



## CABINET

<b>DATE:</b>	<b>Friday, 24 May 2024</b>
<b>TIME:</b>	<b>10.30 am</b>
<b>VENUE:</b>	<b>Town Hall, Station Road, Clacton-on-Sea, CO15 1SE (Committee Room)</b>

### 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: WEDNESDAY, 15 MAY 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 9 - 20)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 19 April 2024.

### **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 Leader of the Council's' Items - Joint Report of the Leader of the Council and the Economic Growth, Regeneration & Tourism Portfolio Holder - A.1 - Freeport East Progress and Business Plan (Pages 21 - 100)**

This report is to update Cabinet on progress with the Freeport East Programme, and to recommend the approval of the Freeport East Ltd annual business plan for 24/25 and the Retained Business Rates Strategy.

The Council is one of the Founding Members of Freeport East Ltd, the company established to deliver the Freeport, including the collection and spending of Retained Business Rates.

The Portfolio Holder for Economic Growth, Regeneration & Tourism was appointed as a company director for Freeport East Ltd. The annual business plan has been approved by the company directors at the last board meeting (March 2024), along with the Retained Business Rates Strategy, but still requires Founding Member approval as set out in the Members Agreement. If approved by the Founding Members it will become the Business Plan for the Company.

The report also outlines the proposal for appointing an Alternate Director of the Company in accordance with the Articles of Association.

### **8 Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.2 - Update on Levelling Up Fund and Capital Regeneration Projects (Pages 101 - 116)**

To update Cabinet on the Levelling Up Fund and Capital Regeneration Projects following the June 2023 report and to request Officers to investigate the opportunity to bring forward that delivery of the demolition of Milton Road car park in Dovercourt.

**9 Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.3 - Progress with Town Centre Regeneration through the Clacton Long Term Plan for Towns and Dovercourt High Street Accelerator (Pages 117 - 142)**

The Council is committed to town centre regeneration and has been allocated funding by Government to support a long-term plan for Clacton Town Centre and a pilot high street accelerator project in Harwich and Dovercourt.

This report updates Cabinet on progress and welcomes funding associated with these two schemes and delegates approvals on spending.

**10 Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.4 - Consideration and Adoption of a Reasonable Adjustments Policy, Vulnerability Policy and Unacceptable Customer Behaviour Policy (Pages 143 - 176)**

To present to Cabinet the following housing policies for approval and adoption:-

- Reasonable Adjustments Policy;
- Vulnerability Policy; and an
- Unacceptable Customer Behaviour Policy.

**11 Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.5 - Annual Housing Complaints Performance and Service Improvement Report including Self-Assessment against the Housing Ombudsman's Complaint Handling Code (Pages 177 - 228)**

To present to Cabinet an Annual Complaints Performance and Service Improvement report for scrutiny and challenge, which includes a self-assessment carried out against the Housing Ombudsman's Complaint Handling Code for 2023/24 prior to publication and submission.

**12 Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.6 - Further Update on Spendells House and Review of Budget and Reference under Section 5 of the Local Government and Housing Act 1989 (Pages 229 - 250)**

- To update Cabinet on progress with Spendells House being retained and reconfigured for the provision of temporary housing accommodation.
- To seek continued support for the project in the light of the options available and the ongoing need for the accommodation.
- To seek additional funding for additional work to address matters that were not within the specification and were brought to light in the course of the project.
- To inform Members of a breach of the Council's Financial Procedure Rules and legal decision making requirements with regard to variation of a contract without sufficient approvals in place and the actions taken in response.

**13 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.7 - Family Solutions Update (Pages 251 - 266)**

To recommend an additional Family Solutions Officer Post (Harwich) for a fixed term period of 12 months based on a review of the value for money / benefits such as the post would deliver on behalf of the Council and District.

**14 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.8 - Allocation of funding to the Mental Health Hub (Pages 267 - 276)**

To seek approval to allocate £28,000 of funding to the Mental Health Hub run by Citizen's Advice Tendring.

**15 Cabinet Members' Items - Joint Report of the Corporate Finance & Governance Portfolio Holder and the Partnerships Portfolio Holder - A.9 - Part Funded Police Community Support Officer (PCSO) Harwich & Dovercourt (Pages 277 - 286)**

To seek approval to continue to part-fund a Police Community Support Officer (PCSO)\* in the Harwich & Dovercourt area for the period 1<sup>st</sup> April 2024 until 31<sup>st</sup> March 2025 (12 months), Harwich Town Council and Tendring District Council will each fund 50% of the role.

*\*This is an extension of the existing arrangements, and a post holder is currently in this role if formally agreed, the Council will be invoiced for their contribution.*

**16 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.10 - Proposed Variation to the existing Public Spaces Protection Order (PSPO) in Clacton Town Centre - including an extension to the area covered and new conditions to the existing Order (Pages 287 - 304)**

Following consultation, this report seeks the agreement of Cabinet to endorse the variation of the Public Spaces Protection Order (PSPO) in Clacton town centre and its peripheral areas. The implementation of the PSPO will include an extension of the area covered and the inclusion of three new conditions.

**17 Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership Overview & Scrutiny Committee - A.11 - Scrutiny of School Age Education Provision (Pages 305 - 316)**

To enable the Cabinet to consider the recommendations submitted to it by the Community Leadership Overview & Scrutiny Committee following that Committee's consideration of the report from its Scrutiny of School Age Education Provision Task and Finish Group at its meeting held on 23 April 2024.

**18 Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership Overview & Scrutiny Committee - A.12 - Scrutiny of Mainstream and Community Transport provision in the District (Pages 317 - 334)**

To enable the Cabinet to consider the recommendations submitted to it by the Community Leadership Overview & Scrutiny Committee following that Committee's consideration of the final report from its Scrutiny of Mainstream and Community Transport Provision Task and Finish Group at its meeting held on 23 April 2024.

**19 Matters Referred to the Cabinet by a Committee - Reference from the Community Leadership Overview & Scrutiny Committee - A.13 - Scrutiny of Improving Access to NHS Dentistry for Residents in Tendring (Pages 335 - 336)**

To enable the Cabinet to consider the recommendations submitted to it by the Community Leadership Overview & Scrutiny Committee following that Committee's scrutiny of improving access to NHS Dentistry for residents in Tendring at its meeting held on 23 April 2024.

