledge flow in the Council of allegations and provide for appropriate enforcement and timely interventions to be made to secure the best interests of the Council, its residents and businesses with a view to raising public confidence in the Council's competence to secure those best interests and deliver 'smarter' working across service areas.
 - c. A protocol be developed setting out the corporate expectations on individual service areas to identify the types of information that service areas hold, and examples of where that information could reasonably be expected to be utilised to support enforcement action or service delivery in that service area or another service area. By way of example, Council Tax Collection could usefully benefit from information around properties being empty for a year as the Council Tax payer may then be subjected to an empty property premium being applied to the Council Tax bill for the property. Another example would be around information that the Licensing Team were to revoke a Licence held by a Business and the potential need for swift action to recover unpaid Business Rates.
- (4) That a mechanism for reviewing activity in respect of planning enforcement cases which have been live for over a year be developed and maintained with a view to avoiding the status quo continuing and resulting in an ever reducing harm assessment in respect of those cases to the point that the infringement/non-compliance becomes permitted by default/legal action is not an option as it is then out of time. The intention of the review is to ensure that issues are not missed and appropriate action is taken by the Council.
- (5) That, as part of good and reasoned decision making, a policy statement be developed or reviewed on the use of 'public interest' within Planning Enforcement as the reason for either taking or not taking particular enforcement action. The policy statement is to set out the considerations officers must take account of. In each case where 'public interest' is to be utilised to support a planning enforcement decision, an assessment of the competing elements of the public interest in taking

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or not taking that particular enforcement action are to be set out in writing with an indication as to why taking or not taking action outweighs the other public interest and that assessment is to be endorsed by a more senior officer.

CHRONOLOGY

The enquiry was (and its terms of reference were) approved by full Council on 11 July 2023 (Minute 37 refers)

The Membership of the Task and Finish Group was approved on 17 August 2023 (published decision entitled "To constitute the Council Enforcement Arrangements Task and Finish Group" refers)

The first meeting of the Task and Finish Group took place on 14 September 2023

The second meeting of the Task and Finish Group took place on 10 October 2023

The third meeting of the Task and Finish Group took place on 31 October 2023

The Members of the Task and Finish Group approved this report by email exchange between 30 November-4 December 2023.

DETAILED FINDINGS OF THE ENQUIRY

In the early months of 2022, the Planning Enforcement team had over 700 active cases, a sluggish turnover of tasks, and a reliance on three agency officers who lived a considerable distance from the office. This situation necessitated the support of two permanent officers, one of whom worked part-time, shouldering much of the administrative burden and conducting site visits on behalf of the agency officers. Regrettably, this arrangement proved highly ineffective, resulting in a decline in service output, diminished customer service, and a noticeable dip in work quality. Furthermore, Planning Enforcement faced challenges due to the scarcity of reporting tools, primarily stemming from the team's previous heavy reliance on paper-based systems and an absence of systematic reviews, which hindered a comprehensive understanding of the issues at hand. Enhancing the reporting capabilities remains a top priority as the IT support for enforcement work is taken forward.

As of the start of 2023, Planning underwent significant structural changes. We phased out agency staff from the Enforcement team and have reduced their presence in the planning department. This transition coincided with the appointment of a new team leader and the formation of a fresh, motivated team. These changes afforded our existing staff the opportunity to advance in their careers and enabled us to significantly reduce the backlog to a manageable level, effectively more than doubling our output. Ongoing training initiatives for our officers and our commitment to fostering talent from within, in alignment with Tendring's expectations and values, remain integral to our approach. This includes a strong emphasis on exploring informal routes, even though such efforts may not always be quantifiable or readily visible to the public.

The Council has introduced an Enforcement Policy that incorporates a harm assessment, now actively used to enhance the quality of decisions in our Enforcement processes. This policy, combined with investments in knowledge development and training, has equipped

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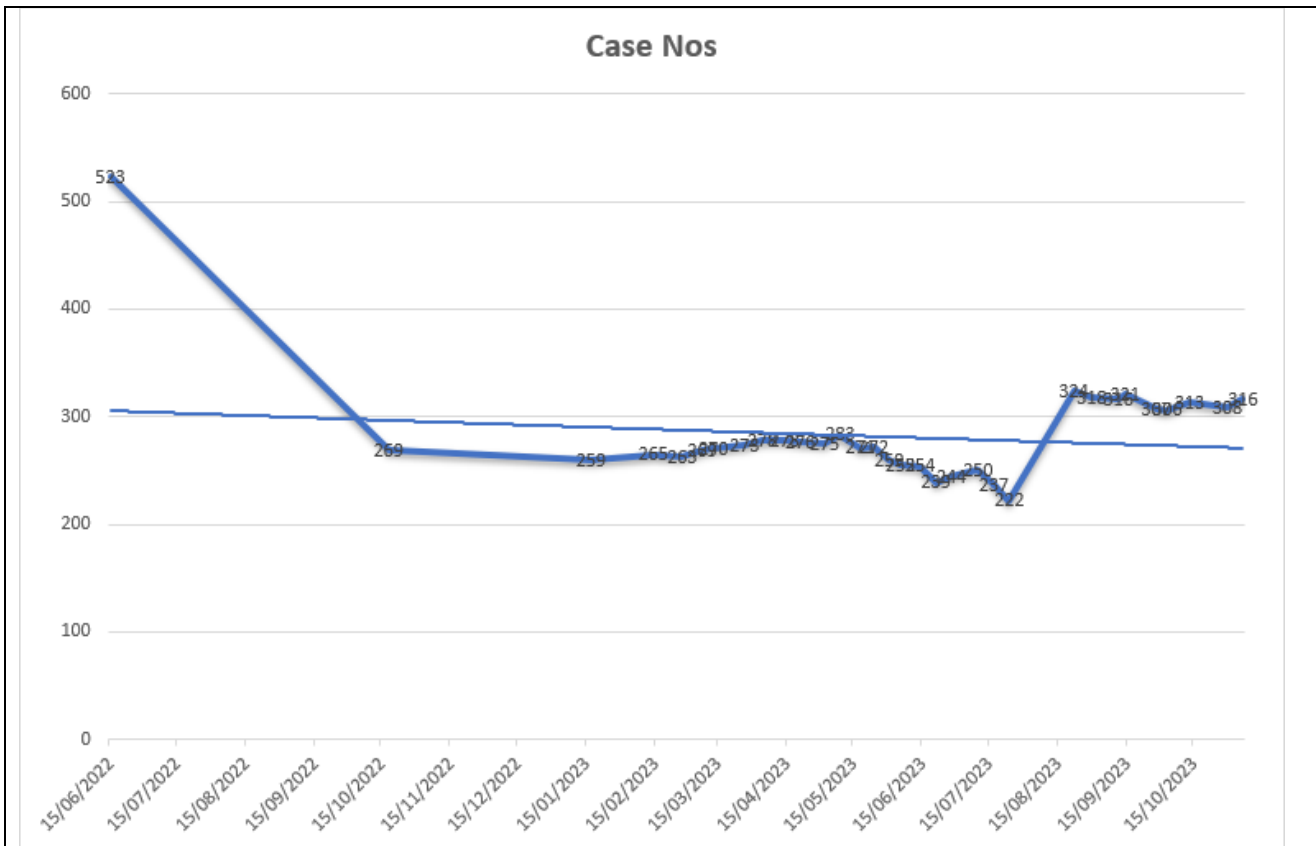
the team to navigate the complex landscape of legal planning requirements and minimise risks for the Council. It underscores the discretionary aspects of the work and the imperative to consider all public interests in a consistent and equitable manner. All updates have been implemented professionally, prioritising requirements, and reporting standards outlined in the enforcement policy. In discussions with the Task and Finish Group, Planning Officers referenced possible developments through using the existing functionality of the Public Access software system to provide live information to access anytime and providing Councillors with periodic lists for enforcement cases.

Throughout 2023, the Planning Enforcement Team has taken proactive steps to engage with broader networks. They have become active members of the Essex Enforcement Forum, consistently participating in the Council's own Operational Enforcement Group, and willingly accepting additional responsibilities from other teams, such as Environment Health. Moreover, the Team has dedicated efforts to specific projects, including the current Jaywick review, which led to a notable upswing in cases from July 2023, as indicated in the graph below. Next on the prioritisation is a review of the use of the existing Uniform software system to help reporting, a detailed review of processes and addressing the last of the historic cases to conclusion.

The Council's Operational Enforcement Group is an officer body that brings together representatives of service areas across the Council to raise operational matters concerning enforcement.

Planning Enforcement is not entirely masters of their own destiny, with much of its work reliant on a number of factors. These include, good decision making by the local planning authority, unambiguous and well directed conditions that comply with the imposed government tests and work on those matters have also taken place. The benefit of that work will be a few years in the future as development is commenced.

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Further to the above, it was noted that, at the time of the Task and Finish Group's meetings on this matter, there was no systematic process in place for alerting Councillors to live planning enforcement cases. Likewise, the software functionality to enable the public/interested parties to directly be able to find out about planning enforcement investigations/and the broad stage those matters were at was not being utilised.

In response to questioning around the cross service working on premises subject to planning violation allegations, the Task and Finish Group was reminded about the limitation on Planning Enforcement to utilise information that was relevant to the planning regime. However, there was a concern that the Council could be separately dealing with the same premises and individuals and not being as aware in each of those service areas of action, investigations, concerns or relevant information from another service area. For instance, knowledge of a winding up order against a company identified by one service could have implications for permissions, authorisations and enforcement in another. There was not strong evidence that this information exchange inside of the Council was taking place.

Although not directly related to the above point, the Task and Finish Group was advised of a proposal to move to action logs from each meeting of the Operational Enforcement Group to facilitate monitoring of those actions arising out of matters brought to the Group's meetings. This introduction of action logs was supported by the Task and Finish Group.

Looking at the terms of reference for the enquiry, it was the case that the Task and Finish Group did not receive a written policy statement provided in respect of the matters to consider when weighing the public interest in pursuing enforcement action and the public interest in not pursuing that action. For completeness, the terms of reference for the

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enquiry identified the following as to be provided:

“Written statements on the judgement to be applied when determining whether it is or is not in the public interest and example records where that weighed judgement has been set out (suitably redacted).”

In considering the Planning Enforcement case numbers graph set out earlier, it was reported to the Task and Finish Group that a quantity of these had been live for some time. The Task and Finish Group was made aware that there were timescales after which no enforcement action could be taken. In relation to these older cases there was no existing system to initiate reviews of them; to ensure that appropriate action was taken and that individuals/developers did not simply achieve de-facto permission through inaction over several years.

The Task and Finish Group as part of its work received examples of acknowledgement letters to those raising planning enforcement allegations with the Council and of initial letters sent to those alleged to be in breach of planning obligations. The Task and Finish Group also received prototype periodic lists for enforcement cases for Councillors produced for them to review prepared for them to review by Planning Officers.

At its meetings, the Task and Finish Group looked critically at the implications for this Council, and public funds more generally, where necessary conditions were not applied to planning permissions (such as to re-instate the highway/apply for footway crossings) where development abutted the highway (with a footway) and developer traffic would go over that footway and/or the development would have parking spaces immediately adjacent to the footway. The work underway to review of planning conditions was relayed to the Task and Finish Group who were also advised of the consultation on the verification framework for planning applications. Together, these matters should help address the issues discussed at the Task and Finish Group.

The Director of Planning informed the Task and Finish Group that the five most common planning mistakes, based on records of enforcement complaints closed in the last five years:

- Extensions: At the top Extensions to buildings are the most commonly reported construction without planning permission.
- Outbuildings: The construction of outbuildings, such as sheds or workshops, without planning permission is also quite common.
- Fences: Instances of fences being constructed without the necessary planning permission follow in frequency.
- Change of Roof: Changes to roofs, including raising the height or adding new roof structures, are reported somewhat less frequently at fourth place.
- Buildings or Structures for Specific Use: Construction of specific-purpose buildings or structures like summerhouses, caravans, and commercial buildings.

The Task and Finish Group considered whether there would be advantage in identifying such errors in public material to seek to reduce such mistakes going forward. Although this was considered, a workable approach to such communication was not agreed to. In part this was because such mistakes probably broadly reflected the number of such applications for planning approval and leaflets included in with the Council Tax bill had a very limited retention/reference period.

The Task and Finish Group also heard of issues with uploading footage from a private

A.2 APPENDIX 2

drone to support an allegation of a breach of planning requirements. The Group was advised that there was not an issue with submitting footage to the Council. However, it was important for Planning Officers to verify a planning breach before taking direct enforcement action. The format of different video footage being played by the Council may require specialist software if the footage did not play through the standard software provided with Council IT equipment.

Members of the Task and Finish Group expressed general high regard for the work of Planning Enforcement Team recently and that there was an improved position over the last year or so than it was prior to that.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

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CABINET

26th JANUARY 2024

REPORT OF PORTFOLIO HOLDER FOR ECONOMIC GROWTH, REGENERATION AND TOURISM

A.3 CLACTON AIRSHOW REVIEW 2023

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report sets out options for the future of the Clacton Airshow based on a review requested as part of the Council's Budget Setting Process for 2023/24.

The Review is included at Appendix A: Member briefing Clacton Airshow Review, and Appendix B: Clacton Airshow Economic Impact.

EXECUTIVE SUMMARY

As part of the Council's 2023/24 Budget Setting Process, a request was made to undertake a review of the 2023 Clacton Airshow. As such, this Clacton Airshow Review sets out the key purpose, impact and benefits to running the Airshow in future years based on the outcomes experienced during the 2023 event.

The Clacton Airshow has national recognition and is one of the largest events in Essex; it is well supported by local and national media and all of the emergency services. Attracting thousands of visitors to the District, the Clacton Airshow is a local event that residents feel proud of; with the recent Corporate Plan Consultation (2023) highlighting that the 'air show is greatly loved by residents in the area' and a further 15.9% of people responding positively highlighting that they would consider volunteering at the Clacton Airshow. In addition, feedback from visitors on social media and throughout the event, highlight the positive excitement and energy that the event brings to Tendring.

The Clacton Airshow generates a significant amount of income to businesses within the local area; it is an event that is widely acknowledged as providing a sense of community pride. The Economic Impact report contained within Appendix B highlights that an estimated 250,000 attendees come to the event over the two-day period and contributes a net value of approximately £12,155,000 to the area with 166 jobs sustained for the duration of the show.

The Clacton Airshow Review outlines why Tendring District Council hosts the Airshow and evidences its impact on local tourism and to the wider economy. It aims to enable a balanced decision to be taken on the future of the event in respect of the significant financial challenges faced by the Council. The review also includes a comprehensive strengths, weaknesses, opportunities and threats analysis and provides an opportunity to review areas of development and potential for growth.

The total cost to run the Clacton Airshow in 2023 was £192,272, this includes a budgeted subsidy of £130,330 and income generation of £65,718. A full financial breakdown is included within the review, this incorporates the total costs of running the Clacton Airshow, impacts to

the Council, and income generated. Alongside the budgeted financial subsidy for the Clacton Airshow, there are additional 'in-kind' costs incurred by the Council including staffing during the event and costs associated with Engineering and back office support.

The following options for the future of the Clacton Airshow have been considered:

Option 1 – Airshow to be reviewed and agreed annually

Historically the decision to run the Airshow has been made annually following a review of the previous year's event. There is the option to continue making this decision on a yearly basis, which will enable current factors to be taken into consideration. The 2024 Clacton Airshow has been announced in press, a formal decision will need to be published to accompany this. This option will require an additional amount of up to £60,000 to be identified on an annual basis.

Option 2 – commitment to Clacton Airshow 2024 - 2027

A four year commitment to Clacton Airshow with a full flight schedule for 2024-2027 will enable the Operational Tourism Team to explore economies of scale including; multi-year core service procurement (including First Aid and Security), attracting external funding, exploring sponsorship opportunities including the potential to attract a headline sponsor and engage with specialist organisations to procure additional sponsors, digital enhancement, and explore Clacton Airshow official merchandise. An Annual Review will be carried out to provide a report on the Airshow and highlight any key decisions required for future events. This option will require an additional amount of up to £60,000 to be identified for each of the four years set out in this option.

Option 3 – to cease running the Clacton Airshow

There is the option to cease running the Clacton Airshow, however as the 2024 Clacton Airshow has been publicly announced this would be a reputational risk to the Council. Due to the significant economic and social impact that the event has on tourism in Tendring, Officers would need adequate time to consider what events could replace an event of this scale and impact.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) formally agree, subject to funding being allocated, to support the continuation of delivering Clacton Airshow for the years 2024-2027, with annual reviews to be undertaken; and**
- (b) requests Officers explore sponsorship opportunities including engaging specialist resource support.**

REASON(S) FOR THE RECOMMENDATION(S)

It is recommended that Cabinet formally agree to support the Clacton Airshow for the duration of four years (2023-2027).

As highlighted within the key summary, a four year commitment to Clacton Airshow with a full flight schedule for 2024-2027 will enable the Operational Tourism Team to explore economies of scale including; multi-year core service procurement (including First Aid and Security), attracting external funding, sponsorship opportunities including the potential to attract a headline sponsor, digital enhancement, and explore Clacton Airshow official merchandise. The

following income generating opportunities will be explored:

1. Sponsorship – if there is a longer-term commitment to the Airshow, this will provide an opportunity to work with specialist organisations to procure additional sponsors over a multi-year period. This could include headline sponsor and other organisations with a range of packages.
2. Clacton Airshow Merchandise – an opportunity to explore Clacton Airshow branded merchandise and procure in bulk for the multi-year duration.
3. Longer term procurement – all Airshow procured services could be agreed over a longer period of time, which has the potential to lower the price paid. This would need to be considered within procurement rules and consideration would need to be given to agreements so any poor service levels could be addressed.

An Annual Review will enable Officers to highlight the event and outline any key decisions required for future events.

ALTERNATIVE OPTIONS CONSIDERED

- **Airshow to be reviewed and agreed on a yearly basis.** This option would enable the most up to date factors to be taken into consideration when deciding on the Airshow. However, it would not allow the economies of scale provided by longer procurement over multiple years.
- **To cease running the Clacton Airshow.** However as the 2024 Clacton Airshow has been publicly announced this would be a reputational risk to the Council, and the wider economic and social benefits of the Airshow would not be realised.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Clacton Airshow plays a key role in the District's growing Tourism industry; it attracts local, regional, and national visitors. It supports the newly adopted Corporate Plan (Our Vision) 2024-2028 current key objectives by:

Supporting pride in our area and services to residents

Encouraging local communities to be a part of the Clacton Airshow, by promoting volunteering opportunities and working with local businesses to support a sustainable event. To ensure that the event is run and managed with a focus on ensuring cleanliness and personal accountability for the local environment for the duration of the Airshow.

Promoting our heritage offer, attracting visitors and encouraging them to stay longer

The Clacton Airshow attracts visitors from within Tendring and further afield. It is listed as a key theme and outcome.

Events are a key component of the Council's Tourism Strategy and as one of the largest events in Essex; the Clacton Airshow contributes large numbers to the local and regional visitor economy.

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

Research carried out as part of the consultation on the Council's new corporate plan in 2023 included a positive view of the Airshow from respondents. The research showed that the 'air show is greatly loved by residents in the area' and further 15.9% of people responding positively highlighted that they would consider volunteering at the Clacton Airshow.

Councillors from key affected wards are involved in discussions relating to resident implications of the Airshow, such as parking.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input checked="" type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	A forthcoming Cabinet decision was published on 20 th December 2023

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

The Recommendations make reference to the fact that a further decision is required to allocate further funding to enable the continuation of the Clacton Airshow, without incurring ongoing cost pressures. The engagement of third parties will need to be undertaken in accordance with the Council's Procurement Procedure Rules and associated decision making requirements.

A further decision will be required following the Airshow in 2027 as to any future ongoing commitment.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The total cost of the 2023 Clacton Airshow was £192,272 which included a subsidy of £126,554 to cover the full cost of the event (of which £60,000 was allocated as part of the budget/cost pressure process). There are further costs incurred by the Council to support the Airshow both in the lead up to, and during the event. These costs are associated with the additional support required to run an event of this scale and include resource support from Engineering and other support services.

The current funding included in the 'base' budget on an on-going basis is £70,330. As highlighted above, this was increased by £60,000 on a one-off basis to support the commitment to the 2023 show.

Although subject to the recommendations above, an amount of £60,000 has been included in the budget from 2024/25 as set out within the next item on the agenda, where the General Fund budget proposals for 2024/26 are presented. In effect, this budget adjustment of £60,000 builds this additional funding for the Airshow into the base budget on an on-going basis until such time as any contrary decisions are made. As highlighted by the Monitoring Officer above, a further decision will be required following the Airshow in 2027 as to any future ongoing commitment, which will need to be considered alongside the development of the financial forecast and budget from 2027 onwards.

x	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Council is faced with significant financial challenges in the coming years and any decision which commits revenue funding, must be considered within that context. Whilst forming a view on the future of the Clacton Airshow, Cabinet should note the savings which are required to balance the Council's budget over the next few years as set out within the proposed General Fund budget presented next on this meeting's agenda. Additional on-going commitments included within the budget may require additional savings to be identified in the longer term to facilitate the setting of budgets on an annual balanced/funded basis.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Working alongside key departments including Accountancy, the Clacton Airshow is allocated a budget and costs are kept to a minimum in a variety of ways including; contra-marketing opportunities, trade space, souvenir brochures and sponsorship.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	<p>Event management is coordinated via the Clacton Airshow planning group which consists of key emergency services, delivery partners and internal colleagues including Operational Tourism, Emergency Planning and Accountancy. This group meets regularly and culminates with a debrief post event.</p> <p>A live event management plan is in place and constantly updated to reflect the current state of play and highlight all risks. This is managed via the Operational Tourism Team in close partnership with the Emergency Planning Department. The event is managed through a Bronze, Silver and Gold system of control with key teams co-located in three separate areas.</p>
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Operational Tourism team consisting of three full-time members of staff work closely alongside internal accountancy colleagues to monitor and manage the budgets. Procurement procedures are followed to ensure best price and cost efficiencies.

MILESTONES AND DELIVERY
<p>Key event date for the attached review: Thursday 24th August and Friday 25th August 2023.</p> <p>Next event date: Thursday 22nd August and Friday 23rd August 2024.</p>
ASSOCIATED RISKS AND MITIGATION
<p>Operational Tourism, with the support of Emergency Planning Officers, work collaboratively to produce a thorough Risk Assessment of the Clacton Airshow and the mitigating factors required to reduce risk. This Risk Assessment forms part of the Event Management Plan, a comprehensive document that provides detailed information about the event, management plans and actions of the organisers with regard to public and worker safety. These management plans include plans for dealing with untoward and major incidents and are developed in partnership with Tendring District Council, the statutory Emergency Services and other agencies represented at the Emergency Service Meetings and the Safety Advisory Group Meetings. These documents are subject to constant revision and form part of the major incident plan for the area.</p>
EQUALITY IMPLICATIONS
<p>Consideration of equalities implications will be taken in respect to each decision made to ensure that the Clacton Airshow is accessible to visitors and local residents alike. Feedback from residents, local businesses and key stakeholders are considered for future event planning and where required, added to the Event Management Plan.</p>
SOCIAL VALUE CONSIDERATIONS
<p>The Clacton Airshow is a family friendly free at point of access two-day event, reducing financial barriers to access. The recent Corporate Plan Consultation (2023) highlighted that the Airshow promotes a sense of pride and feedback received from attendees highlight the positive impact to well-being that is generated as part of the two-day event.</p> <p>Social value considerations are embedded within procurement and throughout the event planning process.</p>
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030
<p>The Clacton Airshow Event Organisers work closely alongside the Flight Director and the British Air Display Association (BADA) to minimise the environmental impact of the event. Visitors and local residents are encouraged to use public transport where possible, and reduce over reliance on plastic by bring reusable water bottles. In addition, flying teams take their responsibility in the area of sustainability seriously and share a commitment to reducing their impact where possible.</p> <p>The Clacton Airshow ensures that all suppliers and providers consider their individual environmental impacts and share commitment towards the Council's net zero goals. Officers are working with the Flight Director and BADA to measure the Carbon Footprint of the 2023 Clacton Airshow, and measure the predicted Carbon Footprint of the 2024 Clacton Airshow and to highlight a plan of action for 2024 and beyond. In addition, the Council carries out a range of measures that help to offset carbon; in the 2023 planting season this included planting approximately 1150 trees and two community orchards.</p>

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Resourcing

It is suggested that consideration is made towards how the Airshow is resourced for the duration of the event. The role of the Clacton Airshow Volunteer has historically been resourced from internal staff from across the Council with a small amount of external volunteers. The Clacton Airshow Volunteer has a vital role for the duration of the Airshow, aside from selling programmes which brings in income, they also act as sign post and welcoming points for visitors and most importantly act as additional support for the Event Team for crowd safety and security.

The benefits of drawing on existing Tendring District Council teams include an awareness of public engagement and reputation; they are already thoroughly vetted and have an awareness of the local area. It enables teams to experience the largest event in Tendring and engage with residents and visitors. However, this does put a strain on existing teams. The Event Team have explored the use of external volunteers, however due to the cash handling nature of the role there is still an expectation that external volunteers are partnered with a Tendring District Council employee. There are additional opportunity cost resource implications to utilising Tendring District Council teams.

Crime and Disorder

Essex Police, external stakeholders and key internal departments are part of the Clacton Airshow planning team and are involved with every step of the Event Management Plan. Crime and Disorder is considered and processes put into place to ensure potential issues are identified early and prevented where possible.

Health Inequalities

Key to promoting the wider determinates of health is a strong Economy. The Clacton Airshow provides a positive economic impact to Tendring and this serves to reduce health inequalities.

The Airshow is a free at point of access event accessible to residents and visitors alike. It is an event people look forward to attending and highlight as a key local calendar event.

Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)

All legislation and Statutory Guidance is followed as required.

Area or Ward affected

All of Tendring, in particular Pier Ward and St James Ward

PART 3 – SUPPORTING INFORMATION

BACKGROUND

2023 celebrated the 30th Clacton Airshow organised by Tendring District Council. Further background to the decision is included in the Clacton Airshow Review 2023 and Clacton Airshow Economic Impact 2023, annexed to this Cabinet Report.

PREVIOUS RELEVANT DECISIONS

A commitment and request was made as part of the Council's Budget Setting process for 2023/24 to undertake a review of the Clacton Airshow. A formal decision is required to accompany this announcement.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

Reference documents attached:

- Appendix A – Member Briefing_Clacton Airshow Review 2023
- Appendix B – Member Briefing_Clacton Airshow Economic Impact 2022

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Clacton Airshow Review 2023

JANUARY 2024

Tendring District Council
Jessica Bryan, Tourism, Arts and Events
Manager



Clacton Airshow Event Review 2023

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Following a request made as part of the Council's Budget Setting process for 2023/24 to undertake a review of the Clacton Airshow, Cabinet are asked to note the content of this report and determine which of the options set out in section 6 to select for future operation.

Appendix

Appendix B 2022 Economic Impact Evaluation Report prepared by Destination Research Limited

1.0 Purpose

To provide a current economic and social impact report on the 2023 Clacton Airshow.

2.0 Why Does Tendring District Council stage the Airshow?

Business Need	<p>The event has a clear-evidenced impact on local tourism, and subsequently to the local economy, attracting thousands of visitors to the District. The 2022 Economic Impact Evaluation Report prepared by Destination Research Limited estimated that the 2022 Clacton Airshow contributed a net value of approximately £12,155,000 net income to the area with 166 jobs sustained (approximates due to the PRIME method of data collection). See <i>Appendix B – Economic Impact Evaluation report 2022</i>.</p> <p>The recent Corporate Plan Consultation (2023) found that The air show is greatly loved by residents in the area with 15.9% of people responding positively stating they would volunteer at the Clacton Airshow.</p>
Key Objectives Corporate plan (Our Vision) 2024 - 2028	<p>The Clacton Airshow plays a key role in the District's growing Tourism industry; it attracts local, regional, national visitors. It supports the newly adopted Corporate Plan (Our Vision) 2024-2028 current key objectives by:</p> <p><i>Supporting pride in our area and services to residents</i> – encouraging local communities to be a part of the Clacton Airshow, by promoting volunteering opportunities and working with local businesses to support a sustainable event. To ensure that the event is run and managed with a focus on ensuring cleanliness and personal accountability for the local environment for the duration of the Airshow.</p> <p><i>Promoting our heritage offer, attracting visitors and encouraging them to stay longer</i> – the Clacton Airshow attracts visitors from within Tendring and further afield. It is listed as a key theme and outcome.</p> <p>Events are a key component of the Council's Tourism Strategy and as one of the largest events in Essex, the Clacton Airshow contributes large numbers to the local and regional visitor economy.</p>



3.0 Background

The 2023 Clacton Airshow saw one of the largest flight display offerings across England, with 20 flying displays on day 1 and 18 displays on day 2, a back-to-back display. Taking place over Thursday 24th August and Friday 25th August 2023, the two-day event was organized successfully and ran with minimal issues. The Clacton Airshow is Tendring's largest free event and is well supported by external partners including; Essex Police, Counter Terrorism, East of England Ambulance Service, Essex Fire Service, Coastguard, and RNLI.

There was a good mixture in the flying display including the RAF display teams, aerobatic aircraft, and historic aircraft. On the ground there were exhibits, children's activities and various entertainment areas along the seafront. A wide range of trade stands and food courts were available. After the displays, many of the local retailers opted to stay open late to provide a further tourist offer.

Listening to feedback from retailers on the high street, the Creative and Cultural team alongside Economic Growth and Regeneration colleagues piloted a High Street Airshow Trail with the main aim to increase footfall from the seafront to the High Street.

Weather on day 1 was unfavorable and this caused some logistical/practical issues and attendance was marginally lower as a result. However, a sunny day 2 encouraged the crowds to attend and subsequently the Airshow was hugely well supported. Despite a slower start to the event, an estimated 250,000 visitors joined in the celebrations. Despite the rain on day 1, it was impressive to view the crowds building and families setting up stations for the day under rain covers.

A final sign off on progressing the 2023 Clacton Airshow was delayed due to the Local Elections in Tendring, which did cause logistical issues, however the Operational Tourism team were able to ensure that the event remained well planned and that visitors remained unaware of delays. The impact of this delay meant that there was less of an opportunity for economies of scale and cost savings.

To plan a successful event of this scale, a debrief occurs soon after the Airshow with all the key stakeholders in attendance including TDC Events Team, TDC Specialists, Emergency Services and key partners. In the six months leading up to the event, a monthly meeting was held with all key stakeholders to ensure that event organisation, emergency planning and coordination of all key agencies occurs. This is a multi-agency approach to an in-depth and complex operation.

The 2023 Clacton Airshow debrief was held in October 2023, it enabled all key stakeholders to meet and discuss items that went well and challenges faced. A positive meeting enables the Clacton Airshow Event Management Plan to remain a living document.

This report assesses the impact of the event against the key objectives, and provides a current financial position with options for future Airshows explored.

4.0 Impact

4.1 Economic Impact – Finance 2023

The 2022 Economic Impact Evaluation Report prepared by Destination Research Limited using nationally recognized modelling data estimated that the 2022 Clacton Air Show contributed a net value of approximately £12,155,000 net income to the area with 166 jobs sustained (approximates due to the PRIME method of data collection).

The subsidy to run the Airshow is increasing and the largest costs to run the event remain the flights/aircraft and also the infrastructure of the security and Anti-Terrorism requirements. These two key areas have seen significant year on year increases. The direct costs and income for running the Air Show in 2023 were:

	AMOUNT (£)
EXPENDITURE	192,272.00
INCOME	65,718.00
SUBSIDY	126,554.00

The budgeted subsidy was £130,330, this included the additional £60,000 allocated to the Clacton Airshow through the cost pressure process. There are further costs incurred by the Council to support the Airshow both in the lead up to, and during the event. These costs are typically associated with the additional support required to run an event of this scale and include resource support from Engineering and other support services. Whilst there are proposals to decrease expenses and increase income as set out in this report, it is felt that the original £60,000 cost pressure should be maintained over the next three years to ensure sufficient budget is in place to continue to successfully manage this event. The Operational Tourism team were able to successfully negotiate £9,500 in sponsorship, generate £15,703 in programme sales, £2,190 donations through bucket collections and £38,326 from exhibitors/trade. The slightly lower programme sales than last year, were contrasted by an increase in bucket donation/collections and trade stand income. This was a nationally replicated experience across other air shows.

For trade/exhibitors, it was apparent that confidence was beginning to return post COVID-19 with a return to full booking for trade stands. However, in the weeks leading up to the air show we experienced stalls dropping out due to personal poor performance and increasing costs associated with travel, a lesson learned will be that in future years a retaining deposit will be charged.



For cash bucket donations there is a continuing change in public approach to carrying money, this continues to result in less donations made via the traditional bucket method. Working alongside the Princes Theatre Box Office system, the team were able to trial pre-order souvenir programmes and enabling an online method of donation. This proved popular and will be offered in a timely fashion and with greater publicity for future years.

Current methods utilised resulting in reduction in costs and in-kind cost savings include:

- A review of fees and charges for events undertaken, this will further raise income generation opportunities going forward
- Outsourcing the Hospitality area which includes: staff, event team and partner lunches
- BBC Essex advertising
- Production of programme and advertising
- Park and Ride
- Accommodation
- Exploring use of volunteers

In addition, other income generating sources are being evaluated including the acceptance of card payments for both programmes and bucket collections in the future. It is also important to mention that additional income is generated through car-parking, for 2023 the car parks in and around Clacton raised an additional £3,300 compared to the same period the week prior.