**20     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 Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 21 June 2024.*

## **Information for Visitors**

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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 19TH APRIL, 2024 AT 10.30 AM  
IN THE ESSEX HALL, AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

**Present:** Councillors M E Stephenson (Leader of the Council & Corporate Finance and Governance Portfolio Holder)(Chairman), A P H Baker (Housing and Planning Portfolio Holder), M C Barry (Leisure and Public Realm Portfolio Holder), M Bush (Environment Portfolio Holder), P Kotz (Assets Portfolio Holder) and G R Placey (Partnerships Portfolio Holder)

**Group Leaders Present by Standing Invitation:** Councillors J B Chapman BEM (Leader of the Independent Group), G G I Scott (Leader of the Liberal Democrats Group) and P B Honeywood (Deputy Leader of the Conservative Group)

**In Attendance:** Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), William Lodge (Communications Manager), Debianné Messenger (Work Based Learning Manager), James Dwan (Communications Officer) and Georgia Wadling (Digital Marketing Assistant)

**108. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors J D Bray (Leader of the Tendring Residents' Alliance Group), I J Henderson (Deputy Leader of the Council & Portfolio Holder for Economic Growth, Regeneration & Tourism) and G V Guglielmi (Leader of the Conservative Group).

**109. MINUTES OF THE LAST MEETING**

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

**RESOLVED** that the minutes of the meeting of the Cabinet, held on Tuesday 12 March 2024, be approved as a correct record and be signed by the Chairman.

**110. DECLARATIONS OF INTEREST**

Councillor Barry declared a Disclosable Pecuniary Interest under the category of Corporate Tenancies – Trustee of Charitable Incorporated Organisation, in relation to Agenda Item 9 (report of the Corporate Finance & Governance Portfolio Holder - A.2 – Financial Performance Report 2023/24 – General Update at the end of December 2023) and in respect of his position as a Trustee of the Brightlingsea Lido and given also that Brightlingsea Lido was mentioned within the body of the report, within the report's appendices and within the report's recommendations.

Later on in the meeting, as set out within Minute 116 below, and in relation to the same report mentioned above and the Brightlingsea Lido, Councillor Chapman declared an

Other Registrable Interest insofar as she was also a Member of Brightlingsea Town Council.

Later on in the meeting, as set out within Minute 116 below, and in relation to the same report mentioned above and during the discussion of the North Essex Parking Partnership potential budget deficit, Councillors P B Honeywood and M E Stephenson each declared an Other Registrable Interest insofar as they were both also members of Essex County Council.

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

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

**112. ANNOUNCEMENTS BY CABINET MEMBERS**

The Leisure and Public Realm Portfolio Holder (Councillor Barry) announced that a consultation had been launched into Tendring District Council's draft Sports and Activity Strategy. The consultation would run until Sunday, 9 June 2024 and he urged Members and residents to have their say on the future of sports and leisure provision in Tendring.

The Leader of the Council reminded Cabinet that the draft Strategy had been submitted to the All Members' Briefing on 17 April 2024 when it had been well-received.

**113. MATTERS REFERRED TO THE CABINET BY THE COUNCIL**

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

**114. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.1 - LOCAL PLAN REVIEW: VISION AND OBJECTIVES REVISITED**

It was reported that the Planning Policy and Local Plan Committee ("the Committee"), at its meeting held on 27 February 2024 (Minute 32 referred), had considered a detailed report of the Director (Planning) (A.1) which had sought its comments on, and approval for, an updated version of the Local Plan's overarching Vision and Objectives for the purpose of the Local Plan review and associated public consultation.

The Committee's decision at its meeting held on 27 February 2024 had been as follows:-

"RESOLVED that the Planning Policy and Local Plan Committee -

- a) notes the content of the Director (Planning)'s report (A.3);
- b) endorses the Local Plan Vision and Objectives and Officers' suggested updates shown, with tracked changes, in Appendices 1 and 2 to report A.3;
- c) authorises the Director (Planning) to circulate to the members of the Committee for their further comments the proposed additions/alterations to the Vision and Objectives;

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- d) authorises the Director (Planning), in consultation with the Chairman of the Committee, to approve the proposed additions/alterations to the Vision and Objectives having considered any comments submitted in accordance with resolution c) above;
  - e) agrees for the updated Vision and Objectives, including any additional amendments/alterations approved in accordance with resolution d) above, to be included for public consultation in due course as part of the 'Issues and Options' stage of the Local Plan review process; and
  - f) invites the Cabinet to comment on and amend, as necessary, the Vision and Objectives as agreed under resolution e) above before they are published as part of the aforementioned Issues and Options consultation in order to ensure and confirm their alignment with the Council's corporate vision."

Cabinet had before it the Housing and Planning Portfolio Holder's comments on this matter which were as follows:-

"Having attended the meeting of the Planning Policy and Local Plan Committee on 27 February 2024 and witnessed the debate, I am content that the proposed Vision and Objectives for the Local Plan, with the Committee's focussed amendments, aligns broadly with the strategic direction of the Council and should proceed in to be incorporated into the forthcoming public consultation on Issues and Options. I note that the Committee has also recently been considering issues around the levels of housing and employment development that we might need to plan for through the review of the Local Plan as a consequence of extending its timeframe to 2041; along with a wide range of options for how any additional growth could be accommodated across different parts the district. Clearly, if the levels of development needed up to 2041 have to increase substantially in line with government requirements and a more radical approach to accommodating that growth is required, the Committee may have to consider further changes to the Vision and Objectives in due course to reflect any necessary change in approach. I thank the Planning Policy and Local Plan Committee for its hard work in progressing the review of the Local Plan to date – particularly given the challenging timescales involved in getting an updated Plan to the Secretary of State by June 2025."

The Vision and Objectives, as approved by the Planning Policy and Local Plan Committee, were set out in Appendix 1 to the reference report.

The Director (Planning)'s Report and accompanying Appendices, which had been considered by the Planning Policy and Local Plan Committee at its meeting held on 5 October 2023, were attached as Appendix 2 to the reference report.

Having considered the invitation of the Planning Policy & Local Plan Committee, together with the comments of the Housing and Planning Portfolio Holder:-

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

**RESOLVED** that Cabinet –

- (a) does not wish to make any comments or amendments to the Vision and Objectives (Appendix 1) and confirms that they align with the Council's corporate vision; and

- (b) approves the Vision and Objectives for the review of the Local Plan and that they be published, in due course, for public consultation purposes, as part of the 'Issues and Options' stage of the Local Plan review process.