Every line of expenditure will continue to be evaluated to ensure that only essential costs are accrued. It is a positive position to have the decision to continue to run the Clacton Airshow in 2024, this will enable the team to maximize on cost efficiencies and income generation. It would be a positive step, if the decision was taken to run the Clacton Airshow for three years as this would enable the team to generate economies of scale when exploring sponsorship, contracting of key services (Security and First Aid), and other income generation initiatives.

4.2 Social impact

The recent Corporate Plan Consultation (2023) highlighted the Clacton Airshow as an event that local residents are proud of with the air show 'loved' by people in the area. In the build up and throughout the duration of the event there is an air of excitement and energy. Furthermore, a recent report 'Levelling up in Practice: Clacton Research summary Report' (2022) highlighted areas that people were proud of, in focus groups participants mentioned the Airshow as something that makes Clacton stand out. Engagement in social media posts in the build up to, during and post Air Show is increasing yearly. Tendring District Council's Tourism team utilise social media to effectively showcase the event and to support the logistical communication during the event.

Twitter	Facebook	Instagram	Website
@ClactonAirshow	Essex Sunshine Coast	@essexsunshinecoast	www.clactonairshow.com
@Tendring_DC	Tendring District Council	@tendringdistrictcouncil	www.essex-sunshine-coast.com
			www.tendringdc.gov.uk

On the www.essex.police.uk website Essex Police reported 1 arrest and 11 children separated from their parents but reunited within minutes of being separated.

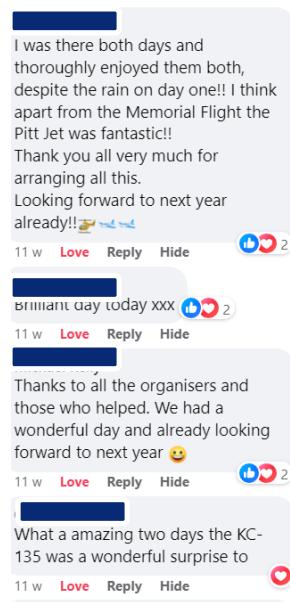
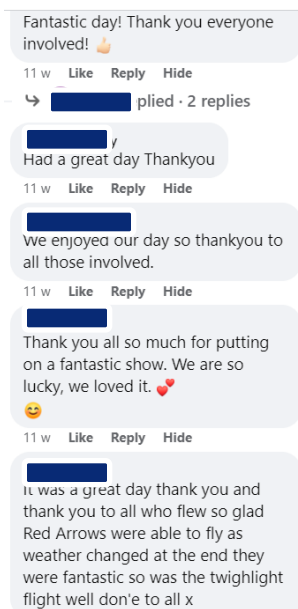
Clacton Community Policing Team Inspector Aaron Homatopoulos commented on the Essex Police Facebook page @EssexPoliceUK that the 2023 air show was celebrated by crowds 'safely and peacefully'

"There's been a great atmosphere around Clacton over the two days of the air show as everyone came here to watch the flying displays and have a good time. It was a fabulous way to celebrate 30 years"

Inspector Homatopoulos further referenced the successful multi-agency approach:

"A lot of planning with event organiser's Tendring District Council, the Royal Air Force, Essex County Fire and Rescue Service, St Johns Ambulance, the East of England Ambulance Service and other partners ensured the Air Show was a very safe event."

This year highlighted the growing importance on social media as a communications channel. Feedback from attendees was largely positive:





A amazing airshow as usual thank you to all involved for putting this on. Just a few ideas for next year after seeing the KC135 fly through which was great to see it's a shame more aircraft can't be arranged from local bases aswell. I know a lot is down to cost which I understand.. but maybe a F15,F35 from RAF lakenheath or a f35 from marham. Also thought that the typhoon was meant to be there I'm sure I saw a report about it being at Clacton this year . All in all Clacton ISA great show

11 w Love Reply



With some areas for improvement:

I saw both the Vampire and Strikemaster pair last year and they were rubbish so I looked round during there displays so far nothing decent performing except the BBMF and the Red Arrows as the Chinook Display Team and the Typhoon Display Team aren't coming so at the moment i'm not coming unless some decent is added to the display schedule.

16 w Like Reply

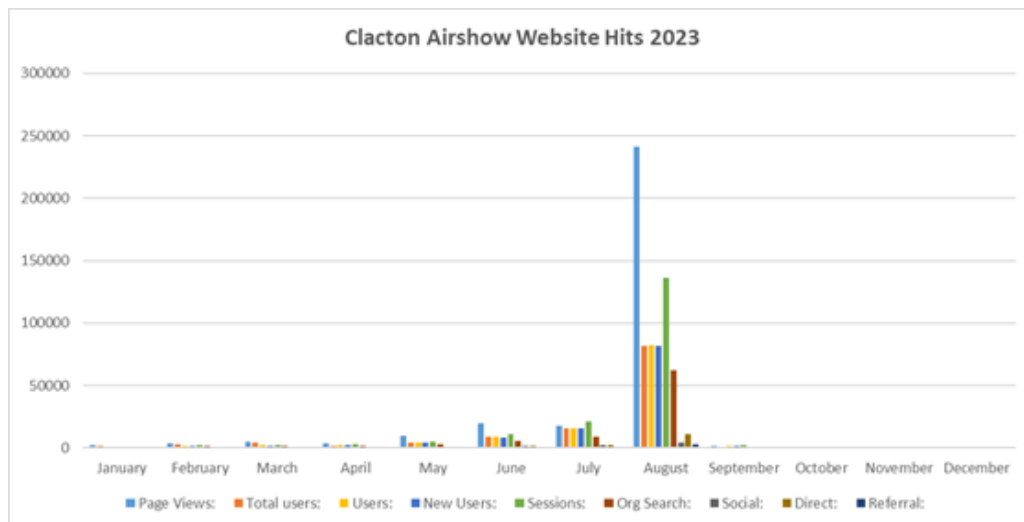
Come on **Clacton Airshow (Official)** this is the biggest event of the season and it's your 30th anniversary and we still have no typhoons even for one day but would be nice to see them both days please make this happen



15 w Like Reply

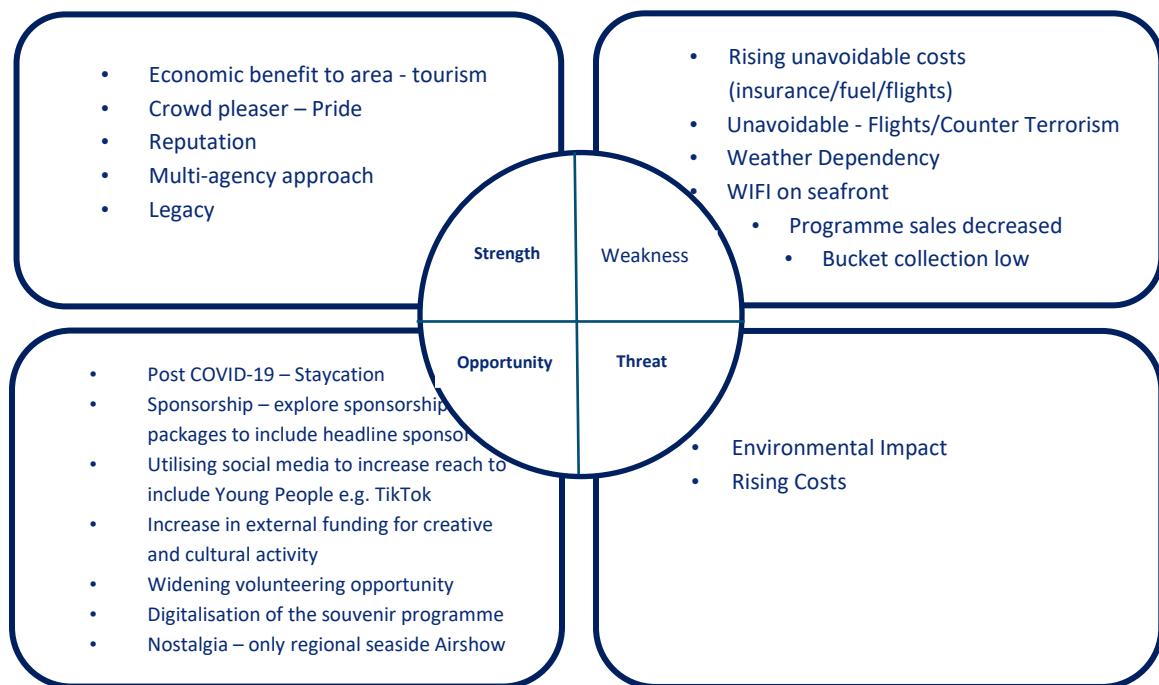


During the Airshow, visits to the Essex Sunshine Coast website jumped significantly, with page views jumping to just under 250,000 in August:



For 2023, the event was well supported by local and regional news, BBC Essex located a presenting team and their mobile TV unit on site for the duration of the show, with regular live updates and live broadcast from site. Coverage of the Clacton Airshow was seen on regional BBC and ITV channels, radio coverage also occurred via BBC Essex. Live travel updates and a live feed of the flights.

5.0 Strengths, Weaknesses, Opportunities and Threats Analysis



6.0 2024 and beyond

The following options have been included for full consideration:



7.0 Key Summary

The early decision taken to run the Clacton Airshow in 2024, will enable the event to benefit from early planning opportunities. Officers feel that there are other income generation opportunities that could benefit the Airshow should a decision be taken to commit to it for a three year duration. Consideration will need to be given to the cost of staging the event against the key outcomes including the impact on the local community. If there is a three-year commitment to the Airshow, the following income generating opportunities will be explored:

1. Sponsorship – if there is a longer-term commitment to the Airshow, this will provide an opportunity to work with a specialist organisation to procure additional sponsors over a three-year period. This could include a headline sponsor and other organisations with a range of packages, to supplement those which the team secured in 2023.
2. Clacton Airshow Merchandise – if Cabinet agree to a three year commitment to the Airshow, this will open up opportunities to procure merchandise in bulk. This will open up opportunities to buy sales items at low prices and increase margins and profitability if price points are appropriately pitched. If the decision is to agree running the Airshow on a year by year basis, items would be bought in lower quantities to lower the risk of losing money, if sales were weak. This would increase the buy in price and lower the projected margins.
3. Longer term procurement – all the procured Airshow services could be agreed over a longer period of time, which has the potential to lower the price paid. This would need to be considered within procurement rules and consideration would need to be given to agreements, so poor service levels could be addressed.

All of the above opportunities have the potential to reduce the Airshow subsidy, but until further work is undertaken, there are no projected figures available at this time. It is important to highlight that if Cabinet is minded to consider a commitment to a three-year event, funding of up to £180k would need to be identified, this could put pressure of the long term forecast which may require consideration of savings elsewhere in the budget to be identified to accommodate this additional cost.

8.0 Recommendation

Following a request made as part of the Council's Budget Setting process for 2023/24 to undertake a review of the Clacton Airshow, Cabinet are asked to note the content of this report and determine which of the options set out in section 6 to select for future operation.

9.0 Dates for the diary

Thursday 22nd and Friday 23rd August 2024



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Clacton Airshow

Economic Impact Evaluation (PRIME Model)

Prepared for:

Tendring District Council
October 2022

Produced by:

Destination Research Ltd

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INTRODUCTION

This report, commissioned by Tendring District Council, examines the economic impact of the Clacton Airshow on the local economy.

Clacton Airshow 2022

The two-day event, which this year took place on Thursday 25th & Friday 26th August 2022, is one of Tendring's largest free events and in 2022 celebrated the 30th edition.

There was a good mixture in the flying display including RAF participation along with display teams, aerobatic aircraft, and historic aircraft. On the ground there were exhibits, children's activities and various entertainment areas along the Clacton seafront. A wide range of trade stands and a food court with a sumptuous selection of refreshments were also on hand throughout the two days. After the show there was a chance to do some late night shopping with many of the retail stores staying open late.

About the PRIME Model

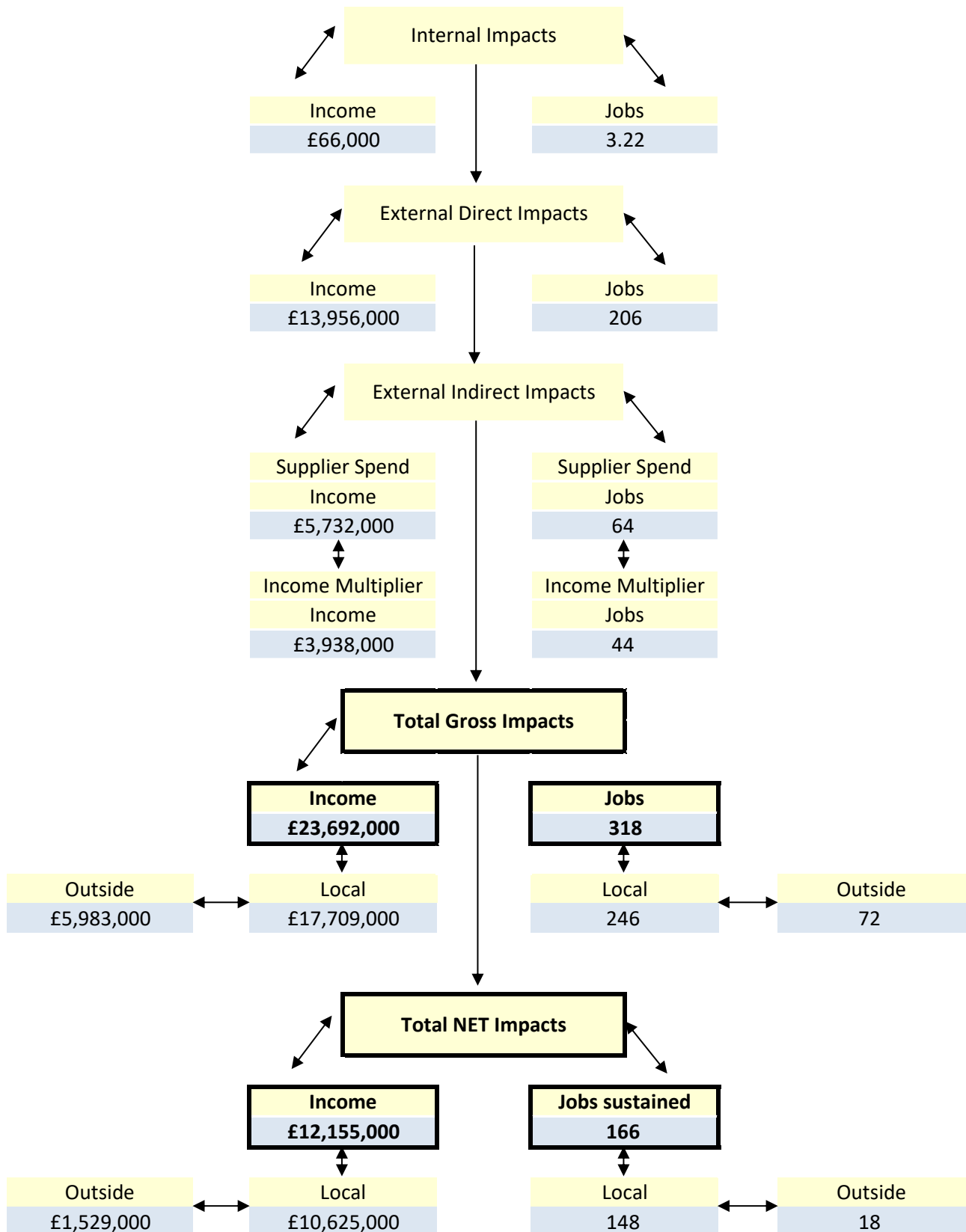
The model is computer based and provides a standard approach to appraising the direct and indirect impacts of an event. It uses key tourism data from a number of national tourism surveys including the UK Tourism Survey (GBTS), the International Passenger Survey (IPS) and the GB Day Visits Survey (GBDVS). The model has also been modified to reflect local and regional expenditure levels for various tourism and leisure activities.

The model employs standard formulas calculated from previous research and uses inputs provided by the client (such as visitor numbers and turnover). The resulting estimates indicate the levels of employment and expenditure likely to occur both as a direct and an indirect result of the exhibition on a local and regional levels.

This report will first explain the inputs used to run the model. It will then proceed to discuss the outputs of the model, looking at the impacts of both the development stage and the operation stage, including the gross direct and indirect annual impacts as well as the net annual impacts of the exhibition. All impacts are assessed in relation to their influence at a local and regional level.

It should be remembered that as with any model, figures generated by PRIME should only be considered to be estimates. The most important data produced by the model are the 'net' figures. These are produced by taking into account the likely level of displacement - i.e. the trade taken away from other attractions, towns and villages by the event as well as the expenditure levels that would have happen anyway.

Executive Summary



Inputs

There are a number of general input prerequisites to the model. Some of these determine which formulas and base assumptions will be used. These inputs have been provided by the Tendring District.

Project Type: Firstly, it is necessary to define the type of project in question. The Clacton Airshow has been defined as an 'event'.

Project Location: The model requires the project under study to be given a particular location type selected from rural, town, city, resort or region. In this case 'resort' location has been selected.

The remaining general inputs are then split into two groups, Development Phase and Operating Phase.

Development Phase: Inputs include the capital cost, revenue cost and direct employment of the project during the period over which it will be developed - in this case the planning and building phase. For this project, the client has advised that capital and revenue costs incurred are as follows.

Capital costs incurred during this phase:

£	-
---	---

Revenue costs incurred during this phase:
(Excludes annual staff costs)

£	200,000
---	---------

Operating Phase: Inputs include visitors and achieved turnover. For this project, the client has advised that the results are as follows.

Achieved turnover:
(Includes all income and additional
sources of revenue)

£	46,500
---	--------

Visitor numbers:
Assumes 8% staying visitors based on
current Cambridge Model data.
Also assumes some 50,000 additional
visitors to the High Street and main
shopping areas.

250,000

Full time equivalent jobs:

3.00

Outputs

What are the internal impacts?

Internal impacts are those relating to the expenditure and employment associated directly with the Clacton Airshow.

Development Phase

Additional employment generated:
(full time equivalent jobs in addition to the employment generated directly by the event)

5.25 Full-time equivalent

Operational Phase

Initial turnover

£ 46,500

Income multiplier:

£ 19,500

Total internal income:

£ 66,000

Initial employment:

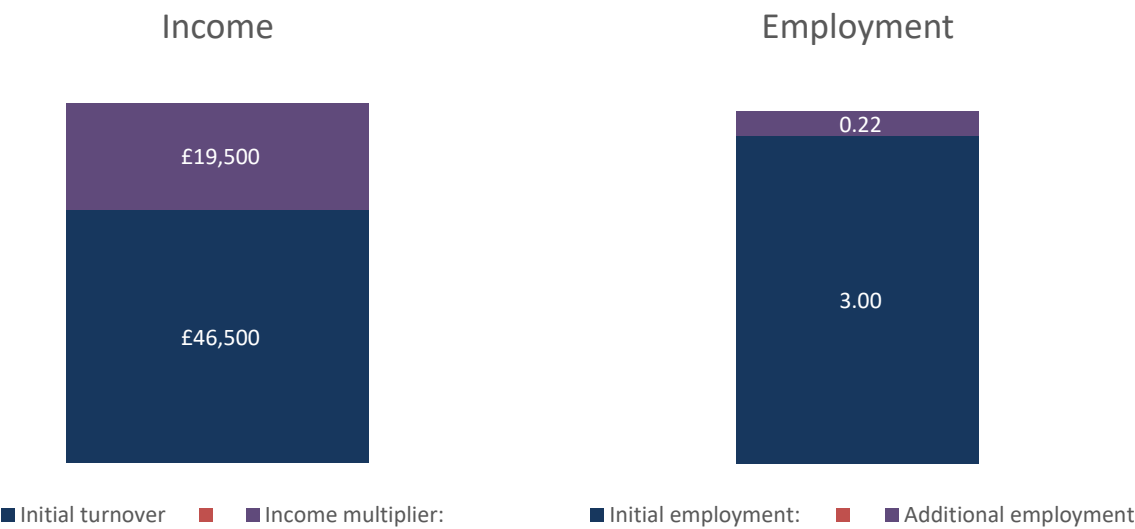
3.00

Additional employment

0.22

Total Internal Jobs

3.22



External Direct Impact

It is likely that visitors to the Clacton Airshow also spent money in the immediate locality and region surrounding it. The external direct impacts are those arising from visitor spending off site away from the event. The model estimates that:

Total expenditure generated by all visitors	£ 13,956,000
Total expenditure generated by staying visitors	£ 5,394,000
Total expenditure generated by day visitors	£ 8,562,000
Total expenditure in the local economy was	£ 12,626,000
Total expenditure in the regional economy	£ 1,330,000

All visitors

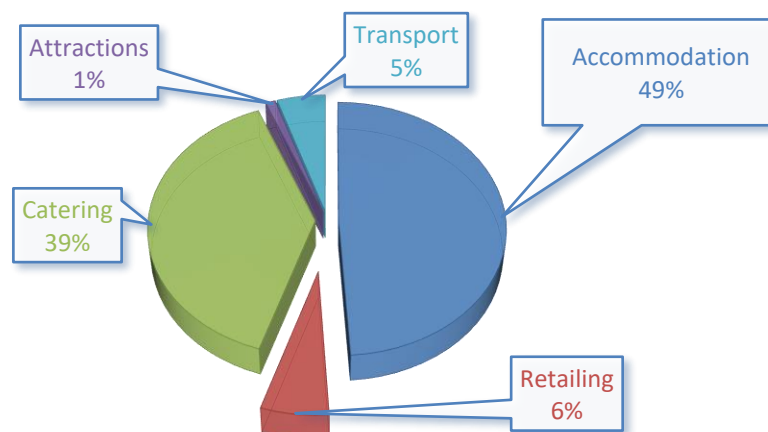
	Local	Regional	Total	%
Accommodation	£ 2,462,000	£ 181,000	£ 2,643,000	19%
Retailing	£ 2,029,000	£ 214,000	£ 2,243,000	16%
Catering	£ 5,328,000	£ 519,000	£ 5,847,000	42%
Attractions	£ 50,000	£ 119,000	£ 169,000	1%
Transport	£ 2,756,000	£ 297,000	£ 3,053,000	22%
Total all visitors	£ 12,626,000	£ 1,330,000	£ 13,956,000	100%

How does this spend break down between the different types of visitors and sectors of the economy?

Staying visitors

	Local	Regional	Total	%
Accommodation	£ 2,462,000	£ 181,000	£ 2,643,000	49%
Retailing	£ 301,000	£ 22,000	£ 323,000	6%
Catering	£ 1,959,000	£ 144,000	£ 2,103,000	39%
Attractions	£ 50,000	£ 4,000	£ 54,000	1%
Transport	£ 251,000	£ 19,000	£ 270,000	5%
Total all visitors	£ 5,024,000	£ 370,000	£ 5,394,000	100%

STAYING VISITORS

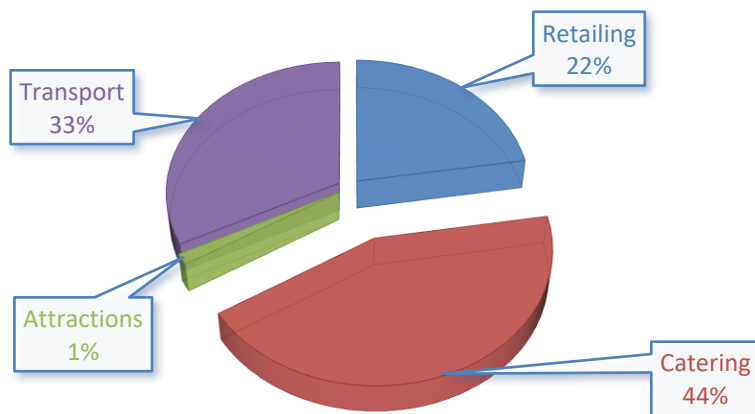


External Direct Impact (Cont.)

Day visitors

	Local	Regional	Total	%
Retailing	£1,728,000	£192,000	£1,920,000	22%
Catering	£3,369,000	£374,000	£3,743,000	44%
Attractions	£0	£115,000	£115,000	1%
Transport	£2,505,000	£278,000	£2,783,000	33%
Total all visitors	£7,602,000	£960,000	£8,562,000	100%

DAY VISITORS

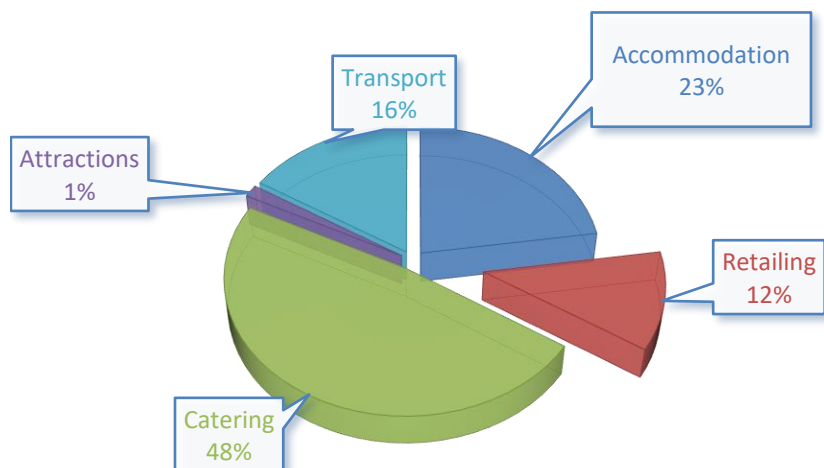


How many jobs are likely to be created by this income?

All visitors

	Local	Regional	Total	%
Accommodation	44	3	47	23%
Retailing	21	2	24	12%
Catering	91	9	100	48%
Attractions	1	2	3	1%
Transport	30	3	33	16%
Total all visitors	187	20	206	100%

EMPLOYMENT



Total External Impact

What are the external indirect impacts?

External indirect impacts are those such as increased spend by suppliers and spending by employees of local / regional businesses arising from visitor spending off site. The former are referred to as 'supply effects' the latter as 'income multiplier'.

Supply Expenditure

The model estimates that:

<i>Total</i> supply expenditure equals:	£ 5,732,000
<i>Local</i> supply expenditure equals:	£ 3,413,000
<i>Regional</i> supply expenditure equals:	£ 2,319,000

	Local	Regional	Total
Staying Visitors	£ 1,809,000	£ 816,000	£ 2,625,000
Day visitors	£ 1,604,000	£ 1,504,000	£ 3,108,000
All Visitors	£ 3,413,000	£ 2,319,000	£ 5,732,000

Income Expenditure

As the numbers of visitors and with it spend in the area increases, so does the amount earned by local people. This in turn creates an increase in what is known as 'income expenditure' as people spend the money earned.

<i>Total</i> income expenditure equals:	£ 3,938,000
<i>Local</i> income expenditure equals:	£ 1,604,000
<i>Regional</i> income expenditure equals:	£ 2,334,000

	Local	Regional	Total
Staying Visitors	£ 683,000	£ 920,000	£ 1,603,000
Day visitors	£ 921,000	£ 1,413,000	£ 2,334,000
All Visitors	£ 1,604,000	£ 2,334,000	£ 3,938,000

External Impacts

■ Supply Expenditure ■ Income Expenditure

Increased spend by suppliers.	Spending by employees.
Supply Expenditure £5,732,298	Income Expenditure £3,937,670

Total External Impact

What are the total (Gross) external effects?

The total external effects are the sum of the external indirect and external direct impacts.

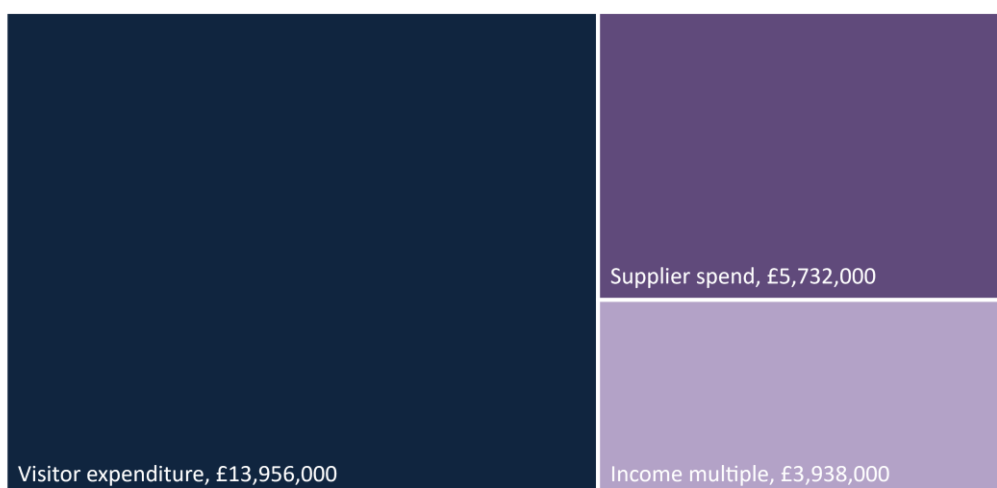
The model estimates that:

Total gross expenditure:	£ 23,626,000
Local gross expenditure:	£ 17,643,000
Regional gross expenditure:	£ 5,983,000
Total gross FTE jobs created or sustained:	315.02
Local gross FTE jobs created or sustained:	243.14
Regional gross FTE jobs created or sustained:	71.88

	Local	Regional	Total
Visitor expenditure	£ 12,626,000	£ 1,330,000	£ 13,956,000
Supplier spend	£ 3,413,000	£ 2,319,000	£ 5,732,000
Income multiple	£ 1,604,000	£ 2,334,000	£ 3,938,000
Total	£ 17,643,000	£ 5,983,000	£ 23,626,000

	Local	Regional	Total
Direct jobs	186.77	19.59	206.37
Supplier jobs	38.35	26.06	64.41
Income jobs	18.02	26.22	44.24
Gross FTE jobs	243.14	71.88	315.02

Total External Impacts



Gross Impacts

What are the total gross effects?

The total gross effects are the sum of the direct (internal impact and visitor spend) and indirect (supply and income) expenditure.

They are calculated using regional tourism statistics derived from surveys such as GBTS, IPS and GBDVS. For example, taking the level of expenditure per trip calculated from the surveys, the model is able to estimate the amount of expenditure generated by visitors.

There is a graduated effect in terms of the impacts of direct, supply and income expenditure. Direct expenditure has the greatest impact locally and the least impact regionally whilst income expenditure has the least effect locally and the most effect at a regional level.

The model estimates that:

Income

<i>Total gross income</i> <i>(internal, visitor, supply and income expenditure)</i>	£ 23,692,000
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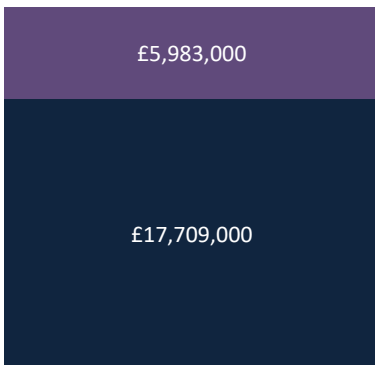
<i>Local gross income:</i>	£ 17,709,000
<i>Regional gross income:</i>	£ 5,983,000

Employment

<i>Total gross FTE jobs created or sustained:</i>	318.24
---	--------

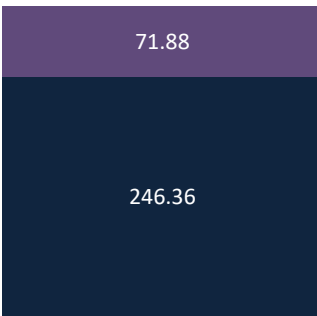
<i>Local gross FTE jobs created or sustained:</i>	246.36
<i>Regional gross FTE jobs created or sustained:</i>	71.88

Gross Income (£)



■ Local gross income: ■ Regional gross income:

Gross Employment (jobs)



■ Regional gross FTE jobs created or sustained:
■ Local gross FTE jobs created or sustained:

Net Impact

What are the net impacts?

A proportion of the gross activity may have taken place in any case, regardless of whether the event takes place. For example, holiday visitors may choose to visit the area anyway, or day visitors might take a trip but choose to do something else within the local area. In these cases, expenditure at the site is merely ‘displacing’ expenditure from other events, attractions or accommodation in the area, rather than generating additional spending. Net impacts are the expenditure and employment effects which occur at both the local and regional level which would not have otherwise taken place without the project under study.

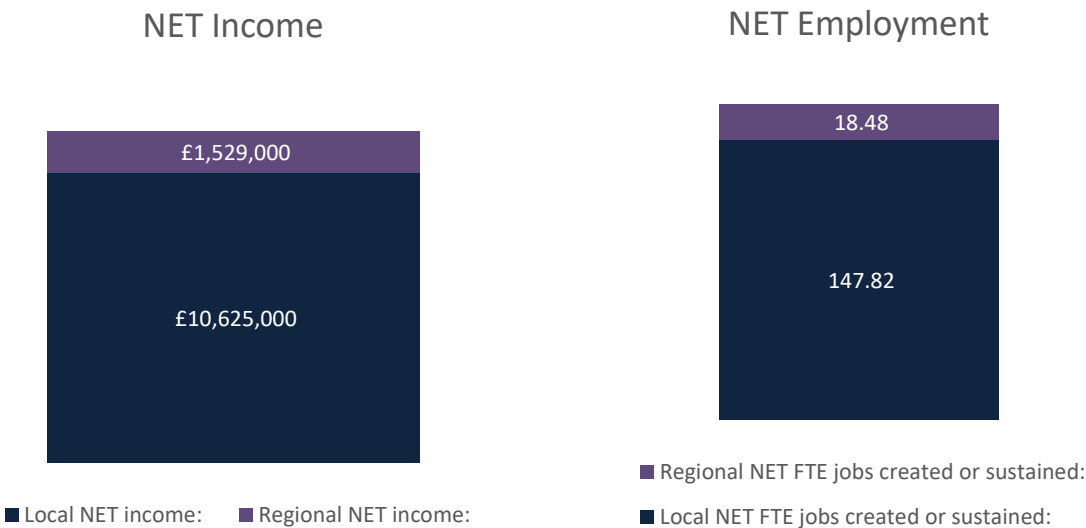
The degree to which an event or attraction generates ‘displacement’ will vary according to the context in which it is developed. This model uses a standard displacement rate based on the type of event and location.

The model estimates that the total net income impact is as follows.

Income	
Total NET income	£ 12,155,000
<i>(internal, visitor, supply and income expenditure)</i>	

Local NET income:	£ 10,625,000
Regional NET income:	£ 1,529,000

Employment	
Total NET FTE jobs created or sustained:	166.30
Local NET FTE jobs created or sustained:	147.82
Regional NET FTE jobs created or sustained:	18.48



Key Terms

Gross Impact

The gross effect is the total impact arising from all expenditure associated with the event i.e. direct, indirect and induced expenditure. It excludes leakage, deadweight and displacement (explained below).

Direct Expenditure

Direct expenditure refers to the actual amount spent by developers or organisers of the project under study, subcontractors and visitors on the following key areas;

Developers / organisers – Investment in creating / building the project including hire of site, marketing, security, and other costs including staff costs on travel and subsistence

Main subcontractors – spend on local contractors and the travel and subsistence costs associated with staffing at the project

Visitors – spend on accommodation, food and drink, shopping, entertainment, travel and other costs such as charity donations.

All of these components are valid parts of expenditure into the visitor economy and recognise that economic impact goes beyond the more obvious visitor spend.

Indirect Expenditure

Indirect effects arise as a result of businesses in receipt of direct expenditure (including local contractors and local businesses) purchasing supplies and services from suppliers locally and further afield. In turn, there will be subsequent rounds of expenditure as suppliers purchase goods and services from other suppliers and producers, until the expenditure is so remote from the original purchase that it can no longer be clearly traced.

Induced Expenditure

Income induced effects arise as a result of the spending of wages by employees whose jobs are supported directly or indirectly by the visitor expenditure.

What are the net impacts?

This figure refers to the gross impact minus the effects of leakage and displacement. It therefore represents the additional economic activity that would not otherwise happen without the project taking place.

The net additional impact has to take account of the following factors;

Displacement of other activity at the site which would have generated benefits

Leakage of expenditure out of the region as a result of spending by visitors or suppliers with businesses outside the region.

Displacement

A proportion of the gross activity would have taken place in any case, regardless of the project under study. For example, perhaps visitors would have visited the area anyway, or day visitors might have taken a trip to the area to do something else within the local area instead. In these cases expenditure at the event is merely 'displacing' expenditure from other attractions in the area, rather than generating additional spending. Net impacts are the expenditure and employment effects which occur at both the local and regional level which would not have otherwise taken place.

The degree to which an event or development generates 'displacement' will vary according to the context in which it is developed. The net effect depends on how far the project is generating additional visitor activity (and expenditure) in the local or regional area which would not have otherwise occurred. The level of additionality will vary depending on the context of the project. A major new event or attraction in an area with no direct competition will have a high level of additionality. By contrast, a smaller development where the majority of visitors are from the local area will have a limited economic impact since most of the expenditure by those visitors would have taken place locally in any case.

Leakage

Leakage refers to direct expenditure spent outside of the area of concern. For the purpose of this study, the key areas are the district, county and, to a lesser extent, the East of England. The actual leakage will be any expenditure by subcontractors and visitors which falls outside those areas (e.g. transport costs).

MULTIPLIER ASSUMPTIONS

Indirect / Induced Multiplier

The collection of information on the indirect and induced effects of the development would have involved extensive and costly additional surveys. Therefore, appropriate local multipliers based on existing data have been used.

The local multiplier, representing the combined effect of indirect and induced expenditure provides a measure of the first round of spending on supplies and the income induced spending within the relevant local authority area. The PRIME model uses a range of multipliers for each of the tourism-related industries involved in the event which have been arrived at using results from business surveys across the region.

As there is no single UK industry-wide standard or guidance, our professional opinion is that this multiplier enables comparison with other regional events. The local multiplier however only captures part of the indirect and induced effects. It does not include;

- Spending on supplies and services with suppliers located outside the local area, in the region and elsewhere
- Subsequent multiple rounds of supplier business spending
- The impact of investment stimulated by direct and indirect spending
- The income induced effects of these additional economic effects.

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CABINET

26 JANUARY 2024

REPORT OF THE PORTFOLIO HOLDER FOR FINANCE AND GOVERNANCE

A.4 UPDATED GENERAL FUND FINANCIAL FORECAST / BUDGET 2024/25

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek Cabinet's approval of:

- The latest financial forecast / budget proposals and council tax amount for 2024/25 for recommending to Full Council; and
- a delegation to the Portfolio Holder for Finance and Governance to agree the detailed budget proposals and formal draft resolutions / 'technical' appendices required for Full Council on 13 February 2024.

EXECUTIVE SUMMARY

- At its meeting on the 15 December 2023, Cabinet considered the updated financial forecast / budget 2024/25.
- The Updated Financial Forecast was subject to consultation with the Resources and Services Overview and Scrutiny Committee, which met on the 10 January 2024, and their comments are considered elsewhere on the agenda.
- Since the Cabinet's meeting on 15 December 2023, additional changes have been required, primarily as a result of new or revised information becoming available which includes the Government's Financial Settlement announcements.
- The changes required result in a reduced deficit for 2024/25 of **£1.715m**, a change of **£0.960m** compared to the **£2.674m** deficit presented to Cabinet in December. **Appendix A**, along with comments set out later on in this report, provide further details across the various lines of the forecast, with the most significant change being the receipt of the revenue support grant and other associated funding from the Government.
- The most up to date savings schedule and cost pressure summary are set out in **Appendices B and C** respectively.
- To enable the detailed estimates along with the various resolutions / 'technical' appendices required for Full Council in February to be finalised, a delegation to the Portfolio Holder for Finance and Governance is included below. A further delegation is also included to enable a business rate relief policy, associated with the continuation of a mandatory Government relief scheme in 2024/25, to be finalised in advance of bills being printed and sent out before the start of the financial year.
- The budget position set out in this report will change as further adjustments are required as part of finalising the budget for presenting to Council on 13 February 2024, with a

further delegation included in the recommendations to reflect this.

- Based on the final proposed budget for 2024/25, the Council Tax requirement is **£10.048m**, which is based on a 2.99% (**£5.62**) increase for this Council's services, with an annual Band D council tax of **£193.73**. These figures will remain unchanged and therefore will be reflected in the various budget resolutions / 'technical' appendices proposed to be delegated to the Portfolio Holder for Finance and Governance.
- The Council's annual budget and the district and parish elements of the council tax will be considered by Full Council on 13 February 2024 with approval of the 'full' council tax levy for the year being considered by the Human Resources and Council Tax Committee later in February 2024.
- As set out in earlier reports, despite the challenging financial and economic environment, confidence in the long term approach to the forecast remains, which is supported by the Forecast Risk Fund. The Council has maintained a prudent and sustainable approach to its long term plan, which provides the 'platform' against which it can continue to consider its financial position in response to the very challenging economic outlook it faces.
- As highlighted in the Cabinet's December report, both **Appendix B and C** include related in-year adjustments for 2023/24. These will be subject to further review before being finalised for inclusion in the Q3 Financial Performance Report that will be presented to Cabinet later in the financial year.

RECOMMENDATION(S)

It is recommended that Cabinet:

- a) Approves the updated financial forecast set out in Appendix A, along with the savings and cost pressures set out in Appendix B and C respectively that form the firm proposals for the 2024/25 budget and *recommends to Full Council*:
 - (i) A Band D Council Tax for district services of £193.73 for 2024/25 (a £2.99% increase), along with the associated council tax requirement of £10.048m.
- b) approves a delegation to the Portfolio Holder for Finance and Governance, to agree the 'technical' appendices and resolutions for the budget proposals for recommending to Full Council on 13 February 2024;
- (c) approves, subject to b) above and in consultation with the Finance and Governance Portfolio Holder, the Chief Executive reports directly to Council in respect of the formal resolutions necessary to implement the Executive's budget proposals including any further amendments emerging from additional information becoming available and/or notifications received from the Government; and
- (d) approves a delegation to the Portfolio Holder for Finance and Governance, to agree / adopt a Retail, Hospitality and Leisure mandatory business rate relief scheme for 2024/25.

REASON(S) FOR THE RECOMMENDATION(S)

To set out the latest financial forecast as part of the process of developing the budget proposals for 2024/25 for recommending to Full Council in February 2024.

ALTERNATIVE OPTIONS CONSIDERED

This is broadly covered in the main body of this report.

PART 2 – IMPLICATIONS OF THE DECISION**DELIVERING PRIORITIES**

A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the 6 included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents.

The forecasting and budget setting process will have direct implications for the Council's ability to deliver on its objectives and priorities. The current 10-year approach to the forecast seeks to establish a sound and sustainable budget year on year through maximising income, managing liabilities and cost pressures whilst limiting reductions in services provided to residents, business and visitors where possible. The approach set out in this report continues to be set against this wider context.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Internal consultation is carried out via the Council's approach to developing the budget as set out within the Constitution. External consultation also forms part of developing the budget, and is carried out early in the year as part of finalising the position for reporting to Full Council in February.

The Resources and Services Overview and Scrutiny were consulted on the budget proposals with their response that was agreed at their meeting on 10 January 2024, set out elsewhere on the agenda.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest	This item has been included within the Forward Plan for a period in excess of 28 days.

		prior to the meeting date)	
<p>The arrangements for setting and agreeing a budget and for the setting and collection of council tax are defined in the Local Government Finance Act 1992. The previous legislation defining the arrangements for charging, collecting and pooling of Business Rates was contained within the Local Government Finance Act 1988. These have both been amended as appropriate to reflect the introduction of the Local Government Finance Act 2012.</p> <p>A local authority must budget so as to give a reasonable degree of certainty as to the maintenance of its services. In particular local authorities are required by section 31A(2)(b) and (c) of the Local Government Finance Act 1992 to calculate as part of their overall budget what amounts are appropriate for contingencies and reserves.</p> <p>Essentially the budget decision meeting of Full Council for the approval of the budget and council tax requirement, is setting the council tax, following a recommendation from Cabinet. Individual amounts are set for expenditure, these are added up and that's how much money the Council requires. Then the Council works out how much money it is likely to get from other sources (charges, grants, investment, the gap after the calculation = council tax).</p> <p>The Local Government Finance Act 2012 provided the legislative framework for the introduction of the Rates Retention Scheme and the Localisation of Council Tax Support.</p> <p>The Calculation of Council Tax Base Regulations 2012 set out arrangements for calculation of the council tax base following implementation of the Local Council Tax Support Scheme.</p> <p>The Localism Act 2012 introduced legislation providing the right of veto for residents on excessive council tax increases.</p> <p>Subject to Government guidance, Business Rate Reliefs may be provided using powers under S47 of the Local Government Finance Act 1988, which require a local scheme to be developed and approved. Where reimbursed by the Government, this is done via S31 of the Local Government Act 2003.</p> <p>Under Section 25 of the Local Government Act 2003, the Chief Finance Officer (S151 Officer) must report to Council, as part of the budget process, on the robustness of estimates and adequacy of reserves. The proposed approach can deliver this requirement if actively managed and will be an issue that remains 'live' over the course of the forecast period and will be revisited in future reports to members as the budget develops.</p> <p>In addition to the above, further amending legislation has been introduced since the Local Government Finance Act 1992 that relates to the setting of council tax premiums and discounts, with the latest being the Levelling Up and Regeneration Act 2023.</p> <p>The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 set out the requirements of a Minimum Revenue Provision (MRP) Policy Statement which must be approved by Council each year. In calculating a prudent MRP provision, local authorities are required to have regard to guidance issued by the Secretary of State. The latest guidance, issued under section 21(1A) of the Local Government Act 2003, has been applicable from 1 April 2019 which the proposed MRP policy reflects.</p>			

In respect of special expenses that form part of the budget setting process, expenditure is classed as a Special Expense if it satisfies the requirements of the Local Government Finance Act 1992, Section 35. The only category relevant to this Council is contained within Section 35(2)(d) relating to concurrent functions with Parish and Town Councils. Under the Local Government Finance Act 1992, the Council must identify as its Special Expense, proposed expenditure on those functions which the Council performs in part of the District but which Parish or Town Councils perform elsewhere in the District. If, in the Council's view, a special expense should properly be charged over the whole of the District's area, the Council may pass an express resolution to this effect (known as a **contrary resolution**).

In order for expenditure to be a Special Expense, there are two conditions that must be fulfilled:

1. Expenditure is estimated to be incurred by the District Council in the whole or part of its area on the provision of a function;
2. Expenditure on the provision of the same function is to be incurred by at least one parish/town council elsewhere in the District.

The proposals set out in this report are in accordance with the Council's budget and policy framework.

Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Council's budget makes provision on the basis of Council services which are under consideration will be delivered. The budget does not itself authorise any changes to services and does not assume that changes will be made. Any changes to services will need to be the subject of appropriate consideration by the Cabinet Member or the Cabinet following, where appropriate, consultation and a full report setting out options for change, the impact of the proposed changes on service users, including in particular the impact on different equality groups. Where a decision is made not to implement any changes then budgetary adjustments may need to be made, however no savings to Council services are currently identified.

The obligation to make a lawful budget each year is shared equally by each individual Member, at Full Council following recommendations from the Cabinet. In discharging that obligation, Members owe a fiduciary duty to the Council Taxpayer. The budget must not include expenditure on items which would fall outside the Council's powers. Expenditure on lawful items must be prudent, and any forecasts or assumptions such as rates of interest or inflation must themselves be rational. Power to spend money must be exercised bona fide for the purpose for which they were conferred and any ulterior motives risk a finding of illegality. In determining the Council's overall budget requirement, Members are bound to have regard to the level of Council Tax necessary to sustain it. Essentially the interests of the Council Taxpayer must be balanced against those of the various service recipients.

The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 ("the 1999 Act") to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.

Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management. They are also required, pursuant to section 3 of the 1999 Act, to consult on the purpose of deciding how to fulfil the Best Value Duty.

Government have recently consulted on revised Statutory Guidance on the Best Value Duty issued to local authorities in England under section 26 of the 1999 Act, which best value authorities are required to have regard to. To provide greater clarity to the sector on how to fulfil the Best Value Duty, the draft statutory guidance sets out seven overlapping themes of good practice for running an authority that meets and delivers best value. These seven best value themes build on the lessons learned from past interventions, including those which the Government published in June 2020, and reflect what most local authorities already do or are striving to achieve. While these themes are all interdependent, strong governance, culture, and leadership underpin effective partnerships and community engagement, service delivery, and the use of resources, continuous improvement is the outcome of all the themes working well together. A detailed description of these themes, including characteristics of a well-functioning local authority and indicators used to identify challenges that could indicate failure, is set out within the draft guidance and financial management and sustainability is a reoccurring expectation throughout the themes and indicators.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The financial implications are set out in the body of the report.

Although the availability of financial resources is a key component in the delivery of services there will also need to be appropriate input of other resources such as staffing, assets and IT.

The long term approach to the forecast set out in this report has been discussed with the Council's new External Auditor, albeit informally. There were no major concerns raised but they will undertake their own independent and detailed review as part of their commentary on the Council's use of resources, which is expected to be reported to the Council early in 2024/25.

Yes	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Section 151 Officer is the author of this report.

USE OF RESOURCES AND VALUE FOR MONEY

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p> <p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p> <p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>This is addressed in the body of the report.</p> <p>In terms of an independent view, the Council's previous External Auditor has unfortunately yet to complete their work on the Council's Statement of Accounts for 2020/21 and 2021/22, or started the necessary work on the 2022/23 statements. At the present time it is not known when they will be able to provide their own commentary on the Council's use of resources.</p>
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MILESTONES AND DELIVERY

This report forms part of the Council's wider budget setting processes, with budget proposals being set out in this report for recommending to Full Council on 13 February 2024.

ASSOCIATED RISKS AND MITIGATION

There are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. The Council's response has been set out in earlier reports and reflected within this report and will continue to be addressed as part of the future financial update reports.

As highlighted in Cabinet's December report, further cost pressures have been included as part of further iterations of the forecast. As set out elsewhere in this report, money has been set aside in an associated reserve to help mitigate cost pressures associated with the repair and maintenance of Council assets. When they arise, they are usually significant and the approach taken aims to 'protect' the underlying revenue budget from such items as far as possible.

It is also worth highlighting emerging risks associated with the establishment of the Office for Local Government (OFLOG), which will undoubtedly have a significant financial impact on Local Authorities, either directly or where increased capacity may be required to respond to any emerging requirements. An initial associated cost pressure has now been included with further details set out within **Appendix C**.

As set out in **Appendix A**, the Forecast Risk Fund remains a key element of the long-term plan approach. However, it is important to note that the Council still prudently maintains reserves to respond to significant / specific risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which reflects a best practice / risk based approach to support its core financial position. A review of this latter reserve has been undertaken during the year and updated based on broadly increasing risks faced by the Local Councils. When taken together with the Forecast Risk Fund, which supports overlapping risks, this level of reserves remains adequate.

The forecast will remain 'live' and be responsive to changing circumstances and it will be revised on an on-going basis. If unfavourable issues arise, that cannot be mitigated via other changes within the forecast then the forecast will be adjusted and mitigating actions taken, which could include increasing the current savings 'targets' within the forecast. Actions to respond will therefore need to be considered but can be taken over a period of more than one year. In respect of this latter point, it is important to also highlight that like many other Councils, this Council has had to rely on the use of reserves to balance its budget, albeit in a planned way via the Forecast Risk Fund. It is essential that the Council continues to work towards delivering in-year balanced budgets as soon as possible rather than continue to rely on reserves, which is not sustainable in the longer term.

In a change from the earlier iteration of the forecast where the Forecast Risk fund was estimated to be fully depleted at the end of 2026/27, the revised forecast set out in this report now includes a positive balance on the Forecast Risk Fund at the end of current forecast period. This therefore provides some additional flexibility in the context of the paragraph immediately above, but is also set against the fact that a structural annual budget deficit still remains at the end of 2026/27.

The outcome from risk management reviews are reported as part of the quarterly financial performance reports throughout the year (the latest one being reported to Cabinet on 10 November 2023). It is important to highlight that there are no new / significant adverse issues that have arisen in terms of the annual forecast risk fund surpluses since the last position was reported. The associated risk management appendix has therefore not been repeated as part of this report. However, it will continue to form part of the regular reporting of the financial forecast going forward as necessary.

EQUALITY IMPLICATIONS

There are no direct implications that significantly impact on the financial forecast at this stage. However, the ability of the Council to appropriately address such issues will be strongly linked to its ability to fund relevant schemes and projects and determination of the breadth and standard of service delivery to enable a balanced budget to be agreed.

An impact assessment will be undertaken as part of any separate budget decisions such as those that will be required to deliver savings.

Special expenses are based on the principle of ensuring there is equality across the district in levying council tax to residents based on services and facilities provided by Town and Parish Councils in specific areas that are also provided by the District Council.

SOCIAL VALUE CONSIDERATIONS

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the budget as necessary.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no direct implications that significantly impact on the financial forecast at this stage.

However, such issue will be considered as part of separate elements of developing the budget as necessary.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder	Please see comments above
Health Inequalities	
Area or Ward affected	

PART 3 – SUPPORTING INFORMATION

BACKGROUND

On 15 December 2023 Cabinet considered the Updated Financial Forecast / Budget 2024/25 for consultation with the Resources and Services Overview and Scrutiny Committee. The report set out an estimated deficit of **£2.674m** in 2024/25, which was being met from the Forecast Risk Reserve.

The development of the forecast / budget has continued since the above Cabinet meeting with

changes required to reflect the latest information, such as the outcome of the Provisional Local Government Finance Settlement. The most up to date position is set out in **Appendix A**, which highlights a reduced deficit position for 2024/25 of **£1.715m**, which will continue to be met from the Forecast Risk Fund.

The most up to date forecast, savings schedule and cost pressure summary are set out in this report. However, at the time of finalising this report, a number of budget adjustments had yet to be finalised. A further delegation is therefore included in the recommendations above to enable these budget adjustments to be included in the final budget proposals that will be presented to Full Council in February and for completeness includes:

- The final employee cost estimates for the year
- Recharges between the GF and HRA
- Income from Business Rates
- Any changes emerging from the Final Local Government Finance Settlement and / or other grants / funding
- Any impact from proposed fees and charges

Any net changes emerging from the above will be adjusted against the Forecast Risk Fund.

Once the final budget adjustments are reflected in the forecast, the detailed / technical information that is required to be reported to Full Council in February will be finalised and an associated delegation to the Portfolio Holder for Finance and Governance is included in the recommendations to reflect this. For completeness these 'technical' appendices include the following:

- *Detailed General Fund revenue estimates, capital programme and reserves 2024/25*
- *Special Expenses 2024/25*
- *Requisite Budget Calculations 2024/25*
- *District Council Taxes for All Areas 2024/25*
- *Precepts on the Collection Fund – District Amounts 2024/25*
- *District Council Tax Amounts 2024/25 (excluding County, Fire and Police services)*
- *Calculation of Estimated Surplus on the Collection Funds for 2024/25*
- *Prudential Indicators 2024/25*

The formal approval of the 'full' council tax levy for the year including the District amount approved by Full Council in February along with the Essex County Council and Police / Fire precepts will be considered by the Human Resources and Council Tax Committee later in February 2024.

LATEST FINANCIAL FORECAST AND BUDGET PROPOSALS 2024/25

As highlighted earlier in this report, the forecast considered by Cabinet at its 15 December 2023

meeting set out a deficit of **£2.674m**. This deficit has subsequently been revised downwards to **£1.715m**, a change of **£0.959m** highlighted in **Appendix A**, which, as set out below, is largely due to the favourable Provisional Local Government Finance Settlement.

The following table provides a commentary on the changes to the initial forecast set out in **Appendix A** (excludes items where there has been no significant change to the relevant line of the forecast considered by Cabinet on 15 December 2023):

Item in the Forecast	Change since forecast was considered on 15 December 2023	Comments
<i>Underlying Funding Growth in the Budget</i>		
Line 2a – Council Tax Increase	Increased reduced by £0.001m	Earlier forecasts reflected a 3% increase. However this has been revised down to 2.99% to reflect the final referendum principles confirmed in the recently announced Provisional Local Government Finance Settlement.
<i>Net Cost of Services and Other Adjustments</i>		
Line 8 – Change in RSG	Additional funding of £1.133m is now receivable	<p>Additional funding was included in the Provisional Local Government Finance Settlement announced in December.</p> <p>A cautious figure of £0.711m was originally included in earlier iterations of the forecast, but the Government have committed to provide similar levels of support provided to Local Councils in 2023/24, which has resulted in £1.845m being receivable in total.</p> <p>The longer term position remains unclear and will be subject to a future Government in the next parliamentary period. Therefore any additional funding that may be receivable in 2024/25 should be seen as potentially being subject to reductions in future, with the forecast being revised on this basis.</p>
Line 11 – LCTS Grant to Parish Councils	Additional costs of £0.006m .	In-line with previous commitments to ‘pass on’ any increase its own revenue support funding receivable from the Government, an additional level of grant funding to Town and Parish Councils is proposed based on the Council’s own position highlighted above.

Line 19 – Inflation – Other	Reduction of £0.062m in estimated costs.	This broadly reflects on-going inflationary forecast updates.
Line 20 – Unavoidable Cost Pressures	Increase of £0.229m in estimated costs.	Appendix C sets out a number of additional items over and above those included in the December report to Cabinet and continue to broadly reflect unavoidable items. The mitigation of cost pressures continues to form an important element of the long-term financial plan, with some further commentary set out later in the report relating to the wider position.

The above position excludes changes to indirect costs such as internal recharges within the General Fund and technical accounting adjustments that do not have an overall net impact on the budget. However, the full detailed budget, reflecting the above changes, will be presented to Full Council at its February 2024 meeting in-line with the proposed recommendations highlighted earlier in this report.

There have been no changes to the savings line of the forecast, with **Appendix B** remaining unchanged compared to the position reported to Cabinet in December. As set out in the December report to Cabinet, a number of items are one-off or are expected to reduce over time and therefore cannot be seen as on-going in terms of the later years of the forecast. When taking into account the one-off or time limited nature of some items (e.g. treasury income is expected to reduce over the next 24 months in line with the expected reduction in the Bank of England base rate) the on-going savings achieved total **£0.400m**. This therefore places an increased focus on savings required in the later years of the forecast to ensure the necessary level of on-going savings are achieved over the corresponding time period.

As highlighted in earlier reports, it was originally expected to be able to include a further on-going saving in excess of **£0.250m** relating to the recent leisure centre VAT court judgement that found in favour of Local Authorities rather than HMRC. Work remains on-going to seek clarity around conflicting guidance issued by HMRC and so no favourable adjustment to the budget has been made at this stage. This will remain under review with updates reported to Members as necessary later in the year.

Within the Provisional Local Government Finance Settlement, the Government also confirmed the provisional New Homes Bonus Grant due to the Council - a total of **£0.848m** will be receivable in 2024/25, which is **£0.348m** more than the initial sum of **£0.500m** currently included in the budget. However, it is not proposed to increase the amount of **£0.500m** currently included, but instead hold the additional funding of **£0.348m** alongside other one-off money to support potential further cost pressures. Further commentary is set out later on in the report which sets out more details behind this proposed approach.

As highlighted earlier, work still remains on-going across a range of budget items such as employee costs, business rates, recharges between the GF and HRA. These will be finalised and included in the final budget proposals to be considered by Full Council on 13 February 2024.

Sensitivity Testing

Work remains in progress to update associated sensitivity testing of the forecast, with the outcome planned to be presented as part of the on-going development of the budget for consideration by Full Council in February 2024.

Reserves

As part of the budget setting process, a timely review of the appropriateness of the level of reserves was undertaken, with the outcome reported to Cabinet at its December meeting.

As highlighted in the December report to Cabinet, there remains the need to continue to maintain a number of reserves to support key actions / activities as part of the Council's overall prudent and sustainable approach to managing its finances.

No changes over and above those set out elsewhere in this report are proposed. Although a more detailed statement will be made by the S151 Officer that will be included in the report to Full Council in February, the current level of reserves remains adequate and will remain under review as part of updating the 'live' forecast and in light of any emerging or changing risk environment.

Potential Cost Pressures Not Currently Funded

As set out above, the cost pressures included within the budget to date broadly reflect unavoidable items. There are therefore many potential additional financial demands that have not yet been funded, for example:

- Those relating to 'business as usual' e.g. repairs and maintenance of property and other assets;
- 'spend to save' initiatives to support the delivery of savings and efficiencies to meet the savings 'targets' set out in the forecast; and
- items to support the delivery of the corporate priorities and objectives such as the Highlight Priorities for 2024/25 and beyond.

With the above in mind, and similar to previous years, it is proposed to review these items using a risk based approach, but outside of the annual 'base' budget setting cycle, with any associated decisions subject to separate reports or included within other key financial reports during the year. This links in with a discussion at the recent Resources and Services Overview and Scrutiny Committee where a list of all potential future cost pressures would continue to be maintained and reported on a timely basis throughout the financial year.

In terms of identifying funding to support a prioritised list of potential cost pressures emerging from the above review, it is proposed that this would come from existing one-off budgets, such as the reserve set aside to invest in the Council's assets (£1.019m), the balance of the 2024/25 new homes bonus discussed earlier (£0.348m) and the favourable outturn variance from 2022/23 (£3.112m). These amounts are separate to the money held in the Forecast Risk Fund.

Any potential on-going items emerging from the above review will need to be considered alongside the on-going development of the financial forecast during 2024/25.

ADDITIONAL INFORMATION

Council Tax Levy 2024/25

Based on a proposed 2.99% increase, the council tax for a band D property will be **£193.73** in 2024/25. The updated property base is **51,866**, an increase of just over **1.5%** over the 2023/24 figure of **51,050**.

The Government have confirmed their commitment to allow District Councils to increase their share of the council tax by 2.99%, although future potential increases still remain subject to further Government announcements.

As set out in the Financial Report to Cabinet on 6 October 2023, the Council will continue to opt-in to the Council Tax Sharing Agreement with ECC if it remains financially advantageous to do so. This scheme has continued to provide a financial benefit to the Council over recent years and will continue to do so heading into 2024/25, with the associated figures included in the proposed budget.

Locally Retained Business Rates

No changes over and above those set out in the report to Cabinet on 15 December 2023 have been reflected in the updated forecast at this stage.

The Council remains a member of the Essex Business Rates Pool, with its continuing membership proposed for 2024/25. Unless a Local Authority withdraws from the Essex business rates pool, the pool will continue in 2024/25. As set out in earlier reports, in a change from previous years, the benefit from remaining a member of the Essex Business Rates Pool has now been reflected in the base budget for 2024/25.

As part of providing financial support to businesses, the Government have announced the continuation of the Retail, Hospitality and Leisure Business Rate Relief Scheme that was introduced last year. Although limited by a 'cash cap' of £110,000, the scheme enables business rate relief of up to 75% to continue to be awarded in 2024/25 to those businesses who operate within the retail, hospitality and leisure sectors. As was the case last year, the Council is required to agree / adopt a local scheme to enable relief to be granted to qualifying businesses. As the scheme is in affect a mandatory scheme prescribed by the Government with no local discretions applicable, the adoption of a scheme is therefore primarily a governance issue. With this in mind, a delegation is included within the recommendations above to enable an associated scheme to be agreed / adopted before the bills for 2024/25 are sent to businesses during February / March. The Government will fully reimburse the cost of providing these reliefs via associated grant funding.

In terms of the rating multipliers, the Government have confirmed that the for 2024/25, the small business multiplier in England will be frozen for a fourth consecutive year at 49.9p, while the standard multiplier will be uprated by September CPI to 54.6p. The Government will reimburse the Council for the loss of income that results from this announcement.

Work remains on-going to finalise the budgets relating to business rates, which will be completed via a separate decision of the Portfolio Holder for Finance and Governance for inclusion in the final budget proposals that will be presented to Full Council on 13 February 2024.

Capital Programme

No changes to the forecast have been required at this stage. The full multi-year Capital Programme, including any cost pressures proposed, will be included within the final budget proposals that will be presented to Full Council in February.

Fees and Charges

Fees and charges are subject to separate Officer decisions made in consultation with the relevant Portfolio Holder(s) and are reviewed within the framework of the financial forecast and

therefore they will be considered against the relevant 'charging power' and where relevant the following key principles:

- general inflationary increases where possible or lower where appropriate / justified
- amounts rounded for ease of application, which may result in a slightly above inflation increase.
- on a cost recovery basis as necessary
- reflect statutory requirements.
- increases where market conditions allow
- to meet specific priorities or service delivery aims / objectives

As set out in this report, the Council continues to face a number of significant financial challenges in 2024/25 and beyond. It is therefore important that fees and charges are considered against this context and to maximise income opportunities where possible, albeit whilst balancing the various issues highlighted above.

Any changes to income are considered alongside the financial forecast process. No changes to the budget are proposed at the present time, but any changes required to reflect the separate decisions made will be included within the final budget proposals presented to Full Council in February.

Although agreed separately, a full schedule of fees and charges will be provided to members ahead of the Full Council budget meeting in February 2024.

Special Expenses

No changes are proposed over and above those described in the report to Cabinet on 15 December 2023, with the underlying principles remaining the same as 2023/24.

Annual Minimum Revenue Provision Policy Statement

As set out in the report to Cabinet on 15 December 2023, where relevant, figures included in the 2024/25 budget are based on the following policy statement that was agreed by Full Council on 28 November 2023.

In accordance with the Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008, the Council's policy for the calculation of MRP for 2024/25 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.

UPDATES TO THE FORECAST FOR THE PERIOD 2025/26 AND 2026/27

Taking the most up to date position set out in this report, the forecast for 2025/26 and 2026/27 has been revised with the high level impact on the Forecast Risk Fund set out towards the end of **Appendix A**, which is summarised as follows:

Year	Net Budget Position (including adjusting for prior year use of reserves etc. to balance the budget)	Forecast Risk Fund - Estimated Surplus Balance at the end of the year
2025/26	£1.926m deficit	£3.001m
2026/27	£2.192m deficit	£1.058m

As set out in earlier reports, developing ‘a savings framework’ against the context of the Corporate Plan remains a key activity over the coming months. Senior Managers will continue to work alongside Portfolio Holders to bring this information together so that it can be considered against the context of the recently agreed Corporate Plan.

As highlighted earlier in this report, the forecast will remain ‘live’ and be responsive to changing circumstances and it will be revised on an on-going basis. It is also important to repeat a point made earlier in this report about the fact that like many other Council’s, this Council has had to rely on the use of reserves to balance the budget, albeit in a planned way via the Forecast Risk Fund. It is essential that the Council continues to work towards delivering in-year balanced budgets as soon as possible over the forecast period rather than continue to rely on reserves, which is not sustainable in the longer term.