**115. LEADER OF THE COUNCIL'S ITEMS**

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

**116. CABINET MEMBERS' ITEMS - REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE - A.2 - FINANCIAL PERFORMANCE REPORT 2023/24 - GENERAL UPDATE AT THE END OF DECEMBER 2023**

Earlier on in the meeting, as detailed under Minute 110 above, Councillor Barry had declared a Disclosable Pecuniary Interest in the subject matter of this item insofar as he was a Trustee of the Brightlingsea Lido and given also that Brightlingsea Lido was mentioned at several junctions within the Portfolio Holder's report (including its recommendations to Cabinet). Councillor Barry therefore withdrew from the meeting and left the room whilst Cabinet deliberated this matter and reached its decision.

Also in relation to the Brightlingsea Lido, Councillor Chapman declared an Other Registrable Interest insofar as she was also a Member of Brightlingsea Town Council.

During the discussion of the North Essex Parking Partnership potential budget deficit, Councillors P B Honeywood and M E Stephenson each declared an Other Registrable Interest insofar as they were both also members of Essex County Council.

Cabinet considered a detailed report of the Corporate Finance & Governance Portfolio Holder (A.2), which provided it with a general update and overview of the Council's financial position against the 2023/24 budget and looking ahead to 2024/25 and beyond.

The report was split over two distinct sections as follows:

- 1) *The Council's in-year financial position against the budget at the end of December 2023;*
- 2) *A long term financial forecast update*

As this report was presented later than in previous years, it had been felt timely to also focus on the estimated outturn position and not just the position at the end of Quarter 3, as well as looking ahead to a number of early changes to the budget in 2024/25. Section 1 of the report therefore reflected on those issues as well as their inclusion in Appendix H accordingly.

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

It was reported that the position to the end of December 2023, as set out in more detail within the appendices, showed that overall the General Fund Revenue Account was underspent against the profiled budget by £3.823m. This was primarily due to the timing of expenditure and income in addition to the items set out in Appendix H.

Cabinet was informed that, as was the case at the end of Quarter 2, there were only a limited number of variances that had developed during the second half of the year, given the various adjustments already 'built' into the 2023/24 base budget along with the changes highlighted at the end of the first two quarters of the year. However, those additional issues that had emerged or developed further during the second half of the year were discussed in more detail within the Portfolio Holder's report.

In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, additional details were also set out later on in the Portfolio Holder's report where necessary.

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

Cabinet was advised that a limited number of in-year budget adjustments were proposed as set out in Sections 1 and 2 of Appendix H, with an associated recommendation also included within the report. The same appendix also set out a number of proposed budget adjustments in 2024/25, which reflected the impact from decisions relating to fees and charges along with identification of a number of additional cost pressures.

Members were aware that the overall net impact of the proposed budget adjustments set out in Appendix H would be adjusted against the Forecast Risk Fund.

It was reported that one of the proposed adjustments in Appendix H related to External Audit Fees. It was proposed to appoint BDO (the Council's outgoing External Auditors), via a procurement exemption, to undertake the necessary certification of three housing benefit subsidy returns to the Government.

Cabinet was aware that the Council had been awarded further funding as part of the second round of the Swimming Pool Support fund made available by Sport England. Additional details were set out later in the report (along with the necessary budget adjustment included within Appendix H), with an associated recommendation to accept the funding and seek the necessary delegations to undertake the required governance activities.

As previously requested by Cabinet, it was proposed to provide updates against two carry forwards from 2022/23 relating to the HR and Career Track Services. As set out elsewhere in the report, as work was underway to finalise the outturn position for the year, it was now proposed to provide an update that reflected the final position for the year, which would be reported to Cabinet in June / July. A recommendation had been included to reflect that proposed approach.

Although subject to the approval of the adjustments set out in Appendix H, it was proposed to allocate a further £0.100m to support the work associated with the options appraisal / tender of the Waste and Street Cleansing Contract. Additional details were set out elsewhere in the report along with an associated delegation included within the recommendations.

A further recommendation had also been included to provide the necessary flexibility regarding the allocation of funding to the Levelling Up Fund project in Clacton and the

Capital Regeneration Programme project in Dovercourt. Additional details were set out elsewhere in the report which highlighted that no additional funding was being requested at this stage, but simply an associated delegation to enable the most advantageous allocation of funding from within the overall project budgets.

SECTION 2 - In respect of the long term financial forecast update:

It was reported that there had been no changes made to the forecast position considered by Full Council on 13 February 2024 as part of agreeing the detailed budget. Cabinet was reminded however that future year's estimated annual deficits remained significant against the context of the Council's overall net budget. However, along with the forecast risk fund, the forecast / budget considered by Full Council on 13 February 2024 had provided flexibility in terms of developing the required framework in which to identify the necessary savings to support an on-going financially sustainable position over the next few years and in turn the time to make better-informed decisions.

It was important to highlight that, based on the latest forecast, the Forecast Risk Fund still remained in a surplus position to support the Council's financial position over the period from 2024/25 to 2026/27.

Cabinet was advised that the level of time and resources required to not only develop the above framework but to deliver the required savings, should not be underestimated, especially when set against other existing commitments such as delivering the Levelling Up projects and Freeport East. There therefore needed to be a clear focus on the timely development of the plan whilst managing competing resources over the coming months.

As mentioned in previous reports, consideration would be given to extending the current forecast period beyond 2026/27 during the year, as the long-term forecast approach still provided an effective method of managing financial risks, and remained underwritten by the Forecast Risk Fund.

Members were reminded that the primary risks to the forecast remained as in earlier forecast reports and those related to the successful delivery of the necessary savings alongside the management of emerging cost pressures.