Notwithstanding the above, the Council’s long-term plan and Forecast Risk Fund provide flexibility and support against which future forecasts can be considered. Extending the current financial forecast period will also be considered as part of developing the forecast over the coming months once the final position for 2024/25 is confirmed and presented to Full Council in February 2024.

OTHER CONSIDERATIONS

Although this report has focused on the updated financial position for 2024/25, **Appendices B and C** also set out the impact of the various items discussed above on the in-year budget position for 2023/24.

These will be kept under review and formally reported to Cabinet as part of the Quarter 3 Financial Performance Report 2023/24 in February / March 2024.

As highlighted within the Q2 Financial Report 2023/24 presented to Cabinet on 10 November 2023, although there are a number of adverse issues emerging, it is still expected that such issues will be more than offset by favourable variances and so they will be able to be accommodated within the overall net in-year financial position of the Council, especially as the income from treasury activity is expected to remain very positive over the remainder of the year.

PREVIOUS RELEVANT DECISIONS

Financial Performance Report 2023/24 – General Update at the end of July 2023 – Item A.5 Cabinet 6 October 2023.

Financial Performance Report 2023/24 – General Update at the end of September 2023 – Item A.3 Cabinet 10 November 2023.

The Local Council Tax Support Scheme, Discretionary Council Tax Exemptions/ Discounts/ Premiums for 2024/25 and Annual Minimum Revenue Provision Policy Statement 2024/25 – Item A.3 Full Council 28 November 2023.

Updated General Fund Financial Forecast / Budget 2024/25 – Item A.4 Cabinet 15 December 2023.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES**Appendix A** Updated Financial Forecast 2024/25**Appendix B** Net Savings Summary**Appendix C** Cost Pressure Summary**REPORT CONTACT OFFICER(S)****Name**

Richard Barrett

Job Title

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UPDATED FINANCIAL FORECAST 2024/25

Line		Prior Year Budget	Updated Forecast (10 November 2023)	Updated Forecast (15 December 2023)	Updated Forecast (26 January 2024)	Change between December and January Positions
		2023/24	2024/25	2024/25	2024/25	
		£m	£m	£m	£m	£m
	Underlying Funding Growth in the Budget					
1	Council Tax Increase 1.99%	(0.181)	(0.191)	(0.191)	(0.191)	0.000
2	Ctax increase by £5 (amounts set out are over and above 1.99% above)	(0.068)	(0.064)	(0.064)	(0.064)	0.000
2a	Council Tax Increase 3% (Revised to 2.99%)	(0.024)	(0.033)	(0.033)	(0.032)	0.001
3	Growth in Business rates - Inflation	0.000	(0.231)	(0.231)	(0.231)	0.000
4	Growth in Council Tax - general property / tax base growth	(0.217)	(0.187)	(0.158)	(0.158)	0.000
5	Growth in Business Rates - general property / tax base growth	(0.531)	(0.041)	(0.041)	(0.041)	0.000
6	Collection Fund Surpluses b/fwd - Ctax	(0.477)	(0.100)	(0.159)	(0.159)	0.000
7	Collection Fund Surpluses b/fwd - BR	(0.307)	0.000	0.000	0.000	0.000
		(1.806)	(0.847)	(0.877)	(0.876)	0.001
	Net Cost of Services and Other Adjustments					
8	Change in RSG (including other financial settlement funding)	(0.441)	0.750	0.750	(0.383)	(1.133)
9	Remove one-off items from prior year	(0.352)	(0.375)	(0.375)	(0.375)	0.000
10	Remove one-off items from prior year - Collection Fund Surplus	(3.192)	0.784	0.784	0.784	0.000
11	LCTS Grant To Parish Councils	0.004	0.000	0.000	0.006	0.006
12	Revenue Contrib. to Capital Programme	(0.012)	0.000	0.000	0.000	0.000
13	Specific change in Use of Reserves	3.233	0.073	0.073	0.073	0.000
14	On-going savings Identified / Achieved	(0.742)	0.000	(1.242)	(1.242)	0.000
15	Other Adjustments	(0.458)	0.000	0.000	0.000	0.000
16	Use of New Homes Bonus	0.000	(0.500)	(0.500)	(0.500)	0.000
17	Gain from Essex Business Rates Pool Membership	0.000	(0.400)	(0.400)	(0.400)	0.000
		(1.961)	0.332	(0.910)	(2.037)	(1.127)
	Cost Increases					
18	Inflation - Employee / Members Allowance Costs (including annual review adjustments)	2.117	1.000	1.255	1.255	0.000
19	Inflation - Other	1.011	0.701	0.483	0.421	(0.062)
20	Unavoidable Cost Pressures	1.444	0.500	1.487	1.716	0.229
		4.572	2.201	3.225	3.392	0.167
21	Add back Use of Forecast Risk Fund / Reserves in Prior Year	0.431	1.236	1.236	1.236	0.000
22	ANNUAL Structural Budget Deficit / (Surplus) BEFORE Required 'Savings'	1.236	2.922	2.674	1.715	(0.959)
23	On-going Savings Required	0.000	(0.500)	0.000	0.000	0.000
24	ANNUAL Structural Budget Deficit / (Surplus) AFTER Required 'Savings'	1.236	2.422	2.674	1.715	(0.959)
25	Use of Forecast Risk Fund / Other Reserves to support the Net Budget Position*	(1.236)	(2.422)	(2.674)	(1.715)	0.959

* For 2023/24, this figure was met from other reserves and not directly by the Forecast Risk Fund

Use of Forecast Risk Fund

Outturn b/fwd from prior years	(3.316)	(6.142)	(6.142)	(6.142)	
Applied in year as set out in the forecast above	0.000	2.422	2.674	1.715	(0.959)
Additional contributions generated / required in year	(0.250)	(0.250)	(0.250)	(0.250)	0.000
Additional contributions via the Financial Strategy Process	(2.576)	0.000	0.000	0.000	0.000
Balance to Carry Forward	(6.142)	(3.970)	(3.718)	(4.677)	(0.959)

	Year	Updated Forecast (10 November 2023)	Updated Forecast (15 December 2023)	Updated Forecast (26 January 2024)	Change between December and January Positions
Forecast Risk Fund Summary					
		£m	£m	£m	
Used to Meet Annual Deficit	2025/26	2.146	2.443	1.926	(0.517)
	2026/27	1.291	2.021	2.192	0.171
		£m	£m	£m	
Estimated (Surplus) / Deficit Balance at the end of the year	2025/26	(2.074)	(1.525)	(3.001)	(1.476)
	2026/27	(1.032)	0.247	(1.058)	(1.305)

NET ON-GOING SAVINGS ITEMS 2024/25

Item	2023/24 £	2024/25 £	2025/26 £	2026/27 £	Comments
(1)	(2)	(3)	(4)	(5)	(6)
Insurance - Non Premium Budgets	(41,320)	(41,320)	(41,320)	(41,320)	ON-GOING - It is proposed to remove a number of 'contingency' budgets that have historically been unspent in previous years. These relate to issues such as consultancy on risk management and other related matters. If expenditure is required in the future it will be managed within other existing budgets within the directorate.
Commercial Investment Property Rent	0	(4,450)	(8,990)	0	ON-GOING - This reflects an inflationary uplift on the rental payments due over the remaining life of the agreement current in place with the tenant of the current investment property held by the Council.
Treasury Income	(1,200,000)	(975,000)	(575,000)	(138,000)	ON-GOING - This reflects the continuing period of higher interest rates balanced against the Council's forecasted cash balances. There is an estimated reduction across the forecast period that reflects the expected change in the Bank of England base rate over time.
Employee Costs - Pension Contributions	(5,720)	(10,000)	(10,000)	(10,000)	ON-GOING - An historic contribution to the pension scheme has come to an end in 2023/24.
Corporate Financial Strategy Allowance	(86,160)	(86,160)	(86,160)	(86,160)	ON-GOING - This reflects a contingency sum that was previously set aside to help manage risks when finalising significant corporate budgets such as employee costs. Such issues will continue to be considered going forward within the relevant line of the forecast but it is proposed 'release' the existing budgeted amount as part of the current budget cycle.
Revenues & Benefits - Project / Agency Staff Costs	(125,000)	(125,000)	(125,000)	(125,000)	ON-GOING - This budget was historically set aside to support initiatives associated with the Council Tax Sharing Agreement with the Major Preceptors. The associated work is now undertaken within existing capacity, such as Officers within the Fraud and Compliance Team and the Revenues and Benefits Service, which enables this budget to be 'released'. Any future initiatives that may incur an additional cost over and above existing resources will be considered within the wider directorate budgets accordingly.
Back to Business	(138,410)				ONE-OFF - A number of projects that were previously agreed as part of this initiative have either been superseded or can be responded to in an alternative way.
Unapplied Accelerated Delivery Budget	(143,910)				ONE-OFF - This reflects money that was previously set aside to support the delivery of projects as it has been partly superseded by corporate restructures and additional capacity can be considered on a project by project basis going forwards.
Reserves Adjustment - Carnarvon House	(11,090)				ONE-OFF - A relatively small residual sum remains held in reserves that relates to an historic agreement with our Health Partners, who were the outgoing tenant before the property was demolished. An agreement was reached with them which saw them pay outstanding annual rental payments to the Council, with this adjustment therefore representing the final 'unapplied' balance.
Total	(1,751,610)	(1,241,930)	(846,470)	(400,480)	

COST PRESSURE SUMMARY

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	Comments
(1)	(2)	(3)	(4)	(5)	(6)
Unavoidable Items - On-going					
External Audit Fees	77,000	77,000	77,000	77,000	This broadly reflects a 'correction' to the previous national procurement process where External Auditors found themselves unable to meet the various requirements as part of the PSAA arrangements. It also responds to the additional work that Auditors are required to undertake in accordance with the audit code / standards. This adjustment brings the total fee payable per year to just over £160k, which to a large extent replicates the fee payable under the previous Audit Commission regime.
Insurance Premiums Costs	0	26,000	26,000	26,000	This item reflects the increase in insurance costs following the recent renewal process. Costs may increase further during 2024/25 but this will not be known until the next annual renewal process is undertaken during the summer / autumn of 2024. This will therefore be kept under on-going review as part of the Financial Performance reports during next year.
District Elections Costs	0	15,000	15,000	15,000	The budget currently allows for a contribution of £30k per year to be set aside in an associated reserve to meet the cost of the district elections every 4 years. To reflect inflationary cost increases, a one-off amount of £60k was agreed to support the cost of the elections held in May this year. The amounts set out therefore reflect the on-going impact of these inflationary impacts, with the annual contribution increasing from £30k per year to £45k per year.

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	Comments
Commercial Investment Property Potential Rental Income Reduction	0	0	0	125,000	The current lease agreement for the investment property in Clacton comes to an end in 2025/26. The adjustment proposed allows for a potential reduction in the rent payable (from approx. £225k per annum to £100k per annum) from 2026/27. This will be subject to further review / revision over the life of the remaining years of the existing lease agreement, with the adjustment proposed reflecting a pragmatic / prudent view for the purposes of the forecast.
Waste Collection Contract - Costs of disposing of collected waste to an alternative ECC site.	0	90,000	90,000	90,000	Within the Q1 Financial Performance Report considered by Cabinet on 6 October 2023, an adjustment was made in 2023/24 that reflected the fact that collected waste now had to be disposed of at an alternative site provided by ECC. This adjustment therefore reflects the on-going impact from 2024/25 onwards.
Taxi Testing - Reduced Income	25,000	25,000	25,000	25,000	The existing base budget currently reflects income derived from the in-house team undertaking vehicle testing for local taxi operators. This stopped during the period of the COVID 19 pandemic and over time operators have made alternative arrangements with other providers. The proposed budget adjustment therefore reflects the on-going impact.
The Council's Corporate Income Management System	0	10,000	10,000	10,000	Within the Q1 Financial Performance Report considered by Cabinet on 6 October 2023, an adjustment was made in 2023/24 that reflected the additional costs associated with an 'upgrade' to the Council's income management IT system. The adjustment included from 2024/25 reflects the on-going impact as also highlighted in the Q1 Financial Performance Report.
Modern.gov IT costs	10,000	3,270	3,270	3,270	This reflects additional costs associated with the on-going development of the system.

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	Comments
BT phone line discount no longer available	17,000	34,000	34,000	34,000	BT have recently advised the Council that from 01 October 23 they are ceasing all 'multi-line accumulator discounts' applicable to the various fixed phone lines across the Council. Work is now underway to identify options that could include terminating a number of phones lines where it may be operationally possible to do so. The figures currently included reflect the worst case scenario of not being able to significantly reduce the number of phone lines required, however this will be kept under review and updated accordingly over the remainder of this budget cycle.
IDOX Contract	41,630	10,450	10,450	10,450	IDOX is a corporate IT system that provides the Council with a document / property / case management solution e.g. the system used by the Planning Service. As part of the existing 3 year contract, there is a requirement to migrate to the software providers own cloud based system. The costs included represent the one-off migration costs in 2023/24 and then additional on-going annual licencing costs. It is important to highlight that the Council is working in partnership with other LA's with the aim of developing viable alternatives in response to potential further increases in future costs.
Homelessness Costs	250,000	500,000	500,000	500,000	Although the Government have recently announced a number of changes that are expected to have a favourable knock on impact on the level of homelessness and the increasing costs faced by Local Authorities nationally, there is still likely to be a cost pressure over and above the existing base budget. Although in respect of 2023/24, an additional amount of £250k has already been included in the budget as part of earlier financial performance reports, further costs are still expected. The figures for 2024/25 reflect the estimated on-going impact whilst also recognising the positive impact that Spendalls House will have from 2024 onwards. The Service remains committed to exploring options to reduce the on-going financial impact on the Council and further changes may be necessary later in the financial year.

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	Comments
Energy Costs	0	300,000	300,000	300,000	Although the market is subject to volatility, there is some relative stability at the moment and the amounts included are based on the most up to date prices for gas and electric, which have seen a reduction compared to those last year. It is still expected that any increase in 2023/24 can be met from the contingency budget that was set aside rather than having to include additional funding in the budget via this report.
NEW - External Audit Certification Work	35,000	35,000	35,000	35,000	Additional fees are expected to be payable for non-statutory work such as those associated with the certification of claims and returns that are required by the Government. Such increases broadly reflect similar increases for statutory work that is set out above.
NEW - Additional Capacity Elections / Leadership Support	0	30,000	30,000	30,000	To provide the required capacity to support a number of issues such as new burdens arising from the Elections Act 2022, the transfer of the responsibility of administering the Harwich and North Essex Parliamentary Constituency Elections and to respond to the increasing performance management needs emerging from the new OFLOG regulatory regime.
NEW - Lone Worker Devices	20,000	20,000	20,000	20,000	As highlighted last year, no budget was included in the forecast for 2023/24 onwards as it was proposed to undertake a review to identify if there were any credible alternatives to the current lone worker devices that are provided to relevant Officers as part of the Council's overall health and safety arrangements. Although the exploration of options will remain on-going, it is proposed to continue with the current arrangements given the lack of a satisfactory alternative at the present time.

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	Comments
NEW - Vehicle Hire Costs	0	34,100	42,600	105,000	This reflects the cost associated with the rolling replacement of various existing fleet vehicles used with Services.
NEW - Air Show	0	60,000	60,000	60,000	This reflects earlier commitments to continue with the Clacton Airshow, which is reflected in the emerging highlight priorities and the subject of a separate report earlier on the agenda. In effect, this adjustment builds the funding for the Airshow into the base budget on an on-going basis until such time as any contrary decisions are made.
NEW - Office Security	10,000	10,000	10,000	10,000	A security presence was introduced during the COVID pandemic which is proposed to be maintained for the foreseeable which provides essential support the Officers as part of the Council's wider health and safety responsibilities.
NEW - Port Health Responsibility Costs	40,000	40,000	40,000	40,000	This reflects the increased charge arising from the joint arrangement with the Suffolk Coastal Port Health Authority who undertake the associated work on behalf of the Council relating to food import responsibilities at Harwich.
Total of On-Going Items	525,630	1,319,820	1,328,320	1,515,720	

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	Comments
Unavoidable Items - One-Off					
Careline Net Costs	120,000	296,000	0	0	As reported during the year, the department is actively exploring options to reduce the net cost of the service, the outcome of which will be reported to Cabinet as early as possible in 2024. The figures currently proposed reflect the estimated worse-case scenario in 2023/24 and 2024/25 pending the outcome of this review. This will therefore remain under on-going consideration, including the potential impacts in 2025/26 and beyond before the budget proposals for 2024/25 are finalised for reporting to Council in February 2024.
Garden Waste - Potential Unrecoverable Debt	70,000	0	0	0	Following earlier discussion during the year, it is proposed to set aside this level of funding to meet the cost of income that may prove to be unrecoverable for reasons set out in earlier reports. The service continues to implement a number of actions in response to the associated issues, which may in turn enable this figure to be reduced accordingly.
Key Financial Management IT System Upgrade	0	100,000	0	0	Similarly to the position experienced elsewhere in the Council this year, the Council's main financial management IT system becomes unsupported from December 2024. It is therefore proposed to set aside the potential upgrade costs as part of the 2024/25 budget, although a final decision will be made during next year, which will include the exploration of options available to the Council along with associated risks.
REVISED - Waste & Street Cleansing Contract Inflation	108,000	0	0	0	The figure highlighted for 2023/24 reflects a higher inflationary uplift than included within the original budgets. The knock on impact for 2024/25 and beyond is included within a separate line of the forecast (Line 19 Appendix A)

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	Comments
NEW - Reduced Planning Income	200,000				These two items reflect the current reductions in income being experienced by the Service. Income will undoubtedly recover over the next few years in line with the wider economic climate. This is supported by fee increases from 1 April 2024 which is expected to offset the position being experienced in 2023/24, with no further adjustments made from 2024/25 onwards.
NEW - Reduced Building Control Income	50,000				
NEW - Member Investigation Costs	12,000				This reflects the cost associated with a current / on-going investigation.
NEW - North Essex Parking Partnership (NEPP) - Potential Budget Deficit	100,000				The Council is working with its partners, including Colchester City Council who are the accountable body, to finalise associated key financial forecasts and business planning activities. Although this work remains on-going, at the present time it is felt prudent to set aside this proposed funding to meet this Council's partnership share of potential deficits that could emerge. The Council's commitment to the partnership will need to be reviewed in light of any changes to the financial future of the partnership once the relevant financial information has been finalised and provided to the Council.
Total of One-Off Items	660,000	396,000	0	0	
Total of Unavoidable Items Included in the Forecast	1,185,630	1,715,820	1,328,320	1,515,720	
Change across years for Inclusion within the forecast		-	(387,500)	187,400	

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CABINET

26th January 2024

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

A.5 CONSIDERATION AND ADOPTION OF HOUSING POLICIES ON TEMPORARY ACCOMMODATION, DEPOSIT GUARANTEE SCHEME AND HOMELESSNESS PREVENTION

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present to Cabinet three new/revised housing policies:

- Temporary Accommodation Policy
- Deposit Guarantee Policy
- Homelessness Prevention Policy

These policies are presented for approval and adoption.

EXECUTIVE SUMMARY

This report presents three housing policies for approval. The policies formalise some of the extensive work that is already undertaken by the Housing Solutions service in assisting those who are homeless or threatened with homelessness.

The adoption of these policies will ensure that the Council has a clear framework in place in respect of activities associated with the prevention and relief of homelessness. The Council, along with other local housing authorities has experienced a year on year increase in homelessness presentations for several years now. The current cost of living crisis means that trend is unlikely to be reversed in the immediate future.

The increase in homelessness presentations places increasing pressure on the Housing Solutions Team as they seek to provide support to our residents at what is likely to be one of the most difficult periods in their life. Sourcing further, suitable temporary accommodation for those that need it is becoming more challenging, especially as we aim not to place outside of the district unless there are no other options.

The Temporary Accommodation Policy sets out how temporary accommodation will be offered, the terms under which it is offered and nature of the accommodation that will be made available. This policy is especially relevant as we draw closer to bringing Spendells House back into use as a dedicated temporary accommodation scheme.

The Deposit Guarantee Policy ensures that we have control over the provision of rent deposits for those persons who we assist into privately rented accommodation. Spending on rent deposits has grown significantly over recent years and a focus on offering a deposit guarantee does not incur the same level of expenditure and will contribute to the operation of a more efficient

homelessness service, making better use of the Homelessness Prevention Grant.

Homelessness Prevention is the approach that should become our priority and this dedicated policy sets out the options available and how the Council will use them to the best effect to support residents of the district when they are threatened with homelessness.

RECOMMENDATION(S)

That Cabinet:

- 1) considers and agrees to adopt the following policies:**
 - a) Temporary Accommodation Policy;**
 - b) Deposit Guarantee Policy;**
 - c) Homelessness Prevention Policy;**
- 2) authorises their direct implementation; and**
- 3) delegates authority to the Corporate Director (Operations and Delivery) to make future updates or amendments to each policy in consultation with the Portfolio Holder with responsibility for Housing.**

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations are to ensure that the policies are appropriately adopted, in accordance with the Council's constitution.

ALTERNATIVE OPTIONS CONSIDERED

The only alternative options considered were to not set in place these policies. Whilst this is a viable alternative option it does leave the Council exposed in the event of a challenge or complaint. The absence of suitable policies also makes the day to day operation of the service more difficult with the potential for inconsistencies in approach.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

These policies contribute to a number of Corporate Plan 2024-28 themes:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Working with partners to improve quality of life
- Financial sustainability and openness

OUTCOME OF CONSULTATION AND ENGAGEMENT

Consultation and engagement has not been undertaken with residents or partners.

The Council is however committed to engaging with and listening to residents as we implement these policies with our partners.

We will:
<ul style="list-style-type: none"> • Hold an annual Private Landlord's Forum • Ensure that current and future service users are fully informed about the implementation of these policies and that we obtain their feedback • Involve service users in the monitoring and evaluation of these policies

LEGAL REQUIREMENTS (including legislation & constitutional powers)			
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Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	X Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	13 November 2023

The primary homelessness legislation is Part 7 of the Housing Act 1996 which confers the statutory duties on local housing authorities to prevent homelessness and provide assistance to people who are homeless or who are threatened with homelessness. The Act was amended by the Homelessness Act 2002, the Homelessness Reduction Act 2017, and the Domestic Abuse Act 2017.

Although none of the legislation mandates the introduction of the policies that are the topic of this report, these policies align with the Council's Homelessness and Rough Sleeping Strategy 2020-2024 for the prevention of homelessness.

x	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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Whilst I have not reviewed the detail of these policies the Housing service have provided me with assurance that they are drafted in compliance with our obligations under the relevant homelessness legislation and guidance.

FINANCE AND OTHER RESOURCE IMPLICATIONS

There are financial implications associated with the adoption of these policies as they are all associated with homelessness and potential expenditure either through prevention or relief activity.

The intention is that spending, particularly on rent deposits, can be reduced and that temporary accommodation placements can be reduced and effectively managed through application of the new policy.

The Council receives an annual homelessness prevention grant from DLUHC of circa. £800k. The Council added an additional £500k to the homelessness base budget for 2023/24. This highlights the increasing level of expenditure in this area.

For 2022/23, the Council paid a total of £156,927.59 from the Homeless Prevention Grant towards cash deposits. For the same period we committed to £2,959.90 as Deposit Guarantee payments.

Gross spend on temporary accommodation in 2022/23 was £1,054,935 – double what it was five years earlier in 2018/19. In 2023/24 to date spend has been £1,417,350.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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Homelessness is increasingly becoming one of the most challenging on-going financial risks faced by Local Authorities, with some highlighting that the issue could become the primary reason for them effectively becoming insolvent.

As set out elsewhere on the agenda, an additional budget of £500,000 has been included on an annual basis over the period 2024/25 to 2026/27.

It is acknowledged that the Service remains committed to exploring options to reduce the on-going financial impact on the Council, which the attached policies will undoubtedly help support.

The cost of homelessness will continue to be monitored and reported as part of the regular financial performance reports presented during the year.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council has an adopted Financial Strategy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,	The Council has a mature constitutional structure and framework of policy for decision-making. It is intended that the appended policies will augment that framework.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council has an adopted Financial Strategy.

MILESTONES AND DELIVERY

If Cabinet is minded to adopt the policies they will come into immediate effect subject to call-in.

The review of the procedures will be carried out periodically as indicated in each of them with a delegation to the Corporate Director (Operations and Delivery) to make future changes and updates to the policies in consultation with the Portfolio Holder for Housing and Planning.

ASSOCIATED RISKS AND MITIGATION

The policies are intended to set a compliant standard for homelessness services and duties.

Failure to meet the Council's statutory duties can result potential legal consequences and judicial review along with investigation by the Local Government Ombudsman Service.

The adoption and implementation of the policies is aimed at minimising the risks of non-compliance.

EQUALITY IMPLICATIONS

In line with the Public Sector Equality Duty, within these policies the Council has due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

SOCIAL VALUE CONSIDERATIONS

Creates healthier, safer and more resilient communities: To build stronger and deeper relationships with the voluntary and social enterprise sectors whilst continuing to engage and empower citizens.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

The implementation of these policies does not present a direct impact on the Council's target for net zero greenhouse gas emissions from its business operations by 2030. The Council will be mindful of energy efficiency measures present in temporary accommodation that is sourced and the improvements to Spendells House will include more efficient heating and solar panels.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder	Suitable housing and the prevention of homelessness and rough sleeping is a factor in addressing the causes of crime and disorder.
Health Inequalities	Suitable housing and the prevention of homelessness and rough sleeping is an important progressive factor in terms of health equalities.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).	The Council will follow subsidy control legislation and regulations in the receipt and allocation of any funding received and relating to the content of these reports.

Area or Ward affected	All
PART 3 – SUPPORTING INFORMATION	
BACKGROUND	
<p>Although the adoption of these policies is not of itself mandatory there are legal and regulatory standards for performance that these policies aspire to facilitate compliance with. The proposed policies appended will also augment the Council's policy framework.</p> <p>Temporary Accommodation Policy – As of January 2024, the Council has 99 households in temporary hotel and hostel type accommodation placed under the homelessness legislation. They are placed in temporary accommodation because we have a reason to believe they would be more vulnerable than an ordinary person if they were to be made homeless.</p> <p>Those 99 households are made up of the following vulnerabilities:</p> <ul style="list-style-type: none"> 46 – families (pregnant or with children) 34 – households with mental health 8 – households with physical health 2 – 16 or 17 year olds 7 – households fleeing domestic abuse 2 – care leavers <p>Gross spend on temporary accommodation in 2022/23 was £1,054,935 – double what it was five years earlier in 2018/19. In 2023/24 to date spend has been £1,417,350.</p> <p>Between January and December 2023 the service provided 369 households with temporary accommodation, 155 of which included a child. These households between them spent a total of 24032 days, an average of 65, in temporary accommodation.</p> <p>The policy is a best practice document, it also establishes a framework around compliance matters, information and property standards.</p> <p>Deposit Guarantee Policy - The Council has always offered landlords the option to have a Deposit Guarantee, rather than a cash deposit, because it prevents the need for them to place the deposits in a Deposit Protection Scheme. A cash deposit is an expenditure for the Council. A Deposit Guarantee is still a commitment from the Council to the landlord, but it is not an expenditure unless the landlord wishes to make a claim from it.</p> <p>For 2022/23, the Council paid a total of £156,927.59 from the Homeless Prevention Grant towards cash deposits. For the same period we committed to £2,959.90 as Deposit Guarantee payments</p> <p>There are positives and negatives to cash payments and a Deposit Guarantee, and this policy sets out the detailed arrangements for introducing deposit bonds rather than paying cash up front, provides the process the Council follows and the process for the tenant/landlord to follow.</p>	

Homelessness Prevention Policy – This policy outlines the prevention work that is already being undertaken to prevent households from having to leave their homes, and in some cases, prevents the need for temporary accommodation. It provides the tools and services available to support and deliver the service.

Below are the figures for the number of households who the Council has accepted a homeless prevention duty towards.

Year 2018 – 191

Year 2019 – 314

Year 2020 – 256

Year 2021 – 339

Year 2022 – 392

CURRENT POSTION

The proposed new policies are attached.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

Appendix A – Temporary Accommodation Policy

Appendix B – Deposit Guarantee Policy

Appendix C – Homelessness Prevention Policy

REPORT CONTACT OFFICER(S)

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Tendring
District Council

TEMPORARY ACCOMMODATION POLICY

January 2024



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Temporary Accommodation Policy

Introduction

Tendring District Council aims to work with households to prevent homelessness and we encourage people to approach us as early as possible if they are threatened with homelessness or are concerned about their housing situation. The Council will do its best to help people to remain in their homes or if that is not possible, to help them to find somewhere else that is settled before they have to leave their home.

However, in some circumstances this will not be possible and households will require temporary accommodation.

The Council has a statutory duty to provide temporary accommodation to homeless applicants in certain circumstances and how to perform this duty is governed by legislation and guidance.

Purpose of policy

- To set out the Council's approach to placing homeless applicants in emergency and temporary accommodation both within the Tendring District and outside of the area. This covers the following:
 - Interim placements under section 188 of the Housing Act 1996 during the relief duty and while homeless enquiries are undertaken.
 - Placements made as 'homelessness relief' under section 189B(2) of the Homelessness Reductions Act
 - Longer term placements for those households accepted as homeless under Section 193(2) of the Housing Act and are waiting for rehousing.
- To outline how the Council supports those who approach it in need of temporary accommodation to ensure they are treated in a consistent manner and with empathy and respect
- To set out the different types of accommodation that will be used
- To set out simply and clearly the factors that will be considered to make sure that any temporary accommodation being offered is suitable and allocated fairly
- To comply with the statutory requirements, legislation, case law and good practice relating to the provision of temporary accommodation.
- To improve customer understanding and satisfaction with the temporary accommodation provided

Legal and regulatory context

There are legislative and regulatory requirements that relate to the provision of temporary accommodation and these include (but are not limited to):

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Housing Act 1996

This legislation provides that the Council must secure that accommodation is available for an applicant where it has reason to believe they may be homeless, eligible for assistance and in priority need (these are all defined terms in law). This duty is known as the 'interim duty' and continues until the Council has made a final decision as to whether the applicant is owed the 'main housing duty'.

It also provides that the Council must secure that accommodation is available for an applicant where it determines that they are homeless, eligible for assistance, in priority need, not intentionally homeless, and where it has not successfully 'prevented' or 'relieved' homelessness (these are all defined terms in law) and has not referred the application to another local authority. This is known as the 'main housing duty' and continues indefinitely until the applicant accepts an offer of a settled home, or until one of another of a list of prescribed events occurs.

Any accommodation provided under these duties, whether temporary or otherwise, must be suitable.

Homelessness (Suitability of Accommodation) (England) Order 2003

This states that households containing children or pregnant women should only be housed in 'bed and breakfast' accommodation where no other accommodation is available, and even then this should not exceed six weeks.

Children's Act 2004

Local authorities have a particular duty under this legislation have regard to the need to safeguard and promote the welfare of children.

Equality Act 2010

The Equality Act 2010 provides that, in carrying out its functions, a local authority must have due regard to the elimination of unlawful discrimination, harassment and victimisation as well as the advancement of equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

Homelessness (Suitability of Accommodation) Order 2012

This order sets out the factors that should be considered when deciding whether accommodation is suitable and these include its location, whether it would cause any disruption to employment, caring responsibilities or education as well as its proximity to medical facilities and support and local services and transport.

Homelessness Reduction Act 2017

Section 206(1) provides that all accommodation provided under Part 7 of the 1996 Act must be suitable for the applicant and their household, and the suitability requirements under section 210 apply.

Homelessness Code of Guidance for Local Authorities

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The code of guidance provides further information about the suitability of the location of accommodation. The code consolidates the existing legislation, case law and good practice

This codifies the factors, borne from various legal instruments, local authorities should consider when determining whether temporary accommodation is suitable. Such factors include the standards, size, affordability, and location of any accommodation.

Homelessness (Suitability of Accommodation) (Amendment) (England) Order 2022

As further amended by the 2023 Order,, this removes the six week limitation on placements in bed and breakfast between 1 June 2022 and 1 June 2024, where there is no accommodation other than that available and where certain criteria relating to the applicant apply

When determining whether accommodation other than bed and breakfast accommodation is available for use, housing authorities will need to take into account, among other things, the cost to the authority of securing the accommodation, the affordability of the accommodation for the applicant and the location of the accommodation.

There are also specific laws and regulations that apply to the temporary accommodation provided and these include (but are not limited to):

- Schedule 3 to the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- Housing Health and Safety Rating System
- Gas Safety (Installation and Use) Regulations 2018
- Regulatory Reform (Fire Safety) Order 2005

Types of Temporary Accommodation

The Council uses a range of different type of temporary accommodation which are designed to cover the range of customers, likely length of occupation and overall numbers in need at that time.

This means that some accommodation will be provided directly by the Council, whilst other accommodation will be owned and/or managed by external providers.

The types of temporary accommodation available to the Council may include:

- Accommodation within the Council's housing stock
- Self-contained, leased accommodation
- Council owned temporary accommodation
- Accommodation with shared facilities such as 'bed and breakfast' accommodation and hotels
- Hostel and emergency night shelters

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- Leased accommodation
- Caravans and other holiday accommodation

How the need for temporary accommodation is assessed

In cases where people have to leave their home, and have no family or friends they can stay with whilst their homeless application progresses, the Council may offer temporary accommodation. However, not every person who contacts the Council with a housing situation will be offered temporary accommodation.