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

Having duly considered the financial position for the Council and in order to respond to emerging issues in 2023/24 along with developing the budget and long term forecast from 2024/25:-

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

**RESOLVED** that Cabinet -

- 
- (a) notes the Council's in-year financial position at the end of December 2023 along with the latest financial update / forecast;
  - (b) approves the proposed adjustments to the 2023/24 budget, as set out in Section 1 and 2 of Appendix H;
  - (c) approves the proposed adjustments to the 2024/25 budget, as set out in Section 3 of Appendix H;
  - (d) subject to b) and c) above, requests Officers to review any potential longer term / on-going impact of the items set out in Appendix H, as part of developing the forecast for further consideration by Cabinet later in the year;
  - (e) requests an update on the two carry forward items set out in this report, that were previously requested by Cabinet at its 10 November 2023 meeting, for inclusion in the Outturn Report for 2023/24;
  - (f) subject to (b) above, agrees an exemption from the Council's Procurement Rules in order to enable BDO to be engaged to undertake the necessary audit work relating to the Housing Benefit Subsidy Certification process for 2021/22, 2022/23 and 2023/24 and approves their appointment;
  - (g) notes the funding made available via the second round of Sport England's Swimming Pool Support Fund and:-
    - (i) accepts the funding of £0.136m awarded to the Council along with noting the terms of the associated grant agreement that requests the Council to operate the facility for a period of three years from the date of the agreement unless otherwise agreed by Sport England;
    - (ii) agrees that the approval of the necessary governance arrangements be delegated to the Corporate Director (Place and Economy), in consultation with the Leader of the Council and the Council's Monitoring Officer and Section 151 Officer, and that such arrangements aim to protect the Council as far as reasonably possible within the context of the responsibilities the Council may have in administering the grant funding along with any transfers of money to the independently operated Brightlingsea Lido;
  - (h) subject to (c) above, agrees a delegation to the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder for the Environment to utilise the additional proposed budget of £0.100m to support the work associated with the options appraisal / tender activities for the Waste and Street Cleansing Contract;
  - (i) agrees a delegation to the Corporate Director (Place and Economy), in consultation with the Council's Section 151 Officer, to determine the mix of funding (from the Council's own approved contribution and the money made available by the Government) to support both the LUF Scheme in Clacton and the CRP Scheme in Dovercourt, within financial parameters previously agreed and until the next significant project milestones are reported to Cabinet; and

- (j) invites the views of the Resources and Services Overview and Scrutiny Committee on the information set out in this report along with the Council's wider financial position as part of its work programme for the year.

**117. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.3 - CONSIDERATION AND ADOPTION OF A TENANT INVOLVEMENT POLICY AND ANTI-SOCIAL BEHAVIOUR POLICY**

Cabinet considered a report of the Housing and Planning Portfolio Holder (A.3), which sought its approval and formal adoption of the following housing policies:-

- Tenant Involvement Policy
- Anti-Social Behaviour Policy.

It was reported that these policies formalised the work that was already undertaken in the Housing and Environment service and built upon previously agreed and implemented policies.

Cabinet was informed that the purpose of the Tenant Involvement Policy was to set out the Council's overall approach to tenant involvement and defined the vision and priorities for that engagement. It aimed to set out the direction for tenant involvement and supported the Council's commitment to involving tenants in shaping and scrutinising services.

Members were made aware that the purpose of the Housing Anti-Social Behaviour Policy was to set out the Council's approach to deterring and tackling anti-social behaviour (ASB) in the neighbourhoods where the Council provided social housing. It detailed how the Council would provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to the Council and by signposting victims and perpetrators to agencies who could give appropriate support and assistance.

Cabinet was advised that these policies met the requirements set out in the Regulator of Social Housing's revised Consumer Standards that had come into effect from 1 April 2024.

In order to ensure that the policies were appropriately adopted, in accordance with the Council's Constitution, and in order to evidence compliance with regulatory standards:-

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

**RESOLVED** that Cabinet –

- (a) approves the adoption of the Tenant Involvement Policy and of the Anti-Social Behaviour Policy;
- (b) authorises their direct implementation; and
- (c) authorises the Corporate Director (Operations and Delivery), in consultation with the Portfolio Holder responsible for Housing, to make future updates or amendments to those policies.



**118. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.4 - GRANT FUNDING REVIEW**

Further to Minute 22 (21.7.23), Cabinet considered a report of the Partnerships Portfolio Holder (A.4), which highlighted the spending that had occurred in 2023/24, and that further work would be required to determine any potential future allocation of grant funding.

Cabinet was aware that this Council allocated a significant amount of funding across the voluntary and community sector, either from external provision, such as the Shared Prosperity Fund (*government*) or from internal resources, such as the Tendring Community Fund.

It was reported that, currently, funding was allocated individually by services following a broadly similar approach with application forms, criteria and assessment of applications. Any review of grant funding needed to consider what the Council was currently funding and then determine what priorities it wished to address going forward. This would require further work to be undertaken across the organisation to identify the gaps in provision and where support might be required to support delivery of the Council's Corporate Plan.

This report therefore identified the 2023/24 funding provision and proposed recommendations in relation to the further work required going forward. Further to the review, a policy could be developed to support the governance around the allocation of grant funding.

In the light of the fact that considering funding already allocated would assist in determining the types of funding the Council might wish to provide in the future and that a further review which analysed any gaps in service provision across the organisation would also assist in understanding what funding the Council might wish to provide to meet the Corporate Plan:-

It was moved by Councillor Placey, seconded by Councillor Barry and:-

**RESOLVED** that Cabinet –

- (a) notes the contents of this report including the Allocation of Funding for 2023/24, as set out in Appendix 1 to the Portfolio Holder's report (A.4);
- (b) authorises the Portfolio Holder for Partnerships to continue with the requested review in order to determine what priorities the Council could support through external funding in the future;
- (c) agrees that such review will include engagement with Officers and the relevant Portfolio Holders, in order to understand existing schemes and determine proposals for the future, taking into account service provision, subsidy control implications, the Council's financial position and delivering the Council's Corporate Plan;
- (d) requires that, following completion of the review, a further report will be presented to Cabinet in readiness for the budget process for 2025/26; and

- (e) in light of the revised approach for the review, recommends to the Community Leadership Overview and Scrutiny Committee that its work on reviewing grant schemes operated by the Council ceases in order to prevent a duplication of Council resources on this subject.

**119. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.5 - TENDRING DISTRICT COUNCIL (CAREER TRACK) APPRENTICESHIPS**

Cabinet considered a report of the Partnerships Portfolio Holder (A.5), which provided it with an update on the work of Career Track, the Council's Apprenticeship training provider. The report also sought Cabinet's approval to continue its support for Career Track and to acknowledge the outcome of the recent Ofsted visit.

It was reported that Career Track was registered with the Department for Education (DfE) and the Education and Skills Funding Agency (ESFA) as an Independent Training Provider and was subject to inspection from Ofsted. It was able to provide apprenticeships not only for this Council but also for any other employer. Many of Career Track's clients were fellow local authorities or small businesses within Tendring, this had been the case since its founding in 1983. In providing apprenticeships to local businesses and local authorities Career Track was operating within its existing capacity. The staffing establishment for Career Track was kept to the minimum possible for it to maintain approval with Ofsted and ESFA. No additional impacts occurred as a result of providing a service to other clients.

Members were informed that, as part of its commitment to providing work and learning opportunities for those who might otherwise struggle, Career Track had always been strongly supported by this Council. It was seen as a key mechanism for young people across the District to work and have a career within Tendring.

Cabinet was reminded that Career Track did not operate to make a profit. It received funding via the ESFA to deliver apprenticeships however, this did not cover its full costs. The shortfall was predominately as a result of increased costs since 2017. There had been no change in the fees allowable as set by Government when the current apprenticeship system had been created seven years ago.

Cabinet was made aware that the national downturn in the number of people taking up apprenticeships was reflected in Career Track facing an increased challenge with gaining the engagement of employers. To assist with mitigating the revenue shortfall Career Track provided apprenticeships predominantly for other local authorities. This created an additional revenue stream to further support the provision of the service. Members noted that, as had always been the case, there were a number of other apprenticeship providers within the area, the most notable of which were Colchester Institute and Adult Community Learning (ACL) which was part of Essex County Council. Nationally with increased regulation over recent years the overall number of independent training providers had reduced. Locally, for example Catten College, which had been trading for more than 30 years, had closed in 2019. However, with distance learning increasingly offered, the total variety of options had increased as some providers now offered apprenticeship training throughout the country.

In order to enable other local authorities to meet their organisational apprenticeship procurement requirements it was becoming clear that there was a need to review the

current operating model for Career Track. The Council would need to review those terms and conditions, responsibilities and obligations and to seek Cabinet's approval with an associated business case going forward.

It was felt that Career Track offered an almost unique model in that its primary aim always had and always would be, to provide learning opportunities for the people of Tendring. It would always focus its capacity in the area and to prioritise this over and above any other provision. It provided a special talent pipeline for the organisation which was key for the recruitment and development of staff. Although the precise figure was not known, it was estimated that approximately 20% of the organisation's staff had begun their career at Tendring District Council as a Career Track apprentice. The staff team had a detailed understanding of local authority requirements and of the District. This was something no other training provider could match. The ongoing one to one support for apprentices and the skills of one staff member as a training Special Needs Co-ordinator enabled Career Track to support learners who might not have had a positive experience in formal education, be neurodiverse or may have complex home circumstances.

Members were advised that, if Career Track was not supported by the Council to continue there would certainly be other providers who could step in but the level of service and personalisation along with the detailed knowledge previously outlined would be lost. Consequently, it was likely that success rates and retention rates would decline from the current 80%.

Cabinet was reminded that, as well as providing an overall update this report updated it on the Ofsted visit in November 2023 which had resulted in Career Track receiving a 'Good' rating from the Inspectorate. Ofsted had previously graded Career Track as a 'requires improvement' provider in 2021; though when they had again visited the following year they had been able to identify that 'reasonable progress' had been made. The full inspection in November 2023 had completed the re-inspection cycle and had left Career Track in a strong position going forward.

In order to enable Career Track to maintain their 'Good' Ofsted grade and to continue to contribute to the economic, health and social wellbeing of the District:-

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

**RESOLVED** that Cabinet -

1. continues to support the Career Track function as a mechanism to contribute to the Council meeting its corporate priorities;
2. acknowledges that the long term cost of providing a 'subsidy' will need to be considered as part of developing the long term financial forecast, but noting that the Career Track Service will continue to work towards reducing the overall subsidy required where possible, with a future report being presented to Cabinet on alternative solutions;
3. notes the wider update about the Career Track Service including the OneFile eportfolio system;

4. endorses and approves the appointment of the governors to the Governance Board;  
and
5. welcomes the outcome of the Ofsted visit.

**120. MANAGEMENT TEAM ITEMS**

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

The Chief Executive (Ian Davidson) took the opportunity to remind the meeting that the statutory rules regarding the ways in which postal voters could return their ballot paper envelopes to the Returning Officer had changed. Postal Voters were no longer allowed to return their postal vote via the Town Hall's letterbox. Postal Voters could still hand them in at the Town Hall Reception or at a polling station, however they would need to complete a form to do so. Otherwise, Postal Voters would need to return their ballot paper via Royal Mail.

Councillor Scott suggested that a press release be issued to draw attention to this change. Ian Davidson responded that an explanatory note had been included within the Postal Voters' ballot paper mailing pack and that information on this change would be included as part of the Council's regular election publicity.

The Leader of the Council also reminded the meeting that today was "Find It FriDay" when voters were being encouraged to check that they had the right photo ID if they were planning to vote in polling stations for the Police, Fire and Crime Commissioner election on 2 May 2024.

The Meeting was declared closed at 11.18 am

**Chairman**

## CABINET

24 MAY 2024

### JOINT REPORT OF THE LEADER OF THE COUNCIL AND THE PORTFOLIO HOLDER FOR ECONOMIC GROWTH, REGENERATION & TOURISM

#### A.1 Freeport East Progress and Business Plan

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

This report is to update Cabinet on progress with the Freeport East Programme, and to recommend the approval of the Freeport East Ltd annual business plan for 24/25 and the Retained Business Rates Strategy.

The Council is one of the Founding Members of Freeport East Ltd, the company established to deliver the Freeport, including the collection and spending of Retained Business Rates.

The Portfolio Holder for Economic Growth, Regeneration & Tourism was appointed as a company director for Freeport East Ltd. The annual business plan has been approved by the company directors at the last board meeting (March 2024), along with the Retained Business Rates Strategy, but still requires Founding Member approval as set out in the Members Agreement. If approved by the Founding Members it will become the Business Plan for the Company.

The report also outlines the proposal for appointing an Alternate Director of the Company in accordance with the Articles of Association.

###### EXECUTIVE SUMMARY

- Freeport East, is a government backed hub for investment, trade and innovation. It is central to the government's agenda for driving clean growth, promoting regeneration and job creation to level up communities. Freeport East includes the Port of Felixstowe and Harwich International Port, and the Gateway 14 site in Stowmarket, Suffolk. It comprises 275 hectares of space and facilities across three sites eligible for tax relief ("Tax Sites") at Felixstowe dock, Bathside Bay in Harwich, and Gateway 14 in Stowmarket.
- Freeport East Ltd was incorporated as a Company Limited by Guarantee in December 2022. It was established by a range of local public and private partners (including Tendring District Council) to act as the main counterpart to Government for delivery of the freeport policy for Freeport East
- Cabinet previously approved the appointment of Cllr Henderson as a Freeport East Company Director, but to date has not appointed an Alternate Director. The Company's Articles of Association states that any public sector director of the company can appoint an alternate who is an officer or employee, or an elected member. Any appointment or removal of an Alternate must be effected by notice in writing to the Company signed by

the Appointor. The Board are responsible for registering any alternates at Companies House.