Homeless applicants may initially be provided with temporary accommodation under the Council's interim duty to accommodate (section 188 of the Housing Act 1996) pending a decision as to what duty (if any) is owed in accordance to the legislation.

The Housing Solutions Officer will make enquiries into the reason why an applicant is homeless. These enquiries include, but aren't limited to:

- Speaking to a landlord to discuss the option to allow an applicant to stay in their current home beyond the notice expiry date, if it is reasonable and safe to do so
- Speaking to parents, friends or family members to discuss the option for the applicant to stay with them whilst enquiries are completed, if it is reasonable and safe to do so

The Council will ask if an applicant has anyone that they can stay with whilst their homeless application progresses.

If the Housing Solutions Officer decides that there is an urgent need for accommodation, that a household are eligible and may have a priority need, the Homelessness Accommodation Officer will find temporary accommodation for them. Temporary accommodation is usually allocated on the day the household will need it.

Once a need for temporary accommodation has been identified, the household will be given an offer letter and advice about their responsibilities and the Council's role whilst living in the temporary accommodation.

Outside of office hours

The Council operates an out of hours call out service 24 hours a day and 365 days of the year. This can be contacted by telephoning 01255 222022

If a homeless household contacts the Council outside of normal office hours and the officer assesses that a duty to provide temporary accommodation is accepted, then a hotel or other nightly let accommodation is the only option that will be provided during this time.

The household will be placed in the available accommodation and they will then be contacted further by the Housing Solutions team on the next working day.

Suitability of Accommodation

In offering any form of temporary accommodation, the Council's first and foremost priority will be the suitability of the accommodation and that it meets the needs of the household.

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In coming to decisions on individual cases the Council will have regard to the Homelessness Code of Guidance, Section 208 and Section 210 of the Housing Act 1996 and relevant case law. It will also meet its obligations under the Equalities Act 2010 by showing due regard to an individual's medical conditions and vulnerabilities.

An assessment in regards to the suitability of a temporary placement will be completed on a case by case basis by the allocated Housing Solutions Officer and the Homelessness Accommodation Officer. The assessment is to ensure that any temporary accommodation offered is considered reasonable and suitable for the household, taking into account any support needs and risks that the household presents.

Location - The Council seeks to accommodate homeless applicants within the district of Tendring so far as is reasonably practicable to allow a household to maintain their existing networks, such as employment, schooling, and specialist medical care. However, the Council has to be mindful of current prevailing housing conditions and demand and pressures that affect the Council on a daily basis.

There are some circumstances in which the Council needs to place applicants in temporary accommodation outside of the Tendring district. These circumstances include if there is a risk for a person to remain in Tendring, if there are special circumstances that exclude an applicant from living in particular locations or types of accommodation, and in an emergency when there is no availability within the Tendring district.

Consideration will be made for any special circumstances submitted by the applicant that may impact on the suitability of the offer of temporary accommodation.

Where a household needs to be moved to a location for safety reasons this will always come first when deciding on temporary accommodation placements. For any risks associated with staying in a particular area, for example: violence or harassment of any nature, the Council will request written confirmation that a household are safe in the placement area. This confirmation will be requested from all relevant services (for example: Police, Social Services, Independent Domestic Violence Advisor etc) before a placement is considered.

If there are extenuating factors which are deemed to prevent a move outside of the Tendring area, these will be considered on a case by case basis.

A placement anywhere within the Tendring area, where the household's last settled accommodation was also in the Tendring area, is deemed to be suitable where transport links and accessibility/availability of essential services which are appropriate to the households needs, are concerned.

Whenever a client is placed in accommodation outside of the Tendring district, attempts will be made to identify alternative temporary accommodation within Tendring as soon as possible.

If a household is placed in temporary accommodation outside of the Tendring district, the local authority in which they are placed will be notified as quickly as possible under section 208 of the Housing Act 1996.

Accommodation will not normally be deemed as unsuitable due to its location and/or due to it being out of the Tendring area as due consideration would have been given to the above and all other relevant factors prior to making the offer.

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Size, condition and facilities of the property – The Council will provide appropriate space for the household to occupy and meet appropriate levels of fitness, but due to the lack and demand for suitable and sustainable temporary accommodation, it isn't necessary for the size criteria calculated for social housing purposes to reflect that of the criteria for temporary accommodation.

Households will often be placed into accommodation that has fewer bedrooms than a household would be entitled to have on a permanent basis. Reasons for refusing a property due to things such as quality of decoration or the furniture, the layout or type of accommodation, provision of parking and lack of access to a garden will not be considered as reasons for refusing an offer.

Affordability – In all cases the Council will determine the affordability of any particular accommodation having due regard to (sections 17.46 to 17.47 of the Code of Guidance 22 February 2018, updated 27 October 2023) when assessing affordability.

The gross rental charge for accommodation may include costs for communal charges relating to heating and/or lighting, and it may also include costs which are ineligible for Housing Benefit, such as costs towards water rates and other utilities for personal use which will be payable by the household.

Accommodation will not normally be deemed unsuitable where charges apply which are ineligible for Housing Benefit as these charges relate to essential utilities and would be applicable whether paid as part of the gross charge for the accommodation, or whether paid separately to the utility companies.

Health, wellbeing and mobility factors – when offering accommodation the Council will consider health and wellbeing factors that are cited in the homeless application, and whether these factors make the accommodation unsuitable.

These factors include (but are not limited to):

- A household with severe and enduring health conditions including mobility and mental health related conditions requiring intensive and specialist medical treatment or support that is only available in the Tendring area.
- Special consideration will be made to take into account any storage requirements for specialist medical equipment and disabilities requiring separate sleeping quarters for members of the household.
- All decisions made will take account of the welfare and safety of children (Children's Act 2004) that are part of the household.
- Households with children registered on the 'child protection register' in the Tendring area, or families who have high social needs and where it is confirmed that a transfer to another area would significantly impact their welfare.
- Households with a child or children with special educational needs, receiving education or educational support in the Tendring area, where those needs can't reasonably be met elsewhere.

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If the applicant or a member of their household refers to medical grounds that were not identified during the initial homeless assessment, the applicant must submit a letter from a medical professional within 24 hours of the placement offer. If it isn't possible to provide this information within the time frame, the applicant must notify the Housing Solutions Officer immediately and an extension may be given based on the reasons for the delay on a case by case basis.

The suitability assessment will be based on the impact that the accommodation being offered has on the medical issues. Problems such as depression, asthma, diabetes or back pain would not normally make a property placement unsuitable because the problems would persist in any kind of accommodation, and as due consideration would have been given to these conditions and all other relevant factors prior to making the offer.

In assessing any medical needs the Council are likely to seek advice from a professional medical adviser.

Applicants with a severe and enduring health condition requiring intensive and specialist medical treatment that is only available with the Tendring district, will be prioritised for accommodation close to where the medical care is provided. This will be subject to a medical assessment.

Applicants who are in receipt of a significant care package and range of health care options that cannot be easily transferred will be prioritised for placements inside of the Tendring district.

Applicants with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health service, and have an established support network where a transfer of care would severely impact on their wellbeing, will be prioritised for placements inside of the Tendring district

People with alcohol dependency issues – we will avoid placing people with alcohol dependency in a placement which has a licensed bar on the premises.

Caring responsibilities – evidence of carers allowance or attendance allowance will be required to show significant caring responsibilities for people who are not part of the household and the need to reach people who are being cared for.

Households who consider that they need to live in the Tendring area or a particular part of the district to provide care for someone will need to obtain that persons authorisation to disclose their confidential details to the Council to verify their care needs.

Applicants who have a longstanding arrangement to provide care and support to another family member in the Tendring area and who is not part of their household, and who would also be likely to require statutory health and social care support if the care ceased, wherever possible would be prioritised for placements close to the family member.

Education – the Council understands that disruption to education can be detrimental to a child's development.

Temporary accommodation will normally be considered suitable where it is within 60 minutes travel, by public transport, of the child's or children's current school.

Attendance at local schools will not be considered a reason to refuse accommodation though consideration will be given to whether the household contains a student with special

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educational needs, or a student that attends a special school, as well as students who are close to taking examinations at GCSE or A Level.

Households containing a child with special educational needs who is receiving education or educational support in the Tendring district, where change would be detrimental to their well-being, will be prioritised for placements in the Tendring district.

Where accommodation isn't available within a 60 minute travel distance, by public transport, it's considered reasonable to assume that the child or children up to a year 9 in secondary school, can transfer to a local school and that this wouldn't constitute a significant disruption to their education.

Households who have as part of their household a child or children who are enrolled in GCSE, AS or A Level courses in the Tendring district with exams being taken within the academic year, and are in year 11 or years 12 or 13, would be prioritised for a placement in the Tendring district.

Unfortunately the Council is unable to help with the cost of getting children to school, Essex County Council Education Department have an Education Transport policy and they may be able to offer advice. The link to the policy is provided below:

<https://www.essex.gov.uk/sites/default/files/2023-08/Education-Transport-Policy%2015.08.23.pdf>

Accommodation will not normally be deemed as unsuitable due to travel distance or requirements between the accommodation and the school(s) because due consideration would have been given to this and all other relevant factors, prior to an offer being made.

Employment – when making an offer of accommodation the Council will consider the needs of all members of the household who are in paid employment and the distance they are required to commute to reach their normal workplace from the accommodation that is being provided

Where practicable, any member of the household who is in employment they will not be placed more than a 90 minute commute, by public transport, from their place of employment. Consideration will also be given to the affordability of the travel arrangements needed to reach the place of employment, but unfortunately the Council is not able to help with the cost of travel.

Employment includes higher or adult education, vocational or professional training, a recognised apprenticeship, self-employment with a business registered within the Tendring district. This will also include women who are on maternity leave from employment.

It also includes any household members who have a confirmed start date to commence employment in the Tendring area.

Accommodation will not normally be deemed as unsuitable due to commuting distance or requirements between the accommodation and the usual place of work because due consideration would have been given to this and all other relevant factors, prior to an offer being made.

Furniture and goods – a household are unlikely to be able to take all of their belongings into temporary accommodation. Under section 211(1) and (2) of the Housing Act 1996, if someone is placed in temporary accommodation and there is a likelihood (not just that it is a possibility)

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of loss or damage to their personal property and they are unable to protect their belongings or make other arrangements to do so, the Council may have a duty to make reasonable steps to protect those possessions. The Council can make reasonable charges to do this.

The specified duties covered are section 188, section 189B, section 190, section 193 or section 195, and section 200. In all other circumstances the Council has a power and not a duty to take any steps that they feel are reasonable.

The Council's responsibility ends when it considers the belongings are no longer at risk because the household can protect them.

Pets – the Council does not have a duty to accommodate pets and is not able to accommodate pets in temporary accommodation. This doesn't apply if that pet is a registered guide dog or registered support animal and in these situations proof of registration will need to be provided. There is also no provision for accommodating non-domestic animals, but support will be provided to access appropriate re-homing options. Alternatively a household should arrange for their pets to be temporarily looked after by family, friends or a responsible agency.

Use of Caravans – Due to an increased demand for housing support along with a growing housing crisis, it has led to the Council considering unconventional solutions including the use of caravans on holiday sites. We will always ensure that any accommodation aligns with the criteria of suitability, and whilst a caravan is being used we will continue to find more viable alternatives.

Temporary Accommodation offers and refusals

As a general approach, temporary accommodation is allocated on the day that it is needed.

Consideration is given to the Code of Guidance which states that hotel accommodation is not to be regarded as suitable therefore this type of accommodation will only be used if no other accommodation is available.

Wherever possible, the Council will avoid placing the following households into hotel accommodation with shared facilities:

- Families with dependent children. The Council aims for all hotel placements to not exceed a period of 6 weeks, however, there may be exceptions to this if no other suitable accommodation options can be identified within the six week period.
- Pregnant women
- Young people aged 16-17 years of age - In the case of a 16-17 year old young person that is homeless and approaches the Council, they will be referred to Essex County Council's Children's Social Care so that appropriate accommodation and support can be provided as stated in their regulations under Section 17 of the Children's Act 1989.

Where the Council decides that households need to be provided with a temporary accommodation placement they will be made one offer of suitable temporary accommodation which should be accepted. They will be asked to accept it straight away, and under section 188 or under the Council's discretionary powers, there is no obligation upon the Council to enable clients to view the accommodation prior to acceptance.

In making the offer the household's individual circumstances will be considered taking into account any factors set out in this policy. All offers of temporary accommodation will have regard to the Public Sector Equality Act.

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There may also be occasions when it is necessary to move homeless households to another temporary accommodation placement to make best use of available resources. If the household refuses to move, this may result in the Council ending their duties.

Where a household's circumstances change after a temporary accommodation placement is made, the Council must be informed immediately so that a re-assessment can be made if required, and the household can be moved to alternative suitable accommodation if necessary.

The final decision on which accommodation a household is placed into will lie with the allocated Housing Solutions Officer and the Homelessness Accommodation Officer in accordance with this policy and the advice of the Housing Manager can be obtained, if needed.

If an applicant refuses an offer of temporary accommodation, or fails to take up occupation of the property under any duty (which may include out of area placements), they will be asked to provide reasons for their refusal. The reasons will be considered by their allocated Housing Solutions Officer and the Officer will undertake further enquiries as necessary.

If the accommodation is still considered to be suitable and the Council does not accept their refusal, no alternative temporary accommodation will be offered. The applicant would then need to decide whether to accept the offer or to source alternative accommodation for themselves.

For placements made under section 188 of the Housing Act 1996 applicants do not have the right to request an internal review of the Council's decision as to the suitability of the offer (although judicial review can be applied for). Homeless applicants can exercise their right to review the suitability of temporary accommodation placements once accepted as homeless under section 193 of the same Act. Under section 202 and within 21 days of being notified that the offer is suitable, a review request needs to be made, after this time the only remedy is through judicial review.

Homeless applicants who question the suitability of the temporary accommodation are advised to accept the offer that has been made, and pursue a review of the suitability of the accommodation whilst they are in occupation.

If the Council accepts the reasons for refusal and agree the offer was unsuitable, a further offer will be made.

For applicants where the Council has accepted a section 193 duty and the applicant refuses a suitable offer the applicant can request a review. The continuation of the accommodation placement will be considered on an individual basis taking into account the overall merits of the review request, any new information or evidence that may affect the original decision.

Upon accepting the offer, the applicant will be expected to agree to the rules set in place for the placement, and have the means to pay for the accommodation either from their own income or by making a claim for Housing Benefit.

Temporary Accommodation Agreements

All applicants must keep to the rules of the accommodation they are staying in and keep to the relevant tenancy conditions. Depending on the type of accommodation being offered, applicants will be required to sign to confirm their agreement to the following:

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- Specific rules relating to the accommodation
- A Licence agreement or
- A Temporary Non Secure Tenancy Agreement

The Council will serve the relevant Notice to end the stay if a household is found to be in breach of any part of the agreement they have signed.

The Council regularly visits the properties used for temporary accommodation to ensure they are suitable for our households and that standards are maintained. If a household is staying in a commercial hotel, a hostel or in accommodation managed by the Council, there is a requirement to sign a register to prove occupation.

If there are any safeguarding concerns about any households, the Council will request consent from the Police, Probation or other relevant agency to disclose relevant risk information to the accommodation providers prior to the placement being made. The accommodation provider is at liberty to refuse any placement.

Where an accommodation provider refuses to accept an applicant, the council will try other providers but there may be occasions when the risk presented by the client means that no providers will accept them. In this situation, the council will continue to seek temporary accommodation as required under legislation, but in doing so will also seek assistance from other agencies.

Temporary Accommodation Charges

Everyone who moves into any form of temporary accommodation will be expected to pay a nightly licence charge or a weekly rental charge, depending on the accommodation and their current circumstances. If a person is on a low income, it will be their responsibility to claim Housing Benefit or Universal Credit.

Households placed in temporary accommodation will have to make a financial contribution towards their housing costs whether they are working or are in receipt of benefits. In addition to the rental element, which may be covered by Housing Benefit or Universal Credit, this may include a contribution towards:

- associated charges such as utility bills and Council Tax. If needed, the household will be required to purchase their own TV licence.
- 'personal contribution or 'service charge' recoverable by the Council which usually covers accommodation charges that are not eligible for benefits.

In situations where a homeless household does not receive full Housing Benefit or Universal Credit due to eligibility, income or saving, the applicant will be responsible for paying the difference between their maximum benefit entitlement and the cost of the accommodation.

The allocated Housing Solutions Officer will advise all applicants of the charges that apply to the type of accommodation being offered.

If an applicant fails to pay any charges associated with the placement, they will be evicted and, depending on the circumstances, the Council may have no further housing duty towards them.

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Applicants are not allowed to make alterations to their temporary accommodation. If any part of the accommodation is damaged, other than fair wear and tear, or any items provided are removed from or damaged in the accommodation, they will be charged the cost of replacement or repair.

Challenges to the suitability of temporary accommodation

The Council always aims to offer suitable accommodation to the applicant at the first time of offer. Applicants who have any reservations about the suitability of accommodation being offered should initially discuss the matter with the officer managing their homeless application.

There is no statutory right to review the suitability of accommodation provided under the interim duty. If an applicant refuses a suitable offer of such accommodation they may not be owed any further accommodation duty.

The suitability of accommodation provided in performance of the main housing duty is subject to a statutory right to review. Applicants owed such a duty are advised in writing of this right and how to exercise it. If an applicant refuses a suitable offer of such accommodation they may not be owed any further accommodation duty under this section.

Breach of agreements relating to temporary accommodation

At the beginning of the placement, the applicant will have been notified about the consequences of breaching the terms of their placement.

In the event of a breach of the terms of placement, the Council will issue a verbal and written final warning to the applicant or a member of their household. If this is the first breach and not of the most serious nature then the placement (or an alternative placement) will not be ended. However, a final warning will be given explaining that a further breach will result in the termination of the placement. If following a final warning, a further breach is committed, the placement will be terminated and any duty or discretionary power offered by the Council is likely to end.

If the applicant's behaviour or that of a member of their household is extreme, for example physical violence, the placement may be ended immediately. If the placement is terminated any duty or discretionary power offered by the Council will then be ended.

Length of stay in temporary accommodation

The main aim of temporary accommodation is to provide short-term, emergency housing for those who need it. However, there may be situations where an applicant and their household are in temporary accommodation for a long time. While they are in temporary accommodation, the applicant is still required to look for private rented accommodation.

Initially an applicant will stay in temporary accommodation whilst the Council makes enquiries under section 188 of the Housing Act 1996 and provided the applicant complies with the requirements relating to the placement. When a decision has been made about the homeless application, their Housing Solutions Officer will advise them of the outcome of their application and advise them of the next steps.

If the Council's enquiries show that there is a main housing duty owed to the applicant but no accommodation is available for them to move into, they may need to remain in temporary accommodation until the Council can find longer term accommodation. Alternatively, the

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Council may move the applicant and their household to alternative temporary accommodation until a settled home is found.

In some situations the household may be moved to accommodation which is smaller than they need. This will be provided until a settled home is found.

If the Council is able to offer the applicant, a settled home this may be a:

- Council property
- Housing association property
- tenancy in the private sector

The Council is offered properties to rent from private landlords and they may match the applicant to a private rented property. This will represent a suitable offer and the Council's final offer of accommodation. The Council will then have discharged their duty to house the applicant and the temporary accommodation placement will be brought to an end.

Social housing is often viewed as a home for life. However, many housing associations now offer fixed term tenancies, which can range from two to six years in length. The tenancy will then be reviewed towards the end of the fixed term and, if the household's circumstances have changed, they may be asked to move out of the property at the end of the fixed term.

To be considered for social housing, an applicant will need to join the Council's Housing Register and their Housing Solutions Officer or the Allocations Team will advise how to make an application.

Full details of the Council's Allocations Policy can be found at [Revised Housing Allocations Policy -December 2019 \(003\).pdf \(tendringdc.gov.uk\)](https://tendringdc.gov.uk/Revised_Housing_Allocations_Policy_-_December_2019_(003).pdf)

The Council will work with other professionals and support agencies when providing support to a household in temporary accommodation. For example, the Council may contact health professionals to monitor the wellbeing of any children and offer advice regarding schools and local playgroups.

Storage of belongings

If an applicant is homeless and placed into temporary accommodation, they will be responsible for arranging the storage of their furniture and personal belongings if the temporary accommodation is not big enough to store everything. A household can arrange storage with a private storage company at their own expense, or perhaps friends or relatives may be able to help with storage.

Ending temporary accommodation placements

If the Council decides not to provide the applicant with housing (this is called 'not owed a main duty'), either because they are not eligible, not in priority need or because they became homeless on purpose (intentionally), they will be notified of the decision and given advice to help them secure other accommodation. They will also be given a reasonable period of notice to leave the temporary accommodation that has been provided for them.

The notice period will have regard to the need to safeguard and promote the welfare of any children in the household. If there are dependent children in the household, the cessation of

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temporary accommodation will always be notified to Essex County Council Children's Services for assistance under Section 17 of the Children's Act 1989

Where the Council decides homeless applicants housed under Section 189B of the Housing Act 1996 are not owed a main homelessness duty, they are not protected under the Protection from Eviction Act 1977 and do not have security of tenure.

The other circumstances in which applicants will be asked to leave temporary accommodation are:

- they find their own alternative accommodation
- they accept a private rented sector offer of accommodation
- they refuse a private rented sector offer of accommodation
- they accept a Part 6 offer of accommodation via the Council's Housing Register
- they refuse a Part 6 offer of accommodation via the Council's Housing Register
- the accommodation is lost due to a breach of the licence, tenancy agreement or other rules in place, for example because of rent arrears or antisocial behaviour.
- they become ineligible for housing assistance
- they voluntarily vacate the accommodation or fail to use the property as their only principle place to stay.

If the Council decides they do have a duty to provide the family with a property, the household will be helped to move to longer-term accommodation as soon as a suitable property becomes available.

When leaving temporary accommodation, the applicant and their household must remove all of their belongings on the day that they leave. If belongings are left in the accommodation, the Council will store them for no longer than 28 days and the cost of this storage will be recharged to the applicant. After this period of time, the Council will dispose of any belongings if it judged that its duty to protect them has ended and it has been unable to trace the household or if they have not been collected

Management and safety in temporary accommodation

All of the temporary accommodation used by the Council will be overseen by the Council's Homelessness Accommodation Officers. As well as regular contact with the accommodation providers, they will also carry out random weekly and monthly checks which will include;

- room inspections
- checks of internal communal areas
- health and safety checks

All of the multi occupancy temporary accommodation properties used by the Council have CCTV in place that monitors both external areas around the building, as well as internal communal areas. This CCTV is monitored by the accommodation provider who will notify the Council of any issues that may arise or in the case of an emergency, alert the police.

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Households in temporary accommodation must adhere to the rules that have been issued to them, or their licence agreement if issued. If residents do not adhere to the licence agreement or the rules in place, they will be issued with a warning letter. If the first warning is not adhered to they will be issued with an eviction notice.

However, the Council may also use immediate eviction powers in cases of serious antisocial behaviour or in situations where it is believed that other residents, members of the public, a contractor or our staff are at serious risk of harm. If the warning is issued because of a serious breach, for example: any form of verbal or physical abuse, an applicant and all members of their household will be asked to leave the accommodation immediately. Depending on the situation if they fail to leave either the Police, or a security company will be called by the Council to assist in the removal of those people.

If the allocated Housing Solutions Officer or Homelessness Accommodation Officer becomes aware of any safeguarding concerns, the Officer should immediately speak to a Senior Housing Manager or Housing Manager who will advise on the next steps.

Funding Temporary Accommodation

The costs of providing temporary accommodation is accounted for within the General Fund and this is subject to ongoing review and amendment to take into account any significant changes to legislation and/or operating environment.

Alongside the money committed from the Council's General Fund budget to fund homelessness services, funding has been awarded by Department for Levelling Up, Housing and Communities to support prevention and reduction of homelessness and rough sleeping.

Depending on the resources available, consideration will be given to increasing the portfolio of accommodation to meet expanding demands on current temporary accommodation

Monitoring and Resources

The Council continuously monitors the number of households in temporary accommodation to ensure that appropriate provision is available. This also ensures that budgetary pressures can be monitored and reported on.

In addition, the Council will also monitor the length of stays in temporary accommodation and the number of placements outside of the district.

The Council is also required to report on its bed and breakfast usage to the DLUHC and to work towards a plan to work towards the elimination of bed and breakfast accommodation.

Equalities statement

The Council recognises that it delivers its homelessness services to communities within which there is a wide social diversity, and is committed to providing equal opportunities and valuing diversity.

Through the management of its homelessness service, the Council and its partners or agents will treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

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Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable.

The Council will tackle inequality, treat people with dignity and respect and continue to work to improve services for all service users

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimization and to advance equality of opportunity and foster good relations between people with differing characteristics

To enable customers to have clear information and equal access to our repairs and maintenance service information will be made available in a range of appropriate languages and formats, when requested.

Help and Advice

Independent housing advice is provided through Shelter England and locally through specialist support agencies and the Council are able to signpost and refer people to these services on request.

The National Debtline provides free confidential and independent advice on how to deal with debt problems. They can be contacted on 0800 808 4000 or via their website www.nationaldebtline.org which provides information and advice on debt and about the service. Callers do not have to give their personal details and can remain anonymous if they wish.

<https://www.summitservices.org.uk/> advocate for residents in our local area who may be living with a mental health illness or long-term health condition.

<https://www.cvstendring.org.uk/> Community Voluntary Services Tendring

<https://www.peabodygroup.org.uk/our-work/care-and-support/outreach-services/> provide one-to-one support, advice and information to help with a range of issues, including housing and welfare, wellbeing, debt and isolation. They work closely with specialised agencies to connect people to services that work for them

<https://healthwatchessex.org.uk/> can help people access, understand, and navigate health, social care and wellbeing services in Essex.

<https://www.thenextchapter.org.uk/> offer free and confidential services to support people who are currently experiencing or have previously experienced domestic abuse.

<https://www.phoenix-futures.org.uk/> Phoenix Futures is dedicated to helping individuals, families, and communities recover from drug and alcohol problems

Complaints

If for any reason an applicant is not satisfied with the service that has been provided, they can make a complaint in accordance with the Council's Housing Complaints Policy. This can be viewed via the link below

<https://www.tendringdc.gov.uk/how-make-complaint-about-council-landlord>

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Review of Policy

The Policy will be monitored and reviewed on an annual basis or more frequently as changes in legislation or regulation dictate.

Changes will be made to the document under the authority delegated to the Corporate Director (Operations and Delivery) in consultation with the Portfolio Holder responsible for Housing.



DEPOSIT GUARANTEE POLICY

January 2024



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TENANCY DEPOSIT GUARANTEE POLICY

Introduction

Tendring District Council's Tenancy Deposit Guarantee Policy aims to help those who are homeless or threatened with homelessness to move into privately rented accommodation. It does this via a written agreement – a Deposit Guarantee - rather than the cash deposit usually required to secure the tenancy of a property.

We hope this initiative will encourage local landlords to take part and so make more private rented accommodation available to meet housing needs.

Where the context so admits the expression “Landlord” also includes the Landlord's duly authorised letting agent

What is a Tenancy Deposit Guarantee ?

A Tenancy Deposit Guarantee is not a transfer of cash. It is a written and legally binding agreement between the Council, the tenant and a landlord. It replaces the upfront cash deposit that is normally required by landlords to cover the cost of any damage to their property or any rent owed when a tenant moves out.

The agreement will protect participating landlords against damage and can represent up to the equivalent of one and a half months' rent against any rent arrears or damage that may be used to the property by the tenant. Acts of theft, administration fees or outstanding bills are not covered, nor is fair wear and tear.

The Tenancy Deposit Guarantee agreement replaces the need for landlords to use a Tenancy Deposit Scheme to protect and ensure any deposits paid can be refunded.

The Council's Tenancy Deposit Guarantee Policy also includes, for eligible applicants the Council providing finance to cover one month's rent's in advance where this is required.

Who is eligible for a Tenancy Deposit Guarantee?

To be eligible for the Tenancy Deposit Guarantee, applicants must:

- be homeless or threatened with homelessness; and
- be working with the Council's Housing Solutions team to resolve their homelessness; and
- not have access to sufficient funds to pay for a deposit or bond on a property

An applicant will not be considered for the scheme if:

- they owe a substantial amount of rent arrears to a landlord in connection with a tenancy during the last three years and / or we have been made aware of anti social behaviour issues in relation to a previous tenancy; or
- they are failing to maintain the condition of any temporary accommodation provided; or
- the Council has concerns about an individual's ability to maintain a tenancy independently; or

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- they have previously used a Tenancy Deposit Guarantee within the last 12 months; or
- they owe the Council money from a claim against a previous Tenancy Deposit Guarantee

What properties are covered by the Tenancy Deposit Guarantee ?

Any property is accepted onto the scheme provided that:

- the rent demanded is reasonable;
- the property meets all necessary safety standards and is in a decent condition. It should be free from Category 1 or significant Category 2 hazards under the Housing Health and Safety Rating System (HHSRS)
- if the property is mortgaged, the mortgagee has granted permission to let the property;
- if the property is leasehold, the freeholder has granted permission to sublet the property

How does a tenant find a suitable property?

It is an applicant's responsibility to find a suitable property to rent and a landlord willing to accept a Tenancy Deposit Guarantee from the Council. Information on available properties can be obtained from local estate agents or letting agents, social media, friends and family. The property can come from any source as long as it meets the requirements set out in this policy.

The Council will also provide eligible potential tenants with the contact details of any landlords that it considers may be of assistance.

Once an applicant has found a potential landlord and has reached an agreement in principle regarding the tenancy, they will need to inform their Housing Solutions Officer. They will then be asked to provide details about the property, its condition, type, size, location and general amenities. They will also be asked questions relating to its suitability and affordability for them.

What standards apply?

Before completing the Tenancy Deposit Guarantee agreement and prior to the tenant moving in, the Council must be provided with:

- valid gas and electrical safety certificates
- current Energy Performance Certificate
- inventory and / or photographs showing the condition of the property
- copy of the buildings insurance policy relating to the property

The Council will also carry out a number of checks to make sure that the property is affordable, safe and meets our minimum property condition requirements. This may involve an inspection by a Council officer.

If the property is a House in Multiple Occupancy (HMO), the Council will check with its Private Sector Housing team to ensure the correct licence is in place, if required.

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A Tenancy Deposit Guarantee will be invalid if:

- the tenant (or any of them) has moved into the property before the agreement has been issued and signed and/or
- the Council has not received a copy of the Tenancy Agreement and the Tenancy Deposit Guarantee agreement, signed by both the landlord and tenant

If a landlord has found someone willing to rent their property and who already has a homeless application, it is important that the landlord contacts the Council before letting them move in.

The selection of tenants remains the landlords responsibility. However, the Council is keen to ensure that there are sufficient properties available to let in the private rented sector and is able to offer advice or assistance to the landlord throughout the term of the tenancy.

What costs are covered under the Tenancy Deposit Guarantee Policy?

A landlord may claim for the following costs after the tenancy has ended:

- Rent arrears during the tenancy, up to the maximum amount shown on the Tenancy Deposit Guarantee Agreement or
- Repair or clearance costs caused by the tenant's neglect, up to the maximum amount shown on the Tenancy Deposit Guarantee Agreement

How does a landlord make a claim?

The tenant will be expected to conduct their tenancy in a responsible manner and not breach the terms of their tenancy agreement.

If the tenancy has not been conducted satisfactorily, a landlord can make a claim against the deposit guarantee scheme at the end of the tenancy.

If the landlord wishes to make a claim, they must notify the Council within three working days of them first becoming aware that the tenant has vacated the property. This should be done by emailing landlordservices@tendringdc.gov.uk

Any claim made after this timescale is unlikely to be accepted by the Council, unless there are exceptional circumstances.

A claim should be supported by a copy of the Tenancy Deposit Guarantee Agreement and the landlord's written statement detailing what the claim is for and the amounts involved.

Where the claim is for non-payment of rent, a full statement of the rent account must be provided to the Council, together with copies of all supporting correspondence to show exactly how the claim is arrived at.

Where the claim is for damage to the property, photographs and full written particulars must be provided which clearly show the condition of the property on vacation by the tenant. The landlord must send the Council full details of any necessary repairs or clearance costs and must give a reasonable opportunity for the Council to inspect the premises, if necessary.

All claims for damages must be supported by copies of the invoices provided by the person undertaking the work. Reimbursement for labour costs will only be made if a qualified and registered tradesman has undertaken the work and has provided a business invoice. If the

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landlord/landlady has undertaken the work themselves, where they are competent and legally able to do so, only costs for materials will be reimbursed.

The landlord may be asked to provide additional evidence and, in these circumstances, this should be provided within five working days of the request being received.

What happens when a claim is made?

Where the tenant's current address is known, the Council will inform them that a claim has been received and they will be given a reasonable opportunity to comment.

In the event of any dispute concerning the settlement of any claim received, the Council will act as a fair and impartial arbitrator and will make the final decision.

If the Council has to settle the claim in accordance with the Tenancy Deposit Guarantee Agreement, the cost will be held as a debt in the tenant's name. The tenant will be sent an invoice to repay the amount claimed by the landlord, which may include other reasonable expenses incurred by the Council.

If the tenant fails to pay the amount owed, further action will be taken in accordance with the Council's Recharge Policy.

Any debt that remains unpaid may adversely affect any future application for housing that the tenant may make.

Equalities statement

The Council recognises that it delivers homelessness services to communities within which there is a wide social diversity, and is committed to providing equal opportunities and valuing diversity.