- It is proposed that the Alternate Director is Lee Heley, Corporate Director Place and Economy. If agreed this will be submitted in writing by Cllr Henderson to the Company in May 2024.

### Business Plan

- Freeport East Ltd has produced a draft annual Business Plan. The Business Plan sets out the key priorities for the year (developing a high performing organisation; delivering an ambitious vision for Freeport East; delivering investment; and making the most of its visibility and voice), and how they will deliver them, including the types of activities they will pursue, and the resources needed to deliver these. It also sets out a high-level summary of key achievements for 2023/24, its first year of operation. The Business Plan is supported by a range of more detailed operational documents.
- The Business Plan needs to be approved by the Founding Members as set out in the Members Agreement. Once the Business Plan is approved, Freeport East intend to publish the final version on their website as an important means to convey to the wider public the scope of what they are delivering.
- As well as setting the direction for the organisation, the Business Plan also creates a framework for expenditure that can be followed internally. Freeport East Ltd costs in the region of £1.25m per year, funded originally through government grant but now through the business rate income as set out in the Retained Business Rates Strategy (see below).
- It should be noted that the £1.25m includes a slight increase in head count for the central Freeport East team. The increase has been requested by central government, who want all the Freeports to be able to demonstrate their capacity to deliver against government objectives, and it was one of the conditions attached to the announcement in the Autumn Statement that extended the tax reliefs from five to 10 years. (The other conditions include evidence of progress on the tax sites.)

### Retained Business Rates Strategy (Local Growth and Investment Strategy)

- In addition to the Business Plan, Freeport East, in consultation with partners, has developed a 'Retained Business Rates Strategy' (Annex 2) that sets out how Freeport East will pool, allocate, spend and monitor the retained business rate income that is collected on the freeport tax sites over the next 25 years. (This includes the company's operational costs.) It is proposed to be renamed the Freeport East Local Growth and Investment Strategy in order to give it more relevance to a public audience.
- The Strategy was approved by the Board in March 2024, subject to an amendment on page 20, which will include additional wording: *Reflecting this principle in the case of Bathside Bay specifically, and to fully reflect the intent of decisions made by Tendring District Council in relation to business rates usage and to achieve the site developments envisaged in the Full Business Case, 70% of the total retained business rates from the Harwich tax site are planned to be allocated to support the development of the Harwich tax site to achieve the outcomes of the Green Energy Hub.*

- As a result, the Freeport East's 'Business Rates Strategy' will align with the Council's final' Freeport East Policy for Managing Retained Business Rates', approved by Cabinet in January 2023.
- The Strategy is intended to be a single point of reference and a decision-making framework for the Freeport East Board on all retained rates matters going forward. It also guides Tendring District Council and the other Billing Authorities in terms of how business rates they collect (directly from the tax site occupiers or as rebates from HMT) are used to support the freeport initiative and levelling up, such as business support, skills and infrastructure ("pot c") which Tendring will benefit from. The Strategy also sets out how funds will be allocated to the tax sites, including helping fund the delivery of Bathside Bay ("pot b").
- The Council remains firm that it will not borrow without collateral to lend against future rates on the Bathside Bay site to the benefit of Hutchinsons Ports UK. The Council is however content to pass on business rates to Freeport East if and when they do come in from the tax site, in accordance with the Retained Business Rates Strategy.
- Separately the Billing Authorities, will be considering putting in place a *Business Rates Agreement* which will ensure there is clarity around forecasting, collection and management of business rates funds in a manner that is consistent with the Retained Business Rates Strategy.

## **Update on progress**

### Planning Bathside Bay (Harwich Tax Site)

Hutchinson Ports submitted their application for the temporary (15 year) Clean Energy Hub at Bathside Bay to Tendring District Council on 8 November. The planning application was approved by the Planning Committee on 14th May 2024. This follows extensive discussion with Natural England to address their previous holding objection.

The application states: Temporary use of Bathside Bay Container Terminal permitted under planning permission 10/00202/FUL dated 14 February 2013 as varied by permission 21/01810/VOC dated March 2022 (BBCT Permission) for wind turbine storage, staging, marshalling and assembly including the import and export, handling and deployment of concrete substructures, moorings, anchors and array cables and other related offshore green energy paraphernalia followed by decommissioning to enable continuation of container terminal use under the BBCT Permission.

### Clean Energy Innovation Cluster in Harwich (Opergy Report)

Opergy were commissioned by the University of Essex, and funded through Tendring's UK Shared Prosperity Fund, to identify opportunities for Harwich to evolve into a centre for clean energy innovation. The report, launched in December 2023, outlines the vision, actionable recommendations, and the rationale behind creating an innovation cluster in Harwich.

The report provides an opportunity for the Council, the University of Essex and Freeport East to promote an innovation centre to funders in a two-phased approach with a pop-up interim solution whilst planning for a permanent innovation hub. The partners have now formed a

working group to take the project forward, and the creation of the Innovation Cluster is one of the priorities outlined in the Freeport East Business Plan.

#### Seed capital

The £7m seed capital for Bathside Bay is expected to come forward in the Summer, and proposals will be subject to a full business case and Green Book standard appraisal to ensure it is best use of public funds.

### **RECOMMENDATION(S)**

**It is recommended that Cabinet:**

- a) approves the Freeport East annual business plan for 2024/25;**
- b) delegates authority to the Leader of the Council to approve future annual business plans on behalf of Tendring District Council as a Founding Member of Freeport East Ltd.;**
- c) approves the appointment of Lee Heley, Corporate Director Place and Economy, as the Council's Alternate Director of Freeport East Ltd., as nominated by the Portfolio Holder for Economic Growth, Regeneration & Tourism who is the Council's main Director on the company;**
- d) approves Freeport East Ltd.'s Business Rate Relief Strategy (Local Growth and Investment Strategy); and**
- e) notes the progress that has been made with the Freeport East programme.**

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

Approving the Business Plan will allow Freeport East to operate with a framework of expenditure and report back against the priorities set for the year. It also allows Freeport East to publish the business plan and to be open and transparent about how the business rates are being used to meet the objectives of government and local partners.