Through the delivery of the homelessness service, the Council will treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable. The Council will work to tackle inequality, treat people with dignity and respect and continue to work to improve services for all service users

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimization and to advance equality of opportunity and foster good relations between people with differing characteristics

To enable customers to have clear information and equal access to our repairs and maintenance service information will be made available in a range of appropriate languages and formats, when requested.

Measuring Quality and Performance

The Council is committed to ensuring that its homelessness prevention activities are delivered to a high standard, providing high levels of customer satisfaction and value for money. To make sure that we do this, we monitor the following each year:

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- Number and total cost of Deposit Guarantee Agreements entered in to
- Number and total cost of Rent in Advance payments made
- Number and total cost of claims made against Deposit Guarantees
- Number and total cost of claims that are accepted by the Council
- Number of former tenants recharged by the Council in connection with claims accepted
- Total amount of money recovered from former tenants and as a percentage of that recharged.

Complaints Procedure

The Council's Housing Complaints Policy is also available to any resident who is dissatisfied with any decision made in accordance with this policy.

Further information can be obtained from the Council's Housing Complaints Policy.

Review of Policy

The Policy will be monitored and reviewed on an annual basis or more frequently as changes in legislation or regulation dictate.

Changes will be made to the document under the authority delegated to the Corporate Director (Operations and Delivery) in consultation with the Portfolio Holder responsible for Housing.

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Appendix 1

Example of a Deposit Guarantee Agreement

THIS AGREEMENT WILL BE INVALID IF A SIGNED COPY IS NOT RETURNED TO THE COUNCIL BEFORE THE TENANT MOVES IN

Date of Tenancy Agreement:

Period of Tenancy:

A DEPOSIT GUARANTEE AGREEMENT ("this Agreement") between :

(1) (tenant)

(2) TENDRING DISTRICT COUNCIL of Town Hall, Station Road, Clacton-on-Sea, Essex CO15 1SE ("Council")

(3) (' Landlord")

1. In this Agreement

The "Letting Agent" acting on behalf of the Landlord for the purposes of this Agreement

"Property" means...

Where the context so admits the expression "Landlord" also includes the Landlord's duly authorised letting agent

If the Tenant is more than one person, the Tenant's obligations and legal liability to the Council under this Agreement are both joint and several

2. The Landlord has agreed to grant an assured shorthold tenancy of the Property to the Tenant under a written tenancy agreement between (1) the tenant and (3) the landlord

3. The Council has agreed to provide a deposit guarantee to the Landlord on the terms set out below to enable the Tenancy to be granted because the Tenant has insufficient funds to pay the initial deposit under the Tenancy

4. The deposit guarantee by the Council under this Agreement will be invalid if (a) the Tenant (or any of them) has moved into the Property before the agreement has been issued and signed and/or (b) the Council has not received a copy of the Tenancy Agreement and the Deposit Agreement, signed by the Landlord and the Tenant

5. Without detracting from paragraph 4 above, this Agreement will continue to have effect in where further tenancies of the Property are granted to the Tenant even where an assured shorthold tenancy becomes a periodic tenancy and continues on a month by month basis

6. Subject to the Landlord's obligations to the Council set out in paragraph 9 below, the Council will pay the Landlord a total sum up to but not exceeding £ in aggregate for financial loss caused to the Landlord by the Tenant's non-payment or rent or damage to the Property (fair wear and tear excepted) in breach of the tenancy

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7. The Tenant agrees with the Council that the Tenant will forthwith repay to the Council on demand any monies paid by the Council under this Agreement (whether to the Landlord and/or the Landlord's Letting Agent) together with any reasonable expenses and the costs of any legal proceedings incurred by the Council in or towards such recovery

8. The Tenant further agrees with the Council that Clause 7 shall continue to apply and the Tenant shall remain liable there under if the Tenant or any of them accepts an offer of re-housing by the Council without first ensuring that all those involved on behalf of the Council in making the said offer of re-housing are advised that the Council has provided a rent deposit under this Agreement

9. The Landlord agrees with the Council that:

9.1 the Landlord will as soon as reasonably practicable after first becoming aware that the Tenant has vacated the Property notify the Council of any claim under this Agreement together with sufficient supporting documentation and other evidence as the Landlord may reasonably require to prove in court its claim against the Tenant for reimbursement

9.2 where the claim is for non-payment of rent, a full statement of the rent account and of all arrears and non-payments must be provided to the Landlord together with copies of all supporting correspondence to show exactly how the claim is arrived at

9.3 where the claim is for damage to the Property, photographs and full written particulars must be provided which clearly prove the state and condition of the Property on vacation by the Tenant and the state and condition immediately prior to the Tenancy or during the Tenancy before the damage occurred

9.4 claims must be notified to the relevant responsible officer of the Council by telephone in the first instance within 2 working days of the Landlord first becoming aware

9.5 all other supporting evidence must be submitted to the Council within 5 working days of the Landlord first becoming aware

9.6 all written evidence and photographs submitted to the Council must be verified and supported by the certificate and written statement of the Landlord duly signed by an authorised person who states their full names, address occupation and qualifications.

9.7 the Landlord must provide any reasonable additional evidence which the Council requests immediately on request

9.8 Where practicable and if their current address is then known to the Council the Tenant will be notified of the information provided to the Council under this paragraph and be given a reasonable opportunity to comment

10. The Landlord agrees with the Council to be bound by whatever decision the Council then makes regarding the Landlord's claim except only in the case of manifest unreasonableness

Signed _____ by _____ the
Tenant.....Date.....

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Signed on behalf of Tendring District Council..... Date.....

Signed by or on behalf of the Landlord..... Date.....

By (full names).....

Company or organisation (if signed by Letting Agent).....

Address.....

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Tendring
District Council

HOMELESSNESS PREVENTION POLICY

January 2024



A.5 APPENDIX C

Tendring District Council is committed to delivering an effective, efficient and empathetic service for households who are or who are threatened with homelessness, with the aim of preventing homelessness and the recurrence of homelessness.

This policy sets out the actions that the Council will take to prevent and alleviate homelessness and outlines the assistance offered to those who are threatened with or who are actually homeless.

Purpose of this policy

The purpose of this policy is:

- To provide clear information about the services and assistance provided to prevent homelessness
- To ensure a service that treats people with respect, dignity and compassion at all times
- To comply with the statutory requirements, legislation and good practice relating to homelessness prevention.
- To improve customer understanding and satisfaction with the homelessness prevention services provided
- To set out how the Council will work in partnership with a range of stakeholders to prevent and alleviate homelessness
- To ensure staff training is provided and that staff are equipped to carry out the roles expected of them.

Legal and regulatory context

There are legislative and regulatory requirements that apply to the homelessness services provided by the Council. These include (but are not limited to):

- Housing Act 1996

Part 7 of the Housing Act 1996 is the primary homelessness legislation and this sets out the local authority's duties to prevent homelessness and provide assistance to people homeless or threatened with homelessness

- Homelessness Act 2002 and Homelessness (Priority Need for Accommodation (England) Order 2002

These amended existing legislation to ensure a more strategic approach to tackling and preventing homelessness, in particular by requiring every housing authority to have a homelessness strategy. They also strengthened the assistance available to people who are homeless or threatened with homelessness by extending the priority need categories.

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- Homelessness (Suitability of Accommodation) (England) Orders 2003 and 2012

The Homelessness (Suitability of Accommodation) (England) Orders outlines the factors that should be considered when deciding whether accommodation is suitable

- Children's Act 2004

Section 11 of the Children's Act 2004 provides that, in carrying out its functions, a local authority must have regard to the need to safeguard and promote the welfare of children.

- The Homelessness Code of Guidance for Local Authorities

This provides guidance on how housing authorities should exercise their functions relating to homelessness and threatened homelessness and apply the statutory duties in practice.

- Equality Act 2010

The Equality Act 2010 provides protection from unlawful discrimination in the provision of goods, services and public functions, housing, transport and education in relation to the protected characteristics set out in the legislation.,

The public sector equality duty set out in this legislation requires public authorities, including housing authorities, to integrate equality considerations into the decision-making process from the outset, including in the development, implementation and review of their policies and services. This includes policies and services relating to homelessness and threatened homelessness.

- Localism Act 2011

This legislation enabled local authorities in England or Wales fully to discharge the main homelessness duty to secure accommodation with an offer of suitable accommodation from a private landlord, without requiring the applicant's agreement. Tenancies must be for a minimum fixed term of 12 months.

- .Homelessness Reduction Act 2017

This legislation significantly reformed England's homelessness legislation by placing duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'.

- Domestic Abuse Act 2021

This amended the 1996 Act to strengthen the support available to victims of domestic abuse. The Act extends priority need to all eligible victims of domestic abuse who are homeless as a result of being a victim of domestic abuse. The 2021 Act brings in a new definition of domestic abuse which housing authorities must follow to assess whether an applicant is homeless as a result of being a victim of domestic abuse.

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Definition of homelessness

The legal definition of homelessness is that a household has no home in the UK or anywhere else in the world available and reasonable to occupy.

The following housing circumstances are examples of homelessness:

- street homeless
- hidden homeless
- have been illegally evicted
- are living in accommodation that is unaffordable, unfit, overcrowded, are experiencing domestic abuse or threats of domestic abuse, and other exceptional circumstances
- are at risk of becoming homeless due to parents/family/other no longer willing or able to accommodate, leaving care, prison, the armed forces or escaping domestic abuse)
- have been served a valid notice to quit their tenancy by their landlord

All local authorities have a duty to ensure advice and information is available, free of charge, to any household about preventing homelessness, finding a home, rights when homeless and the help that is available locally.

Any adult, or child aged 16-17, who believes they are homeless or threatened with homelessness, is entitled to make an application for assistance to any local authority

A household who usually lives in the UK and has a right to enter and remain in the country without any restrictions, is normally eligible for assistance

Preventing homelessness

Housing authorities have a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality and whether they have a local connection) who is threatened with homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live before they become actually homeless. The prevention duty continues for 56 days unless it is brought to an end by an event such as accommodation being secured for the person, or by their becoming homeless

There are various reasons why people lose their home or face the threat of homelessness. Examples include landlords wanting to sell their properties, loss of employment, reduction in income, relationship or family breakdowns, domestic abuse, violence from outside the home or the onset of mental health and other life changing medical conditions.

Preventing homelessness is the most effective, appropriate and sustainable housing outcomes for the person or persons concerned and this follows a competent and person-centred assessment of the risks.

The approaches and activities that are undertaken aim to:

- To minimise personal trauma associated with homelessness
- To prevent personal and social problems caused by homelessness
- To create individual and community resilience

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Whilst prevention activities incur a financial cost, it will almost always be more cost effective for the Council and their partners to proactively intervene before homelessness occurs.

The Council will ensure that the homelessness prevention work it undertakes is carried out effectively and efficiently through the following methods:

- By providing all who make a homeless application with a targeted personal housing plan regarding their housing options
-
- By securing long term accommodation for qualifying homeless people as quickly as possible

Homeless prevention can be achieved through:

- Early intervention work – where a household is identified as being at risk of homelessness and services are provided to support them before problems or disputes escalate
- Pre-crisis intervention work – which can involve advice, mediation, negotiation with landlords and targeting services at the risk points that have been identified. For example: risks after leaving the armed forces, the care system or prison
- Preventing repeat homelessness – this is through tenancy sustainment work whereby problems and risks identified - cannot be resolved through housing alone and other support is needed

Homelessness prevention is not an alternative to addressing a housing need and will not be viewed as an opportunity to deny people their rights under the homelessness legislation.

Homelessness vulnerabilities and risk factors

There are many factors that increase vulnerability to those facing homelessness and the Council adopts a partnership and multi-disciplinary approach to tackling prevention work.

Below are some examples of indicative risk and vulnerability factors that the Council's Housing Solutions team have come across, although it is not a definitive list:

- Relationship breakdowns which can be with partners or between parents and young adults
- Lack of social networks
- Lack of self-care, coping, hoarding or employability skills
- History of institutional care which can include periods in prison, service in the Armed Forces, looked after children and care leavers
- Insecurity of tenure for example: Armed Forces accommodation, being in care, accommodation tied with employment
- History of anti-social behaviour or offending behaviour
- Domestic abuse or other forms of abuse or assault as an adult or child
- Learning disabilities or literacy and numeracy difficulties
- Physical disabilities or mental health problems
- Substance misuse issues
- Bereavement
- Debt
- Reductions in income
- No rights to public assistance

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- Previous homelessness as part of a homeless family or as a child
- Rent or mortgage arrears
- Impending eviction or repossession action
- History of, or current, neighbour complaints
- Experiencing harassment or feeling unsafe in the area a household lives in

There are also resilience and protective factors which can mitigate against the risks. Those factors can include:

- Supportive friends or family
- Strong social networks
- Appropriate support services
- A property being owned outright or with positive equity
- Savings or access to financial help
- Competent advice and advocacy
- Stable employment or having employability skills
- Personal empowerment
- Self-esteem and confidence
- Positive attitude and good mental health

The term 'multiple and complex needs' has various definitions. For the purposes of this policy it applies to people who are vulnerable to homelessness for a range of reasons, including, but not limited to:

- Mental ill health
- Substance misuse
- Challenging behaviours
- High risk and hard to reach
- Other combinations such as age and transitions – young and older people, or living in poverty, poor housing or poor environments

Homelessness Prevention Activities

Early Intervention work

This work involves identifying those at risk of homelessness and making sustained and effective interventions at the early stages. The Council and its partners aim to prevent homelessness from occurring or recurring whenever possible.

The Council stresses the importance of early intervention work in managing rent arrears, and the Council's aim is to resolve debt issues at an early stage for all tenancies. This includes the Council's own tenants, and the Council will offer signposting to partner agencies and support to those tenants who need it to manage their tenancy.

The key principles to early intervention work are:

- To reduce inequalities
- To identify those at risk of not achieving their potential and taking action to prevent that risk materialising
- To make sustained and effective interventions in cases where these risks have materialised
- To build the capacity of all individuals, families and communities to maximise their life chances, making use of quality, accessible public services as required.

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Partnership Working and Signposting

The Council recognises that homelessness prevention activity is important and can make a difference across many factors in relation to health, education, child protection, community safety, employability and community engagement. This information is replicated in the tailored personal housing plans that are issued as part of a homeless application.

The Council also recognises that effective and sustainable homelessness prevention is a corporate responsibility rather than for housing services alone. The Council is committed to ensuring knowledge is embedded across the whole organisation, along with effective activity with other organisations and services working in tandem.

The Council has established close links with other organisations and agencies to prevent homelessness. Examples of this are through establishing joint working groups, and links with housing providers to maximise the supply of properties allocated through our housing register.

Housing Solutions Team

The Housing Solutions Team is part of the Housing and Environmental directorate within Tendring District Council and can make a valuable contribution to the prevention of homelessness.

It is a statutory service that complies with the Housing Act 1996 and the Homelessness Reduction Act 2017 to provide housing support services to households who are homeless or at risk of being made homeless.

People accessing the service are encouraged to have a full housing assessment and this will include consideration of all options open to them. The team work to prevent homelessness through early intervention work, pre-crisis support and tenancy sustainment. The team is essential in assisting the Council to meet its statutory housing duties and prevent homelessness.

The support that the team offers can include:

- Help to find and keep accommodation
- Help to keep accommodation safe and secure
- Mediation between tenants/landlords, family and partners
- Help with arranging adaptations to enable a person to remain or return to their home
- Advice and assistance with personal budgeting and dealing with debts
- Signposting to agencies for support with employment, drug and alcohol use, assistance to engage with individuals, advice or settlement into future accommodation, advice or assistance in helping individuals to move.

It is recognised that, whilst some people may need short-term support until they feel able to cope independently, there will be some people who require long-term support.

The Housing Solutions Team is focussed on building skills, confidence and empowering people so that they can manage themselves and their accommodation as much as possible. This might mean making short term plans with people whereas others will benefit from focused longer term work.

People accessing the service will be asked to complete a homelessness application and provide documentation to show the risk of homelessness, along with a form of identification

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for each member of the household. They will then receive an appointment for a full housing assessment with a Housing Solutions Officer and will be asked at that point to provide a wider range of documentation to not only show the risk of homelessness, but also any other factors associated with that person or household. As the team provides a generic service, this officer will be allocated to the person from the start of their homeless approach through to the end.

When people have an assessment with the Housing Solutions Team, the outcome they wish to have is to not just have advice, but a home or a resolution to their current housing situation. It is important to be able to manage these expectations and to be clear about the broader outcomes from receiving advice, an understanding of the housing market along with the rights, responsibilities and actions associated with resolving a problem.

The allocated Housing Solutions Officer will assist the person to understand the range of potential options available to them based on their personal circumstances. Following this assessment each applicant will be issued with a personal housing plan which offers tailored advice based on their particular situation.

The Housing Solutions Team will provide:

- Person centred and tailored advice
- Privacy and confidentiality
- A genuine and accurate attempt to diagnose the situation
- Options
- Referrals to partner agencies and follow-up action
- Redress to users of the service

Personal Housing Plans

Housing authorities have a duty to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness. This will identify what has caused the homelessness or threat of homelessness, the housing needs of the applicant and any support they need in order to be able to secure and retain accommodation.

Following this assessment, the housing authority must work with the person to develop a personalised housing plan which will include actions (or 'reasonable steps') to be taken by the authority and the applicant to try and prevent or relieve homelessness.

The Housing Solutions Team will help people to understand the full range of options available to them by offering them tailored advice which will be written into their personal housing plan. The personal housing plan is based on their personal circumstances and will include appropriate advice and assistance on a realistic assessment of their particular needs.

Other care and support needs that are identified as part of the full housing assessment will also be included in this document.

Allocation of Social Housing

Homelessness and a housing crisis can be avoided when people can easily apply for, and obtain, social housing. There does however have to be an understanding of waiting times and the lack of social housing, and depending on the size of property and area there may be significant demand for each property which becomes available.

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The Council operates a Housing Register in line with our revised Allocations Policy – December 2019 and a copy of this is available on the Council's website www.tendringdc.gov.uk .

The Housing Register is a single online application form for anyone aged 18 years or over, though support can be given by the Allocations Team to anyone who is unable to access the online application. The Council operates a priority allocation system based on an assessment of housing need, and properties are allocated through a shortlisting process.

We encourage current social housing tenants to resolve their housing need through mutual exchanges managed via the Homeswapper website. This website can be accessed by visiting www.homeswapper.co.uk. Alternatively existing social housing tenants can apply for a transfer where their home no longer meets their needs, for example: if they wish to downsize to a smaller property.

House Share & Lodging

Lodging in someone else's home is recognised as being a positive and affordable housing option for some people, and friends sharing a private rented property can be a good way of securing affordable housing. Both situations are particularly positive for people under the age of 35 who struggle to find affordable accommodation.

For home owners and tenants, taking in a lodger can help to maximise income and reduce housing related outgoings for them.

The Council will, in certain circumstances and after making thorough investigations into the suitability, accept house shares as a resolution to preventing homelessness. Mediation will be offered at the start of the tenancy or at any change in the household, as a means of reducing the risk of disputes or problems during the tenancy.

Private Rented Sector

Good quality, affordable private rented housing can be vital in preventing homelessness. The Council continues to work with private landlords to raise standards by providing advice and information on their rights and responsibilities, including the mandatory licensing of housing in multiple occupancy and requiring the property to be in a good state of repair.

The Housing Solutions Team offer landlords a dedicated email address where they can send details of properties that they want help to find tenants for, or request support. The email address for this service is landlordenquiries@tendringdc.gov.uk

It is stressed that the advice provided does not constitute legal advice and landlords would be encouraged to seek independent legal advice ahead of taking recovery or other action..

The Council also arranges an annual Private Sector Landlords Forum

Tenancy Deposit Guarantee Policy

The Council has a Tenancy Deposit Guarantee Policy. This uses a written and legally binding agreement between the Council, the tenant and a landlord to replace the upfront cash deposit that is normally required by landlords to cover the cost of any damage to their property or any rent owed when a tenant moves out.

Further information is included in our Tenancy Deposit Guarantee Policy.

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Pre-crisis Intervention

If the Council become aware of potential homelessness at a relatively late stage, pre-crisis intervention can still have an impact and prevent homelessness, and in particular prevent rough sleeping from occurring.

Pre-crisis intervention can take the form of advice services, mediation/relationship/family support and signposting, negotiation with landlords to avoid imminent loss of home and more targeted signposting to services with known risk points such as armed forces, prison or leaving the care system.

Landlord Action and Eviction Orders

Tenants may occupy a property to which they hold a tenancy until such time as a Possession Order is obtained to bring that tenancy to an end and the Council will support this right.

Where a person has applied for homelessness assistance because they are being evicted from their current accommodation, the Housing Solutions Team will make every effort to negotiate with the landlord to try and prevent the eviction taking place.

If the landlord has the right to end the tenancy, and has followed the correct procedure, the Housing Solutions Team will advise the tenant of this. We will also advise them of their rights in relation to the homeless legislation and that we intend to contact the landlord to determine if there are any options to negotiate the continuation of the tenancy. As an example, if there are rent arrears, would the reduction of the arrears and the provision of support to ensure ongoing regular payments, mean that the landlord would consider allowing the tenant to remain.

If the landlord has the right to end the tenancy but has not followed the correct procedure, the Housing Solutions Team will advise the tenant of their rights to remain in the property until such time as the correct procedure has been followed. We will also contact the landlord to advise them of their responsibilities, and advise them to seek their own legal advice.

Tenants can occupy a property to which they hold a tenancy until such time as an eviction order is obtained to bring that arrangement to an end. Where a tenant holds an assured short hold tenancy the Housing Solutions Team will support this right.

Domestic Abuse Services

In these circumstances, it is not always possible to prevent homelessness, although safety measures and additional security put in place at the property will be discussed with the person.

Tendring District Council is committed to tackling both the cause and effect of domestic abuse, and to identify ways in which to prevent domestic abuse, and where this is not possible, to protect its victims. We aim to protect and support those who experience, or are affected, by domestic abuse and to support and develop a range of services for those who have experienced domestic abuse.

The Housing Solutions Team has a specialist domestic abuse officer within the team who specialises in all approaches from men or women fleeing any form of domestic abuse. The officer will work closely with all domestic abuse support agencies, GP's and the Police and

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also support people whilst they obtain legal advice or court orders to secure their right to remain within the family home .

The Council will make every effort to prevent homelessness for people suffering domestic abuse, and when the person has made a decision to move home, we will seek to make offers of settled housing as quickly as possible.

Sanctuary Schemes are a multi-agency initiative that aims to enable households at risk of domestic abuse to remain in their own homes and reduce repeat victimisation through the provision of enhanced secure measures and support. The Council offers this initiative to those people under any tenancy tenure or risk level, and will work closely with other social housing providers to ensure support for their own tenants.

The Council will offer support to minimise the impact of a relationship breakdown or family homelessness on any children in the household. The Southend, Essex and Thurrock Child Protection Procedures are detailed guidelines and instructions and will be referred to if there are any concerns about the welfare or safety of children in the household.

Multi Agency Risk Assessment Conference (MARAC)

Tendring District Council is part of the MARAC. MARAC is a national approach where information is shared amongst agencies on the highest risk domestic abuse cases.

By bringing all agencies together at a MARAC, and ensuring that whenever possible the voice of the victim is represented, a co-ordinated safety plan can be drawn up to support the victim.

Mental Health

People with mental health problems ranging from and including people with mild to moderate mental health conditions, such as depressive illness to a diagnosis of a personality disorder, are at increased risk of homelessness.

The Council will aim to work with support agencies to identify people with mental health problems who are at risk of homelessness, as early as possible and undertake a shared assessment where required.

Adaptations

The Housing Solutions Team work closely with the Councils Disabled Facilities Team and external Occupational Therapist to establish whether alterations and adaptations can be installed to assist in preventing avoidable homelessness and also allowing people to remain in their current home.

Rough Sleepers

The Council currently has a three-year contract with Anglia Care Trust for the provision of Homeless Early Intervention and Support Services. This was entered into in September 2022, following a tender exercise, and using funding previously awarded from the Rough Sleeper Initiative as part of a collaborative bid by Essex County Council on behalf of Essex authorities

The purpose of this contract is:

- To provide intensive support to people sleeping rough along with people who are 'sofa surfing' because they could potentially be at risk of sleeping rough.

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- To provide intensive support to people who are sleeping rough in order to find accommodation in the Tendring area if this is their home area, or locating back to their home area if it is outside of our District.
- To support and engage the people with the local community and employment opportunities, support them to access benefits and medical services along with any other services that they need.
- If appropriate, to attend any appointments with them and provide support around these.
- To be a positive influence and support for the person.
- To assist with deposits and rent in advance where there is a need to assist in securing suitable accommodation. Separate funds will be provided for this from a Discretionary Housing Payment or Homeless Prevention Fund, made available from the Housing Solutions Team.
- To continue to work with the person for a period sufficient enough to settle them into their new homes and ensure all services/utilities/furniture, etc. are in place.

Floating Support

A floating support service commissioned by Essex County Council is run by Peabody and accessed through direct referral or via the drop in service. This free service gives housing related support including:

- Maintain tenancies and prevent homelessness
- Liaise with landlords over issues such as rent arrears and repairs
- Budgeting
- Manage debt
- Maximise welfare benefits

Hospital Discharges

An Essex- wide Hospital Discharge Protocol has been developed and is in place for the involvement of all relevant agencies in pre-discharge assessments and the formulation of after-care plans.

The overall purpose of the Protocol is to:

- Reduce delayed transfers of care in Essex hospitals and to reduce the length of stay for patients where accommodation is a barrier to discharge
- Reduce the number of unplanned referrals to Essex Local Housing Authorities for patients recently discharged from hospital
- Reduce the health inequalities among homeless patients.

Pre-discharge discussions are vital, particularly where individuals may be reluctant to reveal any housing difficulties for fear these could delay their discharge.

Where accommodation is already available, checks by the health professionals and will be undertaken to make sure that it is still suitable (for example for a person who has become physically disabled) or that support services are in place.

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The Housing Solutions Team comply with the protocol and in all instances, should be notified of a potential homelessness situation at the earliest possible point, preferably upon admission to hospital, so that early intervention work can start straightaway.

[Essex Homelessness Hospital Discharge Protocol.pdf \(tendringdc.gov.uk\)](#)

Leaving Prison

Many prisoners do not have secure accommodation available on their release making it less easy for them to integrate successfully into the community increasing the risk of both homelessness and re-offending.

An Essex Prison Release Housing Protocol is in place. This protocol is an agreement between The Probation Service, Essex County Council & HMP Chelmsford, and all Essex Local Housing Authorities, including Tendring District Council.

The intention of the protocol is to reduce the number of Essex adults on Probation who leave custody without suitable accommodation to move into, and especially to reduce the number of adults on Probation obliged to sleep rough or to move into accommodation which is unsafe for themselves or others.

[Essex Prison Release Protocol.pdf \(tendringdc.gov.uk\)](#)

Armed Forces

Armed Forces personnel can be vulnerable to homelessness at the point of discharge from the Services but also at later points in their housing as a consequence of poor health or disability. When leaving accommodation the Defence Infrastructure Organisation (DIO), who manage homes on behalf of the Ministry of Defence (MOD), will issue a Certificate of Cessation of Entitlement to Occupy.

In the case of all service personnel approaching their date of discharge from the Services, a certificate will be issued 93 days prior to discharge. Where official documentation is provided, the Housing Solutions Team will ensure that service personnel receive timely and comprehensive advice of the housing options available to them when they leave the Armed Forces.

Enquiries about loss of entitlement to service family accommodation resulting from retirement, redundancy, discharge or estrangement, can be made to the DIO Loss of Entitlement Team by telephoning 01904 418000 or 94510 8000. Alternatively, they can be contacted by email: diosdaccn-loeteam@mod.gov.uk

Housing Advice

The housing authority has a duty to provide advice and information about homelessness and the prevention of homelessness and the rights of homeless people or those at risk of homelessness, as well as the help that is available from the housing authority or others and how to access that help. The service is designed with certain listed vulnerable groups in mind and authorities can provide it themselves or arrange for other agencies to do it on their behalf.

Housing Advice is available on the Tendring District Council website
<https://www.tendringdc.uk/services/housing>

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A homelessness application and/or housing register application can be made online using this link <https://tendring.housingjigsaw.co.uk/>

Alternatively either application can be made in person at 88-90 Pier Avenue, Clacton on Sea, Essex, CO15 1TN and details of the office opening hours can be found on the Tendring District Council website www.tendringdc.gov.uk

Independent housing advice is also provided through Shelter England, and locally through specialist support agencies and the Council are able to signpost and refer people to these services on request.

The National Debtline provides free confidential and independent advice on how to deal with debt problems. They can be contacted on 0800 808 4000 or via their website www.nationaldebtline.org which provides information and advice on debt and about the service. Callers do not have to give their personal details and can remain anonymous if they wish.

<https://www.summitservices.org.uk/> advocate for residents in our local area who may be living with a mental health illness or long-term health condition.

<https://www.cvstendring.org.uk/> Community Voluntary Services Tendring

<https://www.peabodygroup.org.uk/our-work/care-and-support/outreach-services/> provide one-to-one support, advice and information to help with a range of issues, including housing and welfare, wellbeing, debt and isolation. They work closely with specialised agencies to connect people to services that work for them

<https://healthwatchessex.org.uk/> can help people access, understand, and navigate health, social care and wellbeing services in Essex.

<https://www.thenextchapter.org.uk/> offer free and confidential services to support people who are currently experiencing or have previously experienced domestic abuse.

<https://www.phoenix-futures.org.uk/> Phoenix Futures is dedicated to helping individuals, families, and communities recover from drug and alcohol problems

<https://www.tendringdc.uk/content/disrepair> The Private Sector Housing Team provide a range of services for people living in privately owned or privately rented homes within the Tendring District. Some of the issues they deal with include disrepair, illegal eviction and houses in multiple occupation.

If homelessness cannot be prevented

Relief duty

If the applicant is already homeless, or becomes homeless despite activity during the prevention stage, then reasonable steps will be focused on helping the applicant to secure accommodation. This relief duty lasts for 56 days unless ended in another way. If the housing authority has reason to believe a homeless applicant may be eligible for assistance and have a priority need they must be provided with interim accommodation.

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Main housing duty

If homelessness is not successfully prevented or relieved, a housing authority will owe the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Certain categories of household have priority need if homeless, such as pregnant women, families with children, and those who are homeless as a result of being a victim of domestic abuse or due to an emergency such as a fire or flood. Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or as a result of becoming homeless due to violence.

Under the main housing duty, housing authorities must ensure that suitable accommodation is available for the applicant and their household until the duty is brought to an end, usually through the offer of a settled home. The duty can also be brought to an end for other reasons, such as the applicant turning down a suitable offer of temporary accommodation or because they are no longer eligible for assistance. A suitable offer of a settled home (whether accepted or refused by the applicant) which would bring the main housing duty to an end includes an offer of a suitable secure or introductory tenancy with a local authority, an offer of accommodation through a private registered provider (also known as a housing association) or the offer of a suitable tenancy for at least 12 months from a private landlord made by arrangement with the local authority.

Reviews and appeals

Housing authorities must provide written notifications to applicants when they reach certain decisions about their case and the reasons behind any decisions that are against the applicant's interests. Applicants can ask the housing authority to review most aspects of their decisions, and, if still dissatisfied, can appeal to the county court on a point of law. Housing authorities have the power to accommodate applicants pending a review or appeal to the county court. When an applicant who is being provided with interim accommodation requests a review of the suitability of accommodation offered to end the relief duty, the authority has a duty to continue to accommodate them pending a review.

Training

We will ensure that all relevant staff have training to raise their awareness of damp and mould issues, its impact on residents and its causes and control measures

This will include:

- Induction and refresher training will be provided for all Housing Solutions staff to raise awareness of and create a good understanding of homelessness issues
- Ensuring that all staff are aware of this policy and have the skills and knowledge to comply with it and its associated procedures

Equalities statement

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The Council recognises that it delivers its homelessness services to communities within which there is a wide social diversity, and is committed to providing equal opportunities and valuing diversity.

Through the management of its homelessness service, the Council and its partners or agents will treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable.

The Council will tackle inequality, treat people with dignity and respect and continue to work to improve services for all service users

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimization and to advance equality of opportunity and foster good relations between people with differing characteristics

To enable customers to have clear information and equal access to our repairs and maintenance service information will be made available in a range of appropriate languages and formats, when requested.

Funding of the homelessness service

The costs of undertaking and managing the homelessness service provided by the Council is accounted for within the General Fund and this is subject to ongoing review and amendment to take into account any significant changes to legislation and/or operating environment.

Alongside the money committed from the Council's General Fund budget to fund homelessness services, funding has been awarded by Department for Levelling Up, Housing and Communities to support prevention and reduction of homelessness and rough sleeping.

This funding can be used for initiatives carried out by the local authority or invested into projects operated by voluntary organisations.

Measuring Quality and Performance

The Council is committed to ensuring that its homelessness prevention activities are delivered to a high standard, providing high levels of customer satisfaction and value for money. We monitor all homelessness prevention practices through an effective record keeping system. Government indicators to measure performance will be published on the website <https://www.gov.uk/government/statistical-data-sets/live-tables-on-homelessness> and reviewed on a regular basis.

Complaints

If for any reason an applicant is not satisfied with the service that has been provided, they can make a complaint in accordance with the Council's Housing Complaints Policy. This can be viewed via the link below

<https://www.tendringdc.gov.uk/how-make-complaint-about-council-landlord>

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Review of Policy

The Policy will be monitored and reviewed on an annual basis or more frequently as changes in legislation or regulation dictate.

Changes will be made to the document under the authority delegated to the Corporate Director (Operations and Delivery) in consultation with the Portfolio Holder responsible for Housing.

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CABINET

26 JANUARY 2024

JOINT REPORT OF THE PORTFOLIO HOLDERS FOR: LEISURE AND PUBLIC REALM, PARTNERSHIPS, ASSETS AND ECONOMIC GROWTH, REGENERATION & TOURISM

A.6 ADOPTION OF POLICY FOR EVENTS ON COUNCIL LAND

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek adoption of a policy in respect of applications for events held on Tendring District Council owned land.

EXECUTIVE SUMMARY

- Events make a major contribution to community cohesion and well-being. participation can raise horizons and aspirations, increase life chances, as well as provide positive activities that can divert antisocial behaviour.
- Events can be of concern to residents and neighbours and carry risks of damage to Property and other potential harms.
- Charging or otherwise for consent to third parties to hold events can be a source of discord.
- Event management should be robust to ensure events are delivered in accordance with Council policies and priorities.
- The policy if adopted will provide effective regulation and enforcement for events that will improve services to the community, promoting businesses and tourism.
- The policy provides guidance to support the Council to manage the difficult balance needed to maximise event benefits while minimising the challenges faced in holding them.

Effective planning and management of events using an agreed policy framework:-

- Maximises safety for those working and attending events.
- Ensures the promotion of Licensing Objectives.
- Ensures that events protect and enhance the environment, meeting community needs and promoting economic growth.
- Provides a framework for the application process to seek approval for outdoor events.
- Ensures pre-event consultation takes place.
- Maximises the opportunity for increased spending that makes a positive contribution to the local economy.
- Minimises any negative impact of events to the residents and businesses of the District.
- Sets out a scale of charges for events.

Supports the existing and future events programme(s) with events throughout the year to maximise the impact of events to Tendring's economy.

RECOMMENDATION(S)

It is recommended that:

1. Cabinet notes the report and adopts the Tendring District Council Open Space Event Policy for Council owned land, as set out in the Appendix, and authorises it to take immediate effect (subject to the call-in process); and
2. the Assistant Director (Building and Public Realm) be authorised to update the policy with any future legislative or best practice changes, in consultation with the relevant Portfolio Holders.

REASON(S) FOR THE RECOMMENDATION(S)

Adoption of a policy for events on council land will improve administration and efficiency associated with applications for events, provide a basis for setting fees and charges, reduce complaints concerning inconsistency of decisions made and increase clarity around the roles and responsibilities of both applicant and administrator.

ALTERNATIVE OPTIONS CONSIDERED

The Council could choose not to adopt a policy. This is not recommended – it would leave the service areas without a clear framework for decision-making and not generate the benefits outlined in the preceding section.

PART 2 – IMPLICATIONS OF THE DECISION**DELIVERING PRIORITIES**

Establishing a clear policy around events is consistent with adopted Corporate Plan priorities:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Championing our local environment
- Working with partners to improve quality of life
- Financial sustainability and openness

OUTCOME OF CONSULTATION AND ENGAGEMENT

The proposed policy for applications for events on council land is a result of public feedback and discussion's with elected members in affected areas and the relevant Portfolio Holder.

This report provides an opportunity for further consultation and engagement concerning the policy content.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the	

		Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	
Section 120 of the Local Government Act 1972 provides general discretionary power for the Council to acquire and to hold land.			
Case law related to this discretionary power provides that the Council must control and manage land held in the interests of the area.			
Section 10 of the Open Spaces Act 1906 gives Councils power and responsibility to hold and administer open space and to exercise proper control and regulation of it			
Use of land by third parties exposed the Council to risk and it is important that these are adequately controlled and that agreements appropriately indemnify the authority as well as making clear what the rights and responsibilities of event holders are.			
YES	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
Decisions made under the Policy will be published and provide the necessary information to record the reasons for the determination of the applications received.			
FINANCE AND OTHER RESOURCE IMPLICATIONS			
There are no direct financial or resource implications arising from the proposal to adopt a policy for events on council land.			
However, the receipt of appropriate fees for events and ensuring the protection of council assets by means of security deposits / damage mitigation will ensure the Council is able to provide appropriate, adequate administration and support for events on council land.			
Adoption of a policy will improve efficiency around the administration of applications made to the Council and ensure that it meets its general fiduciary duties.			
YES	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:		
No additional comments.			
USE OF RESOURCES AND VALUE FOR MONEY			
The following are submitted in respect of the indicated use of resources and value for money indicators:			
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;		Adoption of a policy in respect of applications for events will provide for the setting of fees for applications and outline responsibilities and requirements for applicants. The policy if adopted will provide income from fees charged to offset costs associated with the administration of events as well as provide improved efficiency in administering applications.	

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	The policy if adopted will help guide decision making for events on council land.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Refer to financial and other resource implications above.
MILESTONES AND DELIVERY	
Policy to be considered with this report. Review frequencies are identified in the policy itself.	
ASSOCIATED RISKS AND MITIGATION	
Risks associated with non-adoption of a policy in respect of applications for events on council land are, reputational damage to the Council, inefficient administration of applications and risk of legal challenge around decisions made, loss of income and inability to receive compensation for damage caused by events. It is proposed to adopt a policy in order to facilitate consistent, robust decision-making.	
EQUALITY IMPLICATIONS	
<p>The policy requires full consideration of the requirements for anyone with special needs arising from mobility, illnesses and home care requirements.</p> <p>The proposed policy does not affect the protected characteristics of any individuals in any other currently identifiable way.</p>	
SOCIAL VALUE CONSIDERATIONS	
Well managed events on council land will enhance the District and provide social value.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
The policy contains proposals for the promotion of sustainable events,	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Regulation of events and associated requirements such as highway management, security arrangements will assist crime reduction and anti-social behaviour initiatives.
Health Inequalities	The policy supports and recognises the needs of people with special health requirements.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND
Consideration of applications for events on council land is currently the responsibility of the Council service that has responsibility for the land required for the event. The majority of events applied for are on open space land within the Building and Public Realm service and are

currently administered by the Council's Finance, Administration and Events Manager within Public Realm.

The number of applications has increased in recent years, with a number of royal milestones that has highlighted the need for, and benefits associated with clearer rules associated with event applications. Some specific events have been controversial.

The concerns noted have been associated with a lack of advanced coordinated planning and community engagement.

Applications to support larger events or more regular events of a commercial nature whether charitable, not for profit, or outright commercial as opposed to smaller community based events, requires clarification.

Increased administration and concerns have arisen from a lack of clarity around responsibilities associated with the applications and about the potential for legal challenges around decisions made to allow, or refuse requests for events on council land without a supporting policy.

The Council may also miss opportunities to receive compensation for events held on council owned land either by fees charged or from compensation for damage incurred.

PREVIOUS RELEVANT DECISIONS

On 17 October 2022 the Resources and Services Overview and Scrutiny Committee considered the prior decision to use the Greensward at Frinton to allow a series of performances by Frinton Summer Theatre. The Committee resolved that: "1. Notes that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and..."

On 4 November 2022 The Cabinet considered the recommendations of the Committee and resolved: "that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted..."

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix – Tendring District Council Open Spaces Events Policy on Council owned land.

REPORT CONTACT OFFICER(S)

Name	Andy White
Job Title	Assistant Director (Building and Public Realm)
Email/Telephone	awhite@tendringdc.gov.uk 01255 686933

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Tendring
District Council

Open Space Events Policy

[Council Owned Land]

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1. Introduction

Support for and the development of an events policy in relation to events held on council land is important. It will enable the Council to promote the best locations and activities, display local talent, tap into artistic and sporting excellence and celebrate local cultural heritage and diversity.

The policy should help to enhance Tendring's tourism profile, helping promote and sustain economic growth.

Events make a major contribution to community cohesion and well-being. Participation in events has a number of social benefits, raising horizons, increasing life chances, supporting aspirations as well as providing positive activities that can divert antisocial behaviour.

Event management should be robust and ensure events are delivered in the best possible way in accordance with Council policies and priorities and with relevant health and safety legislation.

The Council has several functions to fulfil with regard to the delivery of events:

- A supporting role to work with event organisers to protect public safety.
- As an event deliverer, hosting and resourcing events.
- As an enabler working in partnership with external organisations to support and/or deliver high quality relevant events on council land.

The Open Space Events Policy reflects:

- The importance of outdoor events to the economy of the community.
- The demand from promoters and organisations to hold outdoor events in Tendring.
- The difficult balance needed to maximise event benefits while minimising the challenges faced in holding them.
- That alongside the benefits for tourism, a good range of events enhances the vitality and self-image of the District.
- That as events evolve and develop it will be necessary for the Events Policy to evolve and develop accordingly.
- The importance of working with partners to provide a programme of safe and well-managed events for the benefit of residents and visitors.

2. Priorities

The Open Space Events Policy commits to actively supporting business enterprise and growth; outdoor events contribute to the following priorities:

- Attracting Investment
- Promoting Enterprise
- Inspiring Learning
- Welcoming Visitors
- Strengthening Partnerships

3. Contribution to Priorities

The benefits of outdoor events include:

- A positive contribution to the local economy.
- Developing community cohesion bringing local people together, whether as participants or spectators.
- Raising the profile of Tendring at regional, national and international levels
- The generation of income to the Council which contributes to supporting the Council's service priorities.
- Promoting sport and physical activity that encourages regular participation and benefits the health and well-being of the district's residents.
- Providing opportunities for local and national charities to raise funds.

4. Policy Objectives

The objectives of the policy are to:

- Ensure that organisers for effectively plan and manage events.
- Maximise safety for those working and attending events.
- Ensure the promotion of Licensing Objectives.
- Ensure that events protect and enhance the environment, meeting community needs and promote economic growth.
- Provide a framework for the application process to seek approval for outdoor events.
- Ensure pre-event consultation takes place, including with the Safety Advisory Group where appropriate.
- Maximise the opportunity for increased spending that makes a positive contribution to the local economy.
- Minimise any negative impact of events to the residents and businesses of the District.
- Ensure compliance with the Animal Welfare Act 2006 and other legislation at the time being.
- Set out a scale of charges for events.
- Ensure the recognition of areas as outdoor event spaces.
- Develop the existing events programme with events throughout the year to maximise the positive impact of events to Tendring's economy and general health and well-being of residents and participants.

5. Event Application

The size and type of the event determines fees payable.

Size	Audience capacity*	How to apply
Small	Under 500	Submit Outdoor Spaces Application Form In some cases an Event Management Plan may also be requested.

Medium	500 - 2000	Submit an Outdoor Spaces application Form and on request an Event Management Plan
Large	Over 2000	Submit Outdoor Spaces Application Form and an Event Management Plan

* Audience capacity is the maximum number of people expected at the event at one time.

All events will be required to comply with the guidance provided by the Council's Officer teams and the Safety Advisory Group where relevant.

Professional firework displays must comply with Health & Safety Executive Guide HSG 123.

Guidance on how to organise an event on Council Land is available on the Tendring District Council's website.

An Event Management Plan may be required for smaller events if they are particularly significant in nature and would be requested at the time of application

5.1 Small Events

- The event organiser submits an open space application form a minimum of 8 weeks before the event date.
- An Event Management Plan is submitted where requested
- The application form is assessed by the Officer Team and a booking letter and conditions of hire document are issued, if permission is granted.
- The open space application form contains questions and guidance on the areas needed to be considered before holding an event.
- A risk assessment and evidence of Public Liability Insurance (minimum £5m) is required for all events.

5.2 Medium Events

- The event organiser submits an open space application form a minimum of 3 months before the event date.
- Where an event is considered to have significant impact on an area, site or residents, or requires a considerable emergency services operation, event organisers will be asked to submit an Event Management Plan.
- The application form is assessed by the Officer Team and a booking letter and conditions of hire document are issued if permission is granted.
- The open spaces application form contains questions and guidance on the areas needed to be considered before holding an event.
- A risk assessment and evidence of Public Liability Insurance (minimum £10m) is required for all events.
- Attend a meeting of the Safety Advisory Group

5.3 Large Events

- An initial discussion with the Officer Team is followed up with the submission of a draft Event Management Plan at least 6 months before the event.
- If further development of the plan is necessary, a timescale greater than 6 months may be required.

- In consultation with the Safety Advisory Group (SAG) a meeting will take place. A series multi agency event planning meetings may be called.
- If the timescale for event planning is not met, consent may be withdrawn.
- A risk assessment and evidence of Public Liability Insurance (minimum £10m is required for all larger events.

All submissions are to be made to:

[Clacton Town Square: events@tendringdc.gov.uk](mailto:events@tendringdc.gov.uk)

[Open Spaces: openspaceenquiries@tendringdc.gov.uk](mailto:openspaceenquiries@tendringdc.gov.uk)

6. Event Management Plan

Organisers of large events will need to produce a plan, which will be subject to the approval of the Officer Team and the multi-agency Safety Advisory Group for the event (SAG). The Event Management Plan must also be presented at a Safety Advisory Group by the event organiser for advice and comment. The plan will include but not be limited to:

- Access Provision
- Cancellation procedure including adverse weather conditions
- Child and vulnerable adult protection
- Complaints procedure
- Concessions and caterers
- Crowd management
- Emergency Command, Control and Co-ordination Structure
- Entertainment
- Environmental / Sustainability impact
- Equal opportunity statement
- Event communication plan including named contacts
- Fire safety and evacuation
- First aid / medical
- Food safety
- Infrastructure
- Licensing requirements
- Vulnerable people and lost property procedures
- Marketing
- Noise management
- Public liability insurance
- Risk assessments
- Sanitary provision
- Security and stewarding provision
- Site plans
- Statement of intent
- Production and event timetable
- Traffic management including parking and on-site vehicle movement and access
- Transport management
- Waste management
- Sustainability

7. Licensing, Permissions & Insurance

Event organisers must ensure that all required permissions and licenses are acquired in an appropriate and timely manner including, but not necessarily limited to:

- Consent to use council land
- Performing Rights Society (PRS)
- Phonographic Performance Limited (PPL)
- A Temporary Events Notice (TEN) or time limited premises licenses may be required.

The council holds licenses for outdoor events in some of the open spaces across Tendring. The Officer Team and Licensing Service can advise whether a license is required depending on the size, nature and location of your event.

The event organiser must provide evidence that they hold adequate insurance appropriate to the scale and nature of the event.

Size	Audience capacity*	Indemnity
Small	Under 500	£5 million
Medium	500 -2000	£10 million
Large	Over 2000	£10 million

The insurance needs to cover the whole period of the event from start to finish and includes time when the public are generally not present such as event set-up and closedown.

Employers Liability is required and should cover staff, contractors and volunteers.

Size	Audience capacity*	Indemnity
Small	Under 500	£5 million
Medium	500 -2000	£10 million
Large	Over 2000	£10 million

8. Criteria for approval of an event

The following criteria will be used to determine whether approval will be given to a specific event. These criteria will be considered during the application process to ensure compliance with the objectives of this policy and the requirements for holding an event.

- Public safety and security issues.
- Health and Safety.
- The ability of the event organiser to manage the financial requirements of the event.
- The ability of the organisers to effectively plan, manage and control the event.

- The ability of the event organisers to effectively manage and incident / emergency at the event and an indication when they would call upon / escalate to emergency services.
- Impact upon the environment and damage limitation.
- Impact of the event on regular users of public spaces, stakeholders and local residents.
- Timing of the event.
- Size of event, numbers attending or numbers estimated to attend.
- Impact on transport and traffic infrastructure to support the event e.g. parking, increased use of public transport and road closures.
- Type of event.
- Opportunities for local participation.
- The ability to demonstrate commitment to Tendring District Council's equalities policy.
- Legal constraints.
- Compliance with conditions specific to the event location.
- Compliance with statutory requirements as required by the council such as the Environmental Health and Licensing Authority e.g. noise disturbance and food hygiene.
- Compliance with the Animal Welfare Act 2006 and TDC Animal Charter and other legislative requirements.
- Ability to demonstrate appropriate safeguarding arrangements.

9. Council Approval Process as Property Owner

All events will require consent from the Council in the capacity as property owner for the area the event is being held. This is provided by the Council service upon whose land / or area of work the event is undertaken – Seafronts / Public Realm - Open Spaces, Parking etc..

Applications should be made in good time with a minimum allowance for small events of eight weeks with proportionately longer periods for larger events: see section 5. Applications should be made through the Council's application form on its web site and include all of the supporting documents and evidence set out therein.

Decision-making in the approvals process is delegated to the Council's Senior officers. Administration, assessment and information gathering may be done by other officers. Officers may elect to refer difficult or contentious cases to the relevant Portfolio Holder.

Applicants may request that officer decisions are reviewed by the relevant Portfolio Holder. The Portfolio Holder's decision (subject to democratic process) will be final.

Any concerns expressed by third parties about an approval granted will be considered through the Council's complaints procedure.

10. Consultation

The level of consultation will be dependent upon the scale and location of the event with reference to the impact on its surroundings. The consultation process may include consultation with:

- The Events Officer (initial consultation) to ensure it fits within the Council Land / Open Space Events Policy.
- Internal sections / services of the Council.
- Emergency services.
- Transport providers.
- Local ward councillors.
- External partners specific to an event location.
- Communities of interest specific to the event.

A consultation plan will be agreed between the Event Organiser and the Events Officer to ensure that all relevant parties are consulted who may be affected by the event.

11. Safety Advisory Group (SAG).

The Safety Advisory Group is made up of representatives of:

- TDC services: Licensing, parking, Emergency Planning, Environmental health etc
- Essex Police
- Essex County Fire and Rescue Service
- East of England Ambulance Service Trust
- HM Coastguard
- Essex Highways

The purpose of the SAG is to consider events in the context of their being important to our community. The SAG examines and advises in relation to the safety aspects of events so they can proceed in as safe a way as reasonably practicable

The remit of the Group is therefore to provide advice on the safety aspects of events. Property owners' consent may be withdrawn upon advice by SAG on safety grounds.

12. Fees and Charges

The fees for holding outdoor events are set out in the supporting document Outdoor Event Fees. The Event Fee and Reinstatement Deposit (if applicable) are payable once consent has been granted.

The fees applied depend on whether an event is:

- Commercial
- Charity (National)
- Charity (Local)
- Community

12.1 Commercial

These events provide a commercial benefit to a profit making business or operation including product launches, corporate events and other marketing and promotional activities for profit making organisations.

12.2 Charity (National / Local) / Not for Profit Organisations

Events organised by registered national or local charities / not for profit organisations and are predominantly fund raising events for the benefit of the charity / not for profit organisation.

The Council acknowledges the benefit of charitable fund raising but also recognises that some charitable events can be of a commercial nature in terms of size, funds raised, dependency on using council land and impact on the community.

These charitable events / not for profit organisations will be regarded in the same way as events of a commercial nature and fees charged appropriately.

12.3 Community

Any event organised by not for profit, community or voluntary groups that directly benefit the residents and visitors of the District, and do not provide significant advertising or other commercial benefit to a not for profit-making business or organisation.

The classification of the event type is subject of Officer / Portfolio Holder discretion and may affect any of the following:

- Whether an application is accepted
- The events fees charged
- The length of time needed for an application to be considered
- The nature and duration of the consultation to be undertaken

12.4 Event Fees

This fee covers the cost of hiring the site.

£200 per day – days of operation

£150 per day – set up / non operational

£30 per day - Community event

The Portfolio Holder may waive fees for small community and charitable events and events of national significance and importance, and the rationale of this decision must be officially recorded

12.5 Cancellation Fee

Event organisers may be charged an open space event Cancellation Fee at the point of booking.

In the event that you cancel your event, cancellation fees will be charged based on:

- 25% of your overall event fee within 90 days of the event date
- 50% of your overall event fee within 60 days of the event date
- 75% of your overall event fee within 30 days of the event date
- No refund within one week of the event date

12.6 Reinstatement Deposit

A refundable deposit may be required to be lodged with the Council where there is a potential risk of damage to the physical environment from the event. The deposit will be required at the time the hire fee is due and will be used to fund any repairs or damage caused by the event.

£500 - large event

£250 - medium event

£50 - small event

12.7 Licensing Fees

Under the Licensing Act 2003, if your audience is 499 or more at any one time (this figure includes audience, staff and performers) you will need a premises licence to stage an event that includes regulated entertainment, sale of alcohol or late night entertainment. For further information on licence fees please contact the Environmental Health & Licensing Team. The council pays for an annual licence for events staged in some event spaces and event organisers will be required to meet the requirements of the licence for events at these areas. If the activity is for less than 500 people a Temporary Event Notice (TEN) may be used.

12.8 Waste Management /Power /Water

Event organisers are required to have arrangements in place to minimise waste, promote recycling and where unavoidable, dispose of waste. All cleansing during and after the event must be carried out by the event organiser. If the event organisers' arrangements are not sufficient and result in an increased service level being provided the costs will be charged to the event organiser. Some sites have access to power and water and a charge will be made for these services.

12.9 Road Closure Costs

Where road closures are required the type of road closure and authority responsible for the road closure will be considered.

If the road closure falls under the Town Police Clauses Act 1847, the event will be required to comply with TDC's road closure policy. If the road closure requires action by the Highway Authority Essex County Council to comply with Highway Regulation and Enforcement, the event organiser will be required to liaise with ECC Highways..

The appropriate provision should be made to consult and/or contract with a Traffic Management Company or qualified Stewarding Company to assist with road closures.

12.10 Parking Bay Suspensions

Where the event organiser requires parking bay suspensions to be put in place, a fee will be charged to the event organiser. For on-street suspensions, the organiser will need to liaise with the North Essex Parking Partnership. If a TDC off street car park is closed or partially accessible on an event day due to an event a percentage loss of income (relative to normal usage) may also be required from the organiser.

13. Monitoring of events

The Events Officer will monitor the large events to ensure compliance with the policy and the location hire agreement. Where the Council is required to provide staffing, equipment or other resources to the event, the costs for such resources may be charged to the event organiser.

14. Sustainable Events

Events are a vital part of our town's economy; attracting visitors and making Tendring a more vibrant place to live, work and visit. Event organisers have a responsibility when organising an event to minimise the negative impacts and maximise the benefits to the environment, people and the local economy.

Tendring District Council is committed to working with event organisers to improve the sustainability of events by protecting and enhancing the environment, meeting social needs and promoting economic success.

Event organisers will be asked about their plans for sustainability which should be included within their Event Management Plan if there is one, including how they plan to:

- Support the local economy
- Minimise waste, water and energy use
- Encourage public transport and sustainable food
- Communicate with everyone involved with the event

Where applicable sustainability matters should form part of the Event Management Plan.

15. General Regulations

The following general regulations will apply to all events.

15.1 Hours of Operation

This will include both the duration of the event itself and the rigging and de-rigging of the event site. The requirements will be specific to event locations. The terminal hour is determined by open spaces premises licences.

15.2 Noise Levels

Permissible noise levels will be dependent on specific locations and their individual requirements. A Noise Management Plan may be required to mitigate any potential noise disturbance. Reference should be made to the Noise Council's Code of Practice for Environmental Noise Control at Concerts.

15.3 Health & Safety

The enforcing authority for health and safety for most outdoor events are Tendring District Councils' Environmental Health / Health and Safety Teams. The Events Officer reviews the event application forms or event management plans to ensure a risk assessment has taken place. The team works with event organisers and other agencies to ensure events are run safely.

15.4 Food Safety

Where the event involves the provision of food or has food franchises all traders should be adequately vetted to the satisfaction of Environmental Services food safety team before being permitted to trade. Any food mobiles must be members of the nationwide caterers association (NCAS) and be registered with their local authority as a food business.

If required by an officer of Environmental Services food team any food trader presenting a significant food safety risk should be instructed to cease trading.

15.5 Transport Management

Transport management is a major concern for events. Event organisers must liaise with Essex County Council Highways Team, The North Essex Parking Partnership (on-street parking) and Tendring District Councils' parking team and act on any appropriate guidance. Robust Transport and Traffic Management Plans should be drawn up as part of the event planning process for events where significant numbers of people will be travelling to the event.

15.6 Vehicle Parking

Approval must be obtained for onsite vehicle parking in relation to an event whether for the event organisers, participants or spectators.

15.7 Animal Welfare Charter

All events including animals where animals are used for entertainment or used as security or personal pets on site with exhibitors must comply with Animal Welfare Charter and TDC Environmental Services team must be informed. Giving of any animal(s) as prizes in any way is prohibited.

15.8 Sanitary Provision

The appropriate numbers and types of toilets must be provided for the anticipated number of people attending the event.

15.9 Environmental Protection

Every effort should be made to minimise environmental impact and maximise the "green" production of events through the use of recyclable and/or reusable products and materials. Reducing the amount of plastic waste will improve our environment as a whole, our health and the well-being of animals. Tendring District Council encourages event organisers to reduce their single use of plastics at events.

The release of helium balloons and paper lanterns powered by tea lights are not permitted on Council land.

15.10 Emergency Planning : All events must have a clearly understood command, control and co-ordination structure to ensure effective and efficient response to an incident / emergency at the event. This should include at what point the response is escalated to the emergency services.

16. Community Safety

The safety and security of event visitors, organisers and other members of the public must not be compromised by any event. It is the duty of all event organisers to make such provisions necessary as to ensure this is the case. Key items for consideration are:

16.1 Security & Stewarding

Security & stewarding personnel are key to ensuring the safety of all people in and around an event. All events must provide appropriately trained and briefed staff in positions to maintain crowd control, provide public information and to enforce any applied restrictions on entry and behaviour within the space, as well as to implement procedures in an accident or emergency situation. All staff working in a security role must be qualified to the appropriate level with the Security Industry Authority (SIA).

16.2 Child and other Vulnerable Person Protection

Child vulnerable person protection is a fundamental part of the safety management of an event. Organisers are expected to make such efforts as necessary to remove risk of the abuse or mistreatment of children and vulnerable people at events and to take appropriate measures if event staff identify situations of abuse or mistreatment whether related to the event or not. Event organisers may be expected to submit a child and vulnerable person protection policy statement and vulnerable people procedure as part of their application for the event.

16.3 Medical & First Aid Provision

Event organisers must carry out a medical risk assessment, considering such things as the activities, the numbers, types and age groups attending, access and egress, the site and structures, and other health, safety and welfare issues. Provision of adequate numbers and types of first aid and medical resources should be based upon published guidance such as HSG195.

16.4 Signage

Signage within an event site should be clear to read using commonly understood language and symbols and be positioned such that it can be seen from a reasonable distance by event attendees. All main sanitary, medical and safety facilities including vulnerable / missing persons and property, as well as emergency exits, should be signposted throughout the event site. Where signage and/or advertising are used outside of the event site, guidelines around outdoor advertising must be adhered to.

16.5 Prevent Duty

The Council is under a legal duty to prevent dissemination of extremist views. In complying with the government expects local authorities to ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views.

The Council reserves the right to refuse consent for any event or to withdraw consent without refund at any stage if it reasonably considers that an organiser, event or proposed participant is likely to use the event to disseminate extremist views of any kind.

17. Legislation, Regulations and Guidance

All events must conform to relevant legislation, including but not limited to:

- Health & Safety at Work Act 1974 etc
- Health & Safety (First Aid) Regulations 1981
- Data Protection Act 1994 and 1998
- Equality Act 2010
- The Management of Health & Safety at Work Regulations 1999
- RIDDOR 1995
- Town and Country Planning Act 1947 and 1990
- Licensing Act 2003
- The Children's Act 1989
- Temporary Demountable Structures Guidance 2007
- Fire Regulatory Reform (Fire Safety) Order 2005
- Firework Regulations 2004
- Safety at Sports Ground Act 1975
- Private Security Industry Act 2001
- Environmental Protection Act 1990
- Noise Act 1996
- The Control of Noise at Work Regulations 2005
- Tendring District Councils Byelaws
- The Purple Guide to Health & Safety & Welfare at Music & other Events
- The Green Guide Guide to Safety at Sports Grounds 2018
- Any other relevant legislation

18. Publicity & Advertising

Using outdoor banners, posters or any other media must comply with the council's guidelines on advertising in public spaces. Advertisers must have permission from the landowner, Tendring District Council or Essex County Council where it may apply such as the highway. Where unapproved fly posting can be linked to an event, the event's organiser will be deemed in breach of their contract with the Council and will subsequently incur any associated costs arising through the Council having to remove such material. Guidance on advertising in public spaces can be found on

<https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>

TDC's website provides information on advertisements which require express consent under the Advertisement Regulations, but are displayed without consent being granted.

[Tendring District Council | Planning enforcement - Who can complain and what we do next \(tendringdc.gov.uk\)](#)

Communicating the details of an event to attract residents and visitors is an important part of event planning. Event organisers can list events (hosted across Tendring) on the Essex sunshine coast via TDC website – www.tendringdc.gov.uk

19. Filming and Photography

For Filming & Photography on council land a different application procedure applies.

[Tendring District Council | Do you want to film or have a photo shoot on our land in Tendring? \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk/Do-you-want-to-film-or-have-a-photo-shoot-on-our-land-in-Tendring?)

For use of drones at events, further requirements may be sought.

Our guide for filming that involves drones is that they must be registered with the CAA, have insurance that specifically covers drone use (usually the £5m and £10m guidelines as per event sizes earlier in the policy) and sight of operations manual is requested.

While a different procedure applies to events, you may still need to meet many of the requirements set out in this policy.

For further guidance, please contact the communications team at Tendring District Council www.tendringdc.gov.uk

20. Review

This Policy will be reviewed after five years or in the event of changed legislation, guidance or other necessitating circumstance.

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CABINET

26 JANUARY 2024

JOINT REPORT OF THE HOUSING AND PLANNING PORTFOLIO HOLDER AND FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.7 UPDATED HOUSING REVENUE ACCOUNT BUSINESS PLAN AND BUDGET PROPOSALS 2024/25

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek Cabinet's approval of the updated HRA Business Plan for 2023/24 and 2024/25 along with final HRA budget proposals 2024/25 (including fees and charges, capital programme and movement in HRA Balances) for recommending to Council on 13 February 2024.

EXECUTIVE SUMMARY

- At its meeting on the 15 December 2023, Cabinet considered the Housing Revenue Account Business Plan and Budget Proposals for 2024/25. The updated HRA Business plan / budget proposals at that time provided for a deficit of **£0.764m** in 2023/24 and a surplus of **£0.180m** in 2024/25.
- The initial budget proposals were subject to consultation with the Resources and Services Overview and Scrutiny Committee, which met on the 10 January 2024 to consider them and their comments are considered elsewhere on the agenda.
- Since the Cabinet's meeting on 15 December 2023, only two amendments to the proposed budget for 2024/25 have been required as set out later on in this report, with 2023/24 remaining unchanged.
- The changes required in 2024/25 have resulted in the overall surplus increasing to **£0.300m** a change of **£0.120m** compared to the position reported to Cabinet in December as highlighted above. **Appendix A** sets out the updated Business Plan, in terms of 2023/24 and 2024/25, with **Appendix B** setting out the proposed detailed budgets that reflect this latest position.
- It is proposed to fund the estimated deficit for 2023/24 by calling money from HRA balances as an alternative to reducing expenditure, which is partly offset by the proposal to transfer the estimated surplus in 2024/25 to the same reserve.
- This position remains subject to further adjustments that are likely to be required as part of finalising the budget for presenting to Council on 13 February 2024, with a delegation included in the recommendations to respond to this possibility.
- **Appendix C** sets out the proposed fees and charges for 2024/25, which broadly reflect inflationary uplifts of 7.7% where relevant or other inflationary changes to better reflect the cost of providing the associated service.
- The proposed HRA Capital Programme for 2024/25 is set out in **Appendix D**, which

reflects the commitment to maintain the necessary investment in the existing homes of tenants.

- The average weekly rent remains unchanged to the figure reported in December at **£100.89**, an increase of 7.7% over the comparable figure of **£93.68** for 2023/24.
- The HRA general balance is forecast to total **£3.651m** at the end of 2024/25, which retains a strong financial position against which the associated HRA 30 year Business Plan can continue to be delivered / developed.
- The HRA balances, together with the proposed rent increase for 2024/25 are important elements of delivering a sustainable HRA in the longer term.
- HRA debt continues to reduce year on year as principal is repaid with a total debt position at the end of 2024/25 forecast to be **£32.535m** (A reduction of **£1.414m** compared with the figure at the end of this year).
- The Tenant's Panel play an important role in developing the HRA Business Plan and budget proposals and it is proposed to consult with them shortly, with any comments planned to be reported to Members either ahead of or directly at the Full Council meeting on 13 February 2024.

RECOMMENDATION(S)

That Cabinet:

- (a) **approves the updated HRA Business Plan, which includes the proposed position for 2023/24 and 2024/25 as set out in Appendix A; and**
- (b) **agrees a delegation to the Assistant Director Finance & IT to adjust the forecast / budget, including the use of reserves, in consultation with the Portfolio for Housing and Planning and the Portfolio Holder for Finance and Governance if the financial position changes prior to Council considering the HRA budget on 13 February 2024.**

That subject to a) and b) above, Cabinet approves and recommends to Full Council on 13 February 2024:

- (a) **a 7.7% increase in dwelling rents in 2024/25 along with the detailed HRA Budget proposals for 2024/25 as set out in Appendices B to E.**

REASON(S) FOR THE RECOMMENDATION(S)

To enable Cabinet to consider the most up to date HRA Business Plan which sets out a revised position for 2023/24 along with the proposed HRA budget for 2024/25, to enable associated recommendations to be presented to Full Council on 13 February 2024.