By appointing an Alternate Director, the Council can ensure they have sufficient cover for future Board meetings.

Approving the Retained Business Rates Strategy will ensure there is a robust process by which the business rates are allocated, helping to achieve the Freeport East objectives, which in turn will ensure that local people benefit from the Freeport. Having an agreed and published Strategy is a condition of all Freeports stipulated by government.

### **ALTERNATIVE OPTIONS CONSIDERED**

The alternative option is for the Council not to approve the Business Plan and the Retained Business Rates Strategy, however this would prevent Freeport East Ltd from being able to operate within the framework agreed by the Board of Directors, and would result in the



company not achieving the work programme for 2024/25, which includes progressing Bathside Bay, nor meeting the conditions set out by DLUHC.

Cabinet could also choose not to appoint an Alternate Director to the Company, but the Council will not be able to vote as meetings if the Director is unable to attend, and will therefore have less influence over the strategic direction of the Company.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The Council’s new corporate priorities include raising aspirations and creating opportunities. Under this objective there is a specific objective to take the opportunities afforded by Freeport East and the development of Bathside Bay.

The Council’s Economic Strategy 2020 to 2024 states that a key action should be to “Work with Essex County Council to facilitate senior level discussion with the owners of Harwich Port so secure an agreed long-term strategy for the Port. Based on these discussions, develop a clear plan for investment in quayside infrastructure.”

The Economic Strategy also identifies Clean Energy as a growth sector which should be targeted. Freeport East’s planned focus on Net Zero complements this objective, alongside TDC’s ambitions for an Innovation Centre to complement the Freeport East development at Bathside Bay.

### 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)

The Freeport East Portfolio Holder Working Party is a key mechanism to enable engagement across the Council on Freeport East, which has helped to shape Council policy on the Freeport, for example the focus highlighting the importance of transport and skills. The Freeport East Working Party meets every two months to continue the engagement with the Council’s board representative on Freeport East Ltd, The Portfolio Holder for Economic Growth, Regeneration and Tourism.

### LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate which by which criteria it is a Key Decision	X Significant effect on two or more wards Involves £100,000 expenditure/income <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	To give an update on the latest progress with Freeport East added to the Forward Plan 12/09/2023  To also enable Cabinet to approve the Freeport East annual business

		<b>days at the latest prior to the meeting date)</b>	plan for 2024/25, and to delegate authority to the Portfolio Holder for Economic Growth, Regeneration & Tourism to approve future annual business plans on behalf of Tendring District Council as a founding member of Freeport East Ltd added to the Forward Plan 16/04/2024
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### **Retained business rates**

Under paragraph 39(1) (designation of areas) of schedule 7B to the Local Government Finance Act 1988 – local retention of non-domestic rates, the Freeport tax sites are to be classed as a designated area with effect from 1 April 2023 for a fixed term of 25 years from the date the tax site was designated for the purposes of tax relief.

The Billing Authorities, signatory to the MOU, will retain 100% of the collectible business rates in excess of a baseline to be agreed between DLUHC and the Billing Authorities prior to the tax sites being designated in the regulations for business rates retention purposes.

### **Freeports business rates relief**

At the Autumn Statement on 30 November 2023 the government announced that the window to claim Freeport tax relief would be extended from five to ten years, until 30 September 2031 for English Freeports.

Central Government is not changing the legislation relating to the reliefs available to businesses and has produced guidance for all local authorities that use their discretionary powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant relief to those ratepayers who are eligible. A billing authority in England, when making a decision under subsection (3) of S47 of the Local Government Finance Act 1988 must have regard to any relevant guidance issued by the Secretary of State.

The Council’s retained rates policy (approved Jan 2023) reflects the principles set out in the associated Government guidance. The ‘cost’ of awarding reliefs under S47 of the Local Government Finance Act 1988 will be fully reimbursed by the Government via S31 grants under the Local Government Act 2003.

This Policy will come back to Cabinet at a future date if revisions are required by Freeport East and Government.

### **Subsidy Control**

The new Subsidy Control Act 2022 (“the Act”) came into effect from 4 January 2023 and the legislation provides a new framework and regulates the award of financial assistance, as a subsidy, by public authorities and their agents to organisations which are engaged in economic activities. Statutory Guidance for the United Kingdom Subsidy Control Regime has been issued by the Secretary of State for the Department for Business, Energy and Industrial Strategy (BEIS) under section 79 of the Act. Under section 79(6) public authorities must have regard to this guidance (so far as applicable to the authority and the circumstances of the case) when giving a subsidy or making a subsidy scheme.

Following ongoing dialogue between the Freeports and the government regarding the pressures the Subsidy Control assessments would put on the Billing Authorities, DLUHC has published the Freeports Subsidy Scheme (26 April 2024) which covers a blend of measures, enabling public authorities to provide targeted support to promote economic activity in Freeport locations in England.

The public policy objective of the Freeports Subsidy Scheme is to reduce inequality and to support the Government's stated ambition to level up parts of the UK economy and the country which need regeneration and investment, ensuring that disadvantaged groups or regions have increased economic opportunity.

Under the Freeports programme subsidy scheme, any awards made in accordance with the freeports guidance are judged to be consistent with the subsidy control principles. This means that local authorities who satisfy themselves that an award complies with this guidance are not required to conduct their own assessment of the award against the subsidy control principles. It also means that a subsidy awarded under the scheme that complies with this guidance is insulated from legal challenge under the Subsidy Control Act.

Worth noting is that there is no cap to the value of a business rates relief award that can be made under the Freeports programme subsidy control scheme. For the avoidance of doubt, subsidies awarded under The Scheme do not constitute Minimum Financial Assistance and so do not cumulate with Minimum Financial Assistance awards.

<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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No comments received.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

Operational costs are now a low risk as Freeport East Ltd.'s costs for 2024/25 will now be sufficiently covered by retained rates.

The majority of the retained rates are expected to come in from Gateway 14 first (where NNDR1 business rates forecasts for 24/25 are greater than the company operational costs), then from the Felixstowe tax site, and finally from Bathside Bay, and so pay for the costs of the team in that order. The Retained Rates Strategy approved by Freeport East's board makes it clear that if Bathside Bay does not come forward Tendring District Council as the Billing Authority will not be liable for the cost of the team.

Work to ensure there is effective forecasting of future business rate income will be part of a business rates agreement between the Billing Authorities and Freeport East.

<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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Although there are no significant comments over and above those set out elsewhere in the report, it is important to highlight the point made earlier relating to the fact that the Council will not be accruing a financial liability for the operational costs of Freeport East Ltd if the Bathside Bay site does not progress, as these will be met from retained rates from other sites within the

Freeport East area. (Please see page 13 of the attached Freeport East Local Growth and Investment Strategy where under the heading of 'Banking Mechanism for Site Contributions to Freeport Delivery Costs' its sets out an 'intention to fund' arrangement, which is predicated on only contributing to such costs when business rate income is realised over the life of the project.)

It is also worth highlighting that the Council's previous forward funding investment of £160,000 into Freeport East is repayable at some time in the future subject to business rate income / forecasts, which is also reflected in the attached Freeport East Local Growth and Investment Strategy.

As discussed previously, the Council remains committed to supporting the successful development of the Bathside Bay site including maximising opportunities from retained business rate income that is generated from the site. However, at the present time such investment would be based on business rate income actually achieved / secured rather than forward funding based on future forecasts of business rate income.

### **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, along with partners, taken a prudent decision to not forward fund tax sites ahead of business rate income. Rather we will provide an enabling approach to business rates that supports the development of the Port without risk to the Council's finances.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks.	The Council reviews Freeport East matters carefully at an officer and member level, providing advice to the Freeport East Ltd Board member ahead of meetings. The Portfolio Holder Working Party provides additional constructive support and challenge, deepening the approach to governance across the Council for Freeport East.
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 is primarily an enabler in Freeport East, using its powers as a billing authority to support the development of the programme, with investment for site and project delivery coming from other parties. The Council engages with the Freeport East Ltd team, the Bathside Bay site owner HPUK and other councils in the programme to seek to get best value for Tendring from the investments taking place as part of the programme.

### **MILESTONES AND DELIVERY**

- Agreement of the Business Plan for Freeport East – May 2024
- Bathside Bay to submit cost plan information and an update on the commercial viability gap to DLUHC – May 2024
- Retained Rates Strategy to be published by Freeport East Ltd – June 2024
- Action feedback on the Tax Site Management Policy issued by DLUHC – July 2024
- Bathside Bay seed capital business case – Summer 2024

### **ASSOCIATED RISKS AND MITIGATION**

**Risk to delivery.** There remains significant risk that Bathside Bay is not delivered through the

programme. The site requires significant commercial and public sector investment, and there is no guarantee that commercial partners or government agencies will come forward. Hutchinson Ports has a good relationship with Government, and a strong public affairs function. It has completed commercial work with the Clean Energy Sector to promote the site to new firms. However, it is not guaranteed that these discussions will turn into investments.

**Risk to reputation** of not delivering Freeport East. There are reputational risks of being part of the Freeport East Company if Bathside Bay is not delivered. The Council is clear that it will do everything in its power to support Bathside Bay, but ultimately the Harwich Tax site is a commercial proposition and a Government policy; Tendring District Council can only play its part in the programme, for example through our Planning and business rates policies. The Council cannot develop out the site ourselves, or invest heavily in it.

### **EQUALITY IMPLICATIONS**

The Council's previous equality impact assessment for Freeport East has two main findings.

- As a jobs programme, Freeport East will impact primarily on people of working age, or younger people who will become of working age. It is not targeted at older people. However, there is no need to change the operation of the programme, which legitimately primarily benefits people of working age.
- Secondly, green energy sector jobs are predominantly taken up by men. The International Renewable Energy Agency states that "Wind energy sector is male dominated, with women representing just 21% of the workforce" in its 2020 Annual Review, page 13. As such, there will be a need to be a focus on supporting women's entry into the workforce.

### **SOCIAL VALUE CONSIDERATIONS**

There is very significant social value potential with the Freeport programme. The development has the potential for 3,500 jobs at the Harwich Tax site, and a skills development programme that will help residents to learn the skills to access the jobs. The Freeports are able to spend business rates for a period of 25 years locally, on the development of the infrastructure to create the sites in the first place (Pot B) and on local regeneration schemes, including skills development so people can access the jobs (Pot C). The economic strategy submitted as part of the recent Planning process associated with Bathside Bay includes 10 day local advertising to give residents an opportunity to access jobs ahead of competitors from outside the District. In addition Freeport East are developing their Social Value Policy in 2024

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

The shift to the UK becoming net zero by 2050 relies on shifting energy use from petrol and gas to electricity, and shifting electricity production from carbon intensive means, like gas fired power stations, to renewables, like wind, solar and nuclear. The development of off shore wind farms in the north sea is a crucial part of the government's strategy to reach net zero by 2050, and related target for 50GW of offshore wind generation by 2030.

In addition, some larger forms of transport like shipping, aircraft and lorries, may find it difficult to move from petrol to electric power given the amount of energy needed to move them. As a result hydrogen may become a means to power larger transport.

The Clean Energy Hub at the Harwich Tax site is designed to support the expansion and management and operations of wind turbines in the north sea. As such it is part of the effort to

<p>shift the country's energy supply towards net zero. The development of hydrogen technology is another route to supporting the energy transition needed to deliver the UK's climate ambitions. The carbon that is used now to develop the Clean Energy Hub is supporting the move away from fossil fuels and towards renewables.</p>	
<p><b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b></p>	
<p><b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b></p>	
<p><b>Crime and Disorder</b></p>	<p>It is expected that customs sites in particular will need to take appropriate measures to ensure the physical site and the systems within them are kept secure. Currently the only customs site which is operational is at Felixstowe. These plans will also ensure that all businesses operating within the Freeport East area will have mandatory minimum security and reporting requirements placed upon them. Given the limited take up</p>
<p><b>Health Inequalities</b></p>	<p>The impact of the Freeport on jobs is expected to have a consequential positive impact on health inequalities. In the long term the economic benefit that comes from work has a positive impact on people's health; bringing jobs into a location is one of the best public health measures that can be taken.</p>
<p><b>Subsidy Control</b> (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)</p>	<p>The new UK subsidy control regime will enable public authorities, including devolved administrations and local authorities, to deliver subsidies tailored to local needs, support government priorities such as driving economic growth and reaching net zero