ALTERNATIVE OPTIONS CONSIDERED

This is broadly covered in the main body of this report and earlier reports presented to Cabinet as part of developing the forecast and detailed estimates.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the 6 included themes is Pride in our Area and Services to Residents, with a commitment to providing decent housing that everyone deserves. As part of the associated emerging highlight priorities, the following has been included:

Supporting decent housing for residents - In the Council's own housing stock – driving improvement with expanded estate management and well informed enhancements around kitchens and bathrooms etc. Enhanced tenancy engagement.

The HRA Business Plan and proposed budget play a significant role in the delivery of affordable and decent housing in the district and the Council's responsibilities as a landlord has direct implications for the Council's ability to deliver on its objectives and priorities.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Internal consultation is carried out via the Council's approach to developing the budget as set out within the Constitution. External consultation also forms part of developing the business plan / budget and is carried out early in the year with the budget proposals presented to the Tenant's Panel for discussion / feedback.

A consultation exercise with the Tenant's Panel is scheduled to take place ahead of the Full Council meeting on 13 February 2024. Any comments arising from this consultation will be provided to Members, either ahead of the Full Council meeting or directly at that meeting.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input checked="" type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	This item has been included within the Forward Plan for a period in excess of 28 days.

It is a statutory requirement on a local authority to determine its Housing Revenue Account budget before the upcoming financial year and to ensure that its implementation will not result in an overall debit balance on the Account. The plan and strategy which comprise the Housing Investment Programme (HRA Business Plan and Housing Strategy) form part of the Council's policy framework which must be approved or adopted by the Full Council, as set out in Article 4 of the Council's Constitution.

The self-financing regime for the Housing Revenue Account that came into effect from April 2012 was enabled by the Localism Act 2011.

The Regulator of Social Housing and its predecessor bodies have, at the Direction of Government, issued requirements and guidance to registered providers of social housing (which includes Local Authorities) in respect of rents. This has included the maximum levels of rent they can charge and annual increases in rents.

In 2016, Parliament passed the Welfare Reform and Work Act, which, together with Regulations made under it, created a legislation-based regime of rent reduction across the sector by 1% per year until 2020. Therefore, over this 4-year period, providers were required to reduce rents by 1% per year across its housing stock.

In October 2017, the Government announced that at the end of the 4 year rent reduction period it intended to return to annual rent increases of up to CPI + 1%, implemented through the regulator's Rent Standard rather than through legislation.

The Secretary of State for Housing, Communities and Local Government published on 26 February 2019 a 'Direction to the Regulator' to set a Rent Standard that will apply from 1 April 2020. That Direction was published alongside the Government's Policy Statement on Rents (the Policy Statement) and the regulator is required to have regard to this when setting its Rent Standard.

The regulator may under section 194(2A) of the Housing and Regeneration Act 2008 set standards for registered providers requiring them to comply with specified rules about their levels of rent (and the rules may, in particular, include provision for minimum or maximum levels of rent or levels of increase or decrease of rent).

The Regulator of Social Housing has confirmed rents can be increased by up to CPI+1% per year for a period of 5 years starting from 1 April 2020. However the Government intervened last year, as based on this formula, rents would have increased by amounts in excess of 10% for 2023/24 given the high level of CPI at the time. Therefore to 'protect' existing tenants, whilst balancing the financial impact on Local Authorities, the Government set a rent increase 'cap' of 7% for 2023/24. The Government made it clear that this rent 'cap' would be set for only 2023/24 rather than for any longer period.

To date there has been no further direction provided by the Government so the 'standard' CPI+1% increase remains applicable in 2024/25. As set out elsewhere in this report, the proposed rent increase for 2024/25, is 7.7% based on the level of CPI at September 2023 of 6.7%.

The rent standard does not apply to properties let to high-income social tenants, so rather than this being a mandatory requirement that the Government had previously looked to implement, it is now a voluntary decision taken at a local level. In continuing with the approach agreed last year, given the very challenging administrative issues associated with charging higher rents to high-income tenants, it is not proposed to introduce this in 2024. However, it is acknowledged that this flexibility may be subject to review in future years, for example, as part of developing future policy decisions within the HRA.

The Housing and Planning Act 2016 introduced a number of changes that had an impact on social housing, which via associated regulations are reflected in the HRA estimates as necessary.

The Social Housing (Regulation) Act 2023 received royal assent earlier in the year which will see new era of regulation for the social housing sector, with a some of key elements as follows:

Enhanced powers for the Regulator of Social Housing - The Act will facilitate the introduction of proactive consumer regulation by strengthening the RSH, allowing intervention in cases where landlords are performing poorly on consumer issues. This will enable the Regulator to take action to address any shortcomings and protect tenants.

Stronger enforcement powers - The Act establishes stronger enforcement powers for the Regulator to take action including provisions for regular inspections of social housing properties to ensure landlords are providing high-quality services and accommodation. These inspections will help maintain and improve the standard of housing for tenants across the country. The Regulator has the powers to issue unlimited fines as well as Personal Improvement plans to those Authorities that fail to meet the new standards.

Tenant empowerment - The Act will establish strict time limits for social landlords to address hazards and empowers social housing tenants to request information from their landlords, promoting transparency and accountability. This will ensure tenants have the right to access crucial information about their homes and can access swift redress where things go wrong.

Standards for Registered Providers - The Act introduces a set of standards for registered housing providers, requiring social housing managers to possess specific qualifications or be actively working towards gaining them. These standards will help ensure residents receive the best possible service from their housing associations.

Now that the Act has received Royal Assent, the Regulator of Social Housing will consult on revisions to the consumer standards, and the Department of Levelling Up, Housing and Communities (DLUHC) will consult on the measures to take forward the government's social housing reform programme such as Awaab's Law, changes to the Decent Homes Standards and professionalisation of the sector.

These consultations will play a crucial role in shaping the implementation of the Act and in turn the impact on the HRA over the 30 Year Business Plan. The Council is taking a timely, positive and proactive approach to this new era for social housing, which will include working with partners and stakeholders to deliver meaningful actions and deliver expected outcomes.

The original HRA 30 Year Business Plan was agreed as part of the self-financing reforms and the associated borrowing was agreed by Full Council in February 2012, with the budget proposed for 2024/25 reflecting the latest / updated forecast position as set out in **Appendix A**.

YES	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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Although there are no additional comments above those set out in this report, it is important to highlight that further decisions may be necessary to take actions forward that are reflected in the business plan.

It is also necessary to highlight the key elements of the Best Value Duty that is set out within the General Fund Budget report presented earlier in the agenda. These equally apply to the HRA with financial management and sustainability a reoccurring expectation of a well-functioning local authority.

FINANCE AND OTHER RESOURCE IMPLICATIONS	
The financial implications are set out in this report and its appendices.	
Although the availability of financial resources is a key component in the delivery of HRA services, there will also be a need for appropriate input of other resources such as staffing, assets, IT etc.	
YES	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
The Section 151 Officer is the co-author of this report.	
USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report. In terms of an independent view, the Council's previous External Auditor has unfortunately yet to complete their work on the Council's Statement of Accounts for 2020/21 and 2021/22, or started the necessary work on the 2022/23 statements. At the present time it is not known when they will be able to provide their own commentary on the Council's use of resources.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including;	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	
MILESTONES AND DELIVERY	
This reports forms part of the Council's wider budget setting processes, with final budget proposals being set out in this report for recommending to Full Council on 13 February 2024.	
ASSOCIATED RISKS AND MITIGATION	
There are significant risks associated with forecasting such as cost pressures, inflation and changes to other assumptions that form part of the financial planning process. These have been brought into even sharper relief given the current challenging economic environment and new era of social housing regulation mentioned earlier. The Council's initial / short-term response is set out in the body of this report and will continue to be addressed as part of the future financial update reports.	
The inherent risks associated with the 30 year business plan forecast include:	
Changes in income achieved and future rent setting policy Emergence of additional areas of spend Emergence of new or revised guidance New legislation / burdens / regulation Changing stock condition requirements Adverse changes in interest rates National welfare reforms	
In view of the above, it is important that a sufficient level of balances / reserves is available to support the HRA. HRA General Balances are currently forecast to be £3.651m at the end of 2024/25. This is after drawing down money in 2023/24, but after the proposed contribution to the same reserve in 2024/25. The remaining balance continues to be available to support the	

delivery of the HRA business plan in the medium to longer term.

A 30 year HRA Business Plan is maintained on an on-going basis that continues to demonstrate the sustainability and resilience of the HRA within a self-financing environment and the ability to potentially provide opportunities for housing investment and associated housing services in the future, although it is acknowledged that the longer-term view always remains subject to the Government's housing policies and changes to the regulatory regime.

EQUALITY IMPLICATIONS

See comments below within the '*Other Relevant Considerations or Implications*' section.

SOCIAL VALUE CONSIDERATIONS

See comments below within the '*Other Relevant Considerations or Implications*' section.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

See comments below within the '*Other Relevant Considerations or Implications*' section.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

In carrying out its functions as a social landlord, the Council has regard to the need to reduce the potential for criminal activity by improving the security of dwellings as part of maintenance and repair programmes and for combating anti-social behaviour through effective management procedures.

Although there are no direct equality and diversity issues, the overall HRA and associated financial planning and decision making processes will recognise and include such issues where appropriate and relevant.

Whilst this report does not have a direct impact on the Council's commitment to carbon neutrality, any work undertaken within the HRA and associated capital programme will take into account any opportunities to contribute to this key priority where possible. The on-going stock condition survey work will also support this approach.

Crime and Disorder	Please see comments above
Health Inequalities	
Area or Ward affected	

PART 3 – SUPPORTING INFORMATION

BACKGROUND AND LATEST HRA BUSINESS PLAN AND BUDGET PROPOSALS 2024/25

On 15 December 2023, Cabinet considered the Housing Revenue Account Business Plan and Budget Proposals 2024/25 for consultation with the Resources and Services Overview and Scrutiny Committee. The report set out an estimated deficit of **£0.764m** in 2023/24 and a surplus of **£0.180m** in 2024/25.

The development of the forecast / budget has continued since Cabinet's meeting on 15 December 2023, to reflect the most up to date information. There have only been two

changes to the budget proposals for 2024/25, with 2023/24 remaining unchanged. The detailed position is set out in **Appendix A**.

The two changes made to the 2024/25 position are summarised as follows:

- **Line 4 of Appendix A** – The budget for management costs has been increased by **£0.029m** that reflects the most up to date position against a number of budgets including employee costs.
- **Line 5 of Appendix A** – The budget for utility costs has been reduced to reflect the most up to date estimated energy prices.

All other figures reported to Cabinet in December and considered by the Resources and Services Overview and Scrutiny Committee remain unchanged with some key headlines as follows:

- Rents are proposed to be increased by 7.7% resulting in an average weekly rent of **£100.89** in 2024/25.
- **£7.550m** is included within the forecast that relates to the major refurbishment and repairs to the housing stock.
- Current estimates put the total HRA reserves at **£8.134m** by the end of 2024/25, with the general balances element within this amount being **£3.651m**.
- With forecast repayments of principal of **£1.414m** in 2024/25, the level of HRA debt at the end of 2024/25 is forecast to be **£32.535m**.

Taking the above into account, the overall estimated surplus has increased to **£0.300m**, from the **£0.180m** position reported to Cabinet in December, with 2023/24 remaining the same.

As set out in the report to Cabinet in December, in terms of 2023/24 it is proposed to meet the forecast deficit of **£0.764m** highlighted earlier from HRA balances rather than reduce other lines of the budget, which could be an alternative approach. Many of the other lines of the forecast are effectively 'fixed' or largely unavoidable, for example the financing of loan repayments, with the only viable option therefore relating to potentially reducing officer capacity or expenditure on tenants homes etc. These options would be a significant risk given the new era of social housing regulation explained earlier. As was the case in the previous year, the use of balances strikes a necessary balance of 'protecting' the investment in tenant's homes whilst recognising the need to use reserves to respond to the on-going financial challenges that the Council continues to face. It is however recognised that this is not a sustainable long-term solution, but it enables the Council to meet its key priorities in the immediate term, which can be revisited as part of the HRA Business Plan in future years.

In terms of 2024/25, it is proposed to contribute the revised net surplus of **£0.300m** to HRA balances which partly offsets the proposed use of the same reserve in 2023/24.

The forecast may change as part of finalising the budget that will be presented to Full Council in February 2024, with an associated recommendation included above.

The business plan will continue to be updated during 2024/25 to reflect on-going adjustments

to the forecast as part of continuing to deliver the long term financial sustainability of the HRA.

After taking into account the changes to the business plan highlighted above, the proposed detailed HRA budgets for 2024/25 are set out in **Appendix B**.

Fees and Charges

These are set out in **Appendix C** and broadly reflect inflationary increases of 7.7% where relevant (in line with the same increase applied to rents) or other inflationary changes to better reflect the cost of providing the associated service.

HRA Capital Programme

There are no changes proposed, with the detailed Capital Programme set out in **Appendix D**.

HRA Reserves

The only change required to reserves is the additional contribution to reserves of **£0.120m** to reflect the changes highlighted above. The detailed position is set out in **Appendix E**.

The forecast position for HRA balances at 31 March 2024 and 31 March 2025 will vary over time depending on the outturn positions for 2023/24 and 2024/25 as well as the emergence of other unexpected or unplanned matters that could occur in or across these years.

HRA Debt

There are no changes proposed, with the level of HRA debt at the end of 2024/25 forecast to be **£32.535m** as highlighted earlier.

BUDGET SUMMARIES

Based on all of the adjustments set out earlier in this report, the proposed HRA budget for 2024/25 is summarised below.

HRA Revenue Budget

Table 1

	2023/24 Original Budget £m	2024/25 Original Budget £m
Direct Expenditure	10.117	10.963
Direct Income	(15.266)	(16.720)
Indirect Income / Expenditure including Financing Costs <i>(including use of planned revenue commitments reserve in 2024/25)</i>	5.429	5.457
NET (SURPLUS) / DEFICIT	0.280	(0.300)
Contribution to / (from) Reserves	(0.280)	0.300

HRA Capital Programme

Table 2

	2024/25 Original Budget	
	£m	
EXPENDITURE	3.928	
FINANCING		
Major Repairs Reserve	3.314	
Direct Revenue Contribution	0.614	
Total Financing	3.928	
PREVIOUS RELEVANT DECISIONS		
<p>The last iteration of the HRA 30 Year Business Plan was report to Cabinet on 16 December 2022 with further general updates included in subsequent budget reports and regular financial performance reports as follows:</p> <p>Financial Performance Report 2023/24 – General Update at the end of July 2023 – Item A.5 Cabinet 6 October 2023</p> <p>Financial Performance Report 2023/24 – General Update at the end of September 2023 – Item A.3 Cabinet 10 November 2023</p> <p>Updated Housing Revenue Account Business Plan and Budget Proposals 2024/25 – Item A.6 Cabinet 15 December 2023.</p>		
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL		
None		

APPENDICES	
Appendix A	Updated HRA Business Plan (2023/24 and 2024/25)
Appendix B	Detailed HRA Budget Proposals 2024/25
Appendix C	HRA Proposed Service Charges / Fees and Charges 2024/25
Appendix D	HRA Capital Programme
Appendix E	HRA Reserves

REPORT CONTACT OFFICER(S)	
Name	Richard Barrett
Job Title	Assistant Director (Finance and IT)
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HRA 30 Year Business Plan (revised Year 12 to Year 30)

Line		RAG Rating	Year 12 Original	Year 12 Revised	Year 12 Change	Year 13 Reported Dec 23	Year 13 Revised Jan 24	Year 13 Change Dec 23 v Jan 24
			2023/24 (1) £	2023/24 (2) £	2023/24 (3) £	2024/25 (4) £	2024/25 (5) £	2024/25 (6) £
	Expenditure							
1	Maintenance incl. stock reduction factor		3,291,150	3,293,150	2,000	3,622,530	3,622,530	0
2	Depreciation - Capital Programme		2,906,670	2,906,670	0	2,906,670	2,906,670	0
3	Revenue Contribution to MRA		407,570	807,570	400,000	407,570	407,570	0
4	Management Costs (incl Sweeping and RTB Admin)		2,376,130	2,631,000	254,870	2,748,130	2,777,600	29,470
5	Utilities		504,860	654,860	150,000	687,600	537,600	(150,000)
6	Provision for Bad Debts		55,440	55,440	0	55,440	55,440	0
7	Council Tax In Empty Properties		130,090	130,090	0	77,830	77,830	0
8	Debt Management Expenses		71,800	71,800	0	75,390	75,390	0
9	Revenue Contribution to the Capital Programme		613,630	613,630	0	613,630	613,630	0
10	HRA Interest Repayments on Debt		1,205,860	1,205,860	0	1,153,530	1,153,530	0
11	Principal Payments on Debt - MRP		1,414,300	1,414,300	0	1,414,300	1,414,300	0
12	Recharges (Including Insurance and Pension Costs)		2,568,290	2,733,160	164,870	2,930,010	2,930,010	0
			15,545,790	16,517,530	971,740	16,692,630	16,572,100	(120,530)
	Income							
13	Dwelling Rents (incl.stock reduction factor)		(14,288,790)	(14,288,790)	0	(15,389,030)	(15,389,030)	0
14	Service Charges (incl.stock reduction factor)		(542,490)	(542,490)	0	(584,260)	(584,260)	0
15	Garage Rents (incl. stock reduction factor)		(166,430)	(166,430)	0	(179,250)	(179,250)	0
16	Non Dwelling Rents		(81,570)	(126,460)	(44,890)	(185,370)	(185,370)	0
17	Misc. Income		(28,620)	(32,910)	(4,290)	(32,910)	(32,910)	0
18	Investment Income		(138,260)	(370,850)	(232,590)	(329,720)	(329,720)	0
19	Capital Receipts (to cover Admin Costs of RTB's)		(19,500)	(19,500)	0	(19,500)	(19,500)	0
			(15,265,660)	(15,547,430)	(281,770)	(16,720,040)	(16,720,040)	0
20	Estimated Planned Use of Reserves*		0	(205,760)	(205,760)	(152,460)	(152,460)	0
	Surplus (-)/Deficit (+) on HRA Balance		280,130	764,340	484,210	(179,870)	(300,400)	(120,530)

* This adjustments relates to a separate decision earlier in the year

Revenue Estimates 2024/25

Housing Revenue Account (HRA)

<u>Analysis by Type of Spend</u>	2023/24 Original Estimate	2024/25 Original Estimate
	£	£
Direct Expenditure		
Employee Expenses	2,116,770	2,644,400
Premises Related Expenditure	4,065,410	4,384,690
Transport Related Expenditure	37,870	37,870
Supplies & Services	645,110	696,590
Third Party Payments	1,030	1,030
Transfer Payments	17,000	17,000
Interest Payments	1,205,860	1,153,530
Direct Capital Financing Costs	2,027,930	2,027,930
Total Direct Expenditure	10,116,980	10,963,040
Direct Income		
Government Grants	0	0
Other Grants, Reimbursements and Contributions	(8,440)	(8,440)
Sales, Fees and Charges	(586,460)	(628,230)
Rents Receivable	(14,532,500)	(15,754,250)
Interest Receivable	(138,260)	(329,120)
Total Direct Income	(15,265,660)	(16,720,040)
Net Direct Costs	(5,148,680)	(5,757,000)
Indirect Income/Expenditure		
FRS17/IAS19 Pension Costs	(754,010)	(754,010)
Service Unit and Central Costs	2,971,070	3,147,830
Capital Financing Costs	3,386,040	3,389,630
Recharged Income	(174,390)	(174,390)
Total Indirect Income/Expenditure	5,428,710	5,609,060
Contributions to/(from) reserves		
Contributions to/(from) Reserves	(280,030)	147,940
Total Contributions to/(from) reserves	(280,030)	147,940
Net Contribution to/(from) Reserves	(280,030)	147,940
Total for HRA	0	0

Revenue Estimates 2024/25

Housing Revenue Account (HRA)

<u>Analysis by Section/Function</u>	2023/24 Original Estimate	2024/25 Original Estimate
	£	£
HRA - I&E - Capital Grants		
Indirect Income/Expenditure	0	0
Net Total	0	0
HRA - MIRS Items to be excluded from HRA balance		
Direct Expenditure	613,630	613,630
Indirect Income/Expenditure	345,570	345,570
Net Total	959,200	959,200
HRA - MIRS Reversal of Capital Grant		
Indirect Income/Expenditure	0	0
Net Total	0	0
HRA - MIRS HRA - Contributions Payable to the Pension Scheme		
Direct Expenditure	525,520	710,580
Net Total	525,520	710,580
HRA - MIRS Total IAS 19 Adjustments		
Indirect Income/Expenditure	(945,290)	(945,290)
Net Total	(945,290)	(945,290)
HRA - MIRS Minimum Revenue Provision		
Direct Expenditure	1,414,300	1,414,300
Net Total	1,414,300	1,414,300
Total for Finance - Financing Items	1,953,730	2,138,790
HRA - Lease Holders Charges		
Direct Income	(84,000)	(90,470)
Indirect Income/Expenditure	17,630	17,630
Net Total	(66,370)	(72,840)
Total for CD Operations and Delivery Management and Administration	(66,370)	(72,840)

Revenue Estimates 2024/25

Housing Revenue Account (HRA)

HRA - Policy & Management		
Direct Expenditure	53,940	53,940
Direct Income	0	0
Indirect Income/Expenditure	550,720	550,720
Net Total	604,660	604,660
HRA - Tenancy Management & Rent Collection		
Direct Expenditure	979,570	1,128,660
Direct Income	(8,440)	(8,440)
Indirect Income/Expenditure	519,740	615,060
Net Total	1,490,870	1,735,280
HRA - Tenant Relations		
Direct Expenditure	66,450	107,390
Direct Income	(2,200)	(2,200)
Indirect Income/Expenditure	54,140	54,140
Net Total	118,390	159,330
HRA - Right to Buy Administration		
Direct Expenditure	41,710	51,940
Direct Income	(19,500)	(19,500)
Indirect Income/Expenditure	55,890	55,890
Net Total	78,100	88,330
HRA - Unapportionable Central Overheads Contribution		
Indirect Income/Expenditure	275,720	275,720
Net Total	275,720	275,720
HRA - Pumping Stations		
Direct Expenditure	6,570	6,570
Direct Income	(2,710)	(2,920)
Indirect Income/Expenditure	5,360	5,360
Net Total	9,220	9,010
HRA - Sewerage Expenses		
Direct Expenditure	22,200	22,200
Direct Income	(21,340)	(22,980)
Indirect Income/Expenditure	5,170	5,170
Net Total	6,030	4,390
HRA - Communal Central Heating		
Direct Expenditure	249,500	249,500
Direct Income	(85,540)	(92,130)
Indirect Income/Expenditure	0	0
Net Total	163,960	157,370

Revenue Estimates 2024/25

Housing Revenue Account (HRA)

HRA - Sheltered Units		
Direct Expenditure	343,770	360,150
Direct Income	(171,290)	(182,760)
Indirect Income/Expenditure	73,810	73,810
Net Total	246,290	251,200
HRA - Sheltered Units ECC Grant Funded Pilots		
Direct Expenditure	3,000	3,000
Net Total	3,000	3,000
HRA - Estate Sweeping		
Direct Expenditure	104,500	104,500
Net Total	104,500	104,500
HRA - Communal Cleaning		
Direct Expenditure	85,250	85,250
Direct Income	(35,010)	(37,710)
Indirect Income/Expenditure	0	0
Net Total	50,240	47,540
HRA - Communal Electricity		
Direct Expenditure	224,200	256,940
Direct Income	(78,470)	(84,510)
Indirect Income/Expenditure	3,510	3,510
Net Total	149,240	175,940
HRA - Estate Lighting		
Direct Expenditure	19,120	19,120
Net Total	19,120	19,120
HRA - Maintenance Of Grounds		
Direct Expenditure	22,620	22,620
Direct Income	(86,400)	(93,050)
Indirect Income/Expenditure	220,970	220,970
Net Total	157,190	150,540
HRA - Tenants Rentals		
Direct Expenditure	0	0
Direct Income	(14,508,710)	(15,622,370)
Net Total	(14,508,710)	(15,622,370)
HRA - Rents & Other Charges		
Direct Expenditure	130,090	77,830
Net Total	130,090	77,830

Revenue Estimates 2024/25

Housing Revenue Account (HRA)

HRA - Rent Income		
Direct Income	(23,790)	(23,790)
Net Total	(23,790)	(23,790)
HRA - Interest Receivable		
Direct Income	(138,260)	(329,120)
Net Total	(138,260)	(329,120)
HRA - Rent Arrears Provision		
Direct Expenditure	55,440	55,440
Net Total	55,440	55,440
HRA - Interest Charges		
Direct Expenditure	1,205,860	1,153,530
Net Total	1,205,860	1,153,530
HRA - Capital Charges		
Indirect Income/Expenditure	3,040,470	3,044,060
Net Total	3,040,470	3,044,060
HRA - Use of Balances		
Contributions to/(from) reserves	(280,030)	147,940
Net Total	(280,030)	147,940
Total for Housing	(7,042,400)	(7,710,550)
Jaywick Flexible Workspace (HRA)		
Direct Expenditure	0	25,100
Direct Income	0	(108,090)
Indirect Income/Expenditure	0	81,440
Net Total	0	(1,550)
Total for Economic Growth	0	(1,550)
HRA - Repair & Maintenance		
Direct Expenditure	3,291,150	3,620,470
Direct Income	0	0
Indirect Income/Expenditure	1,092,900	1,092,900
Net Total	4,384,050	4,713,370
HRA - Repairs & Maintenance - Surveyors		
Direct Expenditure	658,590	820,380
Indirect Income/Expenditure	112,400	112,400
Net Total	770,990	932,780
Total for Development and Building Management	5,155,040	5,646,150
Total for HRA	0	0

Housing Portfolio - HRA

Scale of Charges 2024/25

	Date last revised	(A) 2022/23	(B) 2022/23	(C) 2023/24	(D) 2023/24	VAT Ind
		Charge Exclusive of VAT	Charge Inclusive of VAT where applicable @ 20%	Charge Exclusive of VAT	Charge Inclusive of VAT where applicable @ 20%	
Effective from		01/04/2023 £	01/04/2023 £	01/04/2024 £	01/04/2024 £	
<u>GARAGE RENTS AND ACCOMMODATION CHARGES</u>						
Guest room accommodation at sheltered units per night:						
With en-suite facilities (St Marys Court, Groom House, Greenfields, Ironside Walk, Belmans Court)	Apr-18	25.00	30.00	25.00	30.00	V
Without en-suite facilities (Vyntoner House, Kate Daniels House, Mead House, Crooked Elms)	Apr-18	20.83	25.00	20.83	25.00	V
Garage rents HRA (not subject to VAT unless separately let to non-council tenants)	Apr-18	10.27	10.27	11.06	11.06	*
<u>QUESTIONNAIRES</u>						
Second mortgage enquiries (per enquiry)	Apr-18	158.33	190.00	158.33	190.00	V
Solicitors enquiries on resale of council flats	Apr-18	158.33	190.00	158.33	190.00	V
<u>SERVICE CHARGES (per week)</u>						
Sewerage charges (not subject to VAT) (See Note 1):						
Treatment Works:						
Goose Green, Tendring	Apr-23	9.00	9.00	9.00	9.00	Z
Coronation Villas, Beaumont	Apr-23	9.00	9.00	9.00	9.00	Z
Whitehall Lane, Thorpe	Apr-23	6.18	6.18	6.66	6.66	Z
Shop Road, Little Bromley	Apr-23	9.00	9.00	9.00	9.00	Z
Horsley Cross, Mistley	Apr-23	9.00	9.00	9.00	9.00	Z
Bio Systems	Apr-23	8.61	8.61	9.00	9.00	Z
Septic Tanks	Apr-23	3.27	3.27	3.52	3.52	Z
Pumping Stations (not subject to VAT)	Apr-23	5.97	5.97	6.43	6.43	Z
Sewerage charge cap where tenant in receipt of benefit	Apr-08	5.00	5.00	5.00	5.00	Z
Communal central heating charges (not subject to VAT) (see note 1):						
Heating and hot water:						
Single units	Apr-23	7.98	7.98	8.59	8.59	N
Double units	Apr-23	9.19	9.19	9.90	9.90	N
Belmans Court	Apr-23	1.86	1.86	2.00	2.00	N
Other Service Charges (not subject to VAT):						
Sheltered Housing:						
Grounds Maintenance	Apr-23	1.73	1.73	1.86	1.86	X
Communal Electricity	Apr-23	3.01	3.01	3.24	3.24	N
Non Sheltered Housing						
Grounds Maintenance	Apr-23	1.30	1.30	1.40	1.40	N
Communal Electricity	Apr-23	1.15	1.15	1.24	1.24	N
Communal Cleaning (not subject to VAT) (See Note 1):						
Langham Drive, Clacton	Apr-23	3.11	3.11	3.35	3.35	N
Nayland Drive, Clacton	Apr-23	3.09	3.09	3.33	3.33	N
Boxted Ave (3 Storey) , Clacton	Apr-23	3.04	3.04	3.27	3.27	N
Boxted Ave (2 Storey) , Clacton	Apr-23	1.73	1.73	1.86	1.86	N
Polstead Way, Clacton	Apr-23	1.73	1.73	1.86	1.86	N
Porter Way, Clacton	Apr-23	1.46	1.46	1.57	1.57	N
Tanner Close, Clacton	Apr-23	1.37	1.37	1.48	1.48	N
Mason Road, Clacton	Apr-23	1.56	1.56	1.68	1.68	N
Maldon Way, Clacton	Apr-23	1.56	1.56	1.68	1.68	N
Groom Park, Clacton	Apr-23	1.61	1.61	1.73	1.73	N
Leas Road , Clacton	Apr-23	1.61	1.61	1.73	1.73	N
Rivers House, Walton	Apr-23	1.37	1.37	1.48	1.48	N
Rochford House, Walton	Apr-23	1.37	1.37	1.48	1.48	N
D'arcy House , Walton	Apr-23	1.37	1.37	1.48	1.48	N
Churchill Court, Dovercourt	Apr-23	1.77	1.77	1.91	1.91	N
Cliff Court, Dovercourt	Apr-23	2.07	2.07	2.23	2.23	N
Nichols Close, Lawford	Apr-23	2.74	2.74	2.95	2.95	N
Grove Avenue Walton	Apr-23	0.86	0.86	0.93	0.93	N
<u>SHELTERED UNITS SERVICE CHARGES (Not subject to VAT) (see Note 2):</u>						
Housing Related Support Charge	Apr-17	6.34	6.34	6.34	6.34	X
Landlord Costs	Apr-15	13.60	13.60	13.60	13.60	X
Careline Alarm	Apr-17	2.00	2.00	2.00	2.00	X

Notes

Housing Portfolio - HRA

Scale of Charges 2024/25

		(A) 2022/23		(C) 2023/24		(D)
		Charge Exclusive of VAT	Charge Inclusive of VAT where applicable @ 20%	Charge Exclusive of VAT	Charge Inclusive of VAT where applicable @ 20%	VAT Ind
Effective from		01/04/2023 £	01/04/2023 £	01/04/2024 £	01/04/2024 £	
(1)	These charges are based on the principle of full cost recovery.					
(2)	Only applies to tenants who are not in receipt of Housing Benefit					
*	Garage Rent - VAT:					
	Parking:					
	Council Tenant	N	Storage: Homeless persons goods			N
	Non-Council Tenant	V	Premises suitable for parking			V
			Premises unsuitable for parking			X

HRA Capital Programme

	2023/24 Base £	2024/25 Budget £	2025/26 Budget £	2026/27 Budget £	2027/28 Budget £
<i>EXPENDITURE</i>					
Improvements, enhancement & adaptation of the Council's housing stock	3,447,870	3,447,870	3,447,870	3,447,870	3,447,870
Spendells House Project	800,000	0	0	0	0
Disabled adaptations for Council Tenants	400,000	400,000	400,000	400,000	400,000
Information Technology upgrade and replacement	20,000	20,000	20,000	20,000	20,000
Honeycroft New Build Scheme	3,250,000	0	0	0	0
Cash Incentive Scheme	60,000	60,000	60,000	60,000	60,000
	7,977,870	3,927,870	3,927,870	3,927,870	3,927,870
<i>FINANCING</i>					
External Contributions	0	0	0	0	0
Capital Grants	0	0	0		0
Capital Receipts	4,050,000	0	0	0	0
Section 106	0	0	0		0
Major Repairs Reserve	3,314,240	3,314,240	3,314,240	3,314,240	3,314,240
Direct Revenue Financing of Capital	613,630	613,630	613,630	613,630	613,630
	7,977,870	3,927,870	3,927,870	3,927,870	3,927,870

HRA RESERVES

APPENDIX E

	Balance 31 March 2023 £	Contribution from Reserves 2023/24 £	Contribution to Reserves 2023/24 £	Est. Balance 31 March 2024 £	Contribution from Reserves 2024/25 £	Contribution to Reserves 2024/25 £	Est. Balance 31 March 2025 £
HRA Reserves							
HRA General Balance	4,514,647	(1,164,340)	0	3,350,307	0	300,400	3,650,707
HRA Commitments	1,526,828	(1,526,828)	194,240	194,240	(152,460)	0	41,780
Major Repairs Reserve	4,891,042	(4,163,710)	3,714,240	4,441,572	(3,314,240)	3,314,240	4,441,572
Total Reserves	10,932,517	(6,854,878)	3,908,480	7,986,119	(3,466,700)	3,614,640	8,134,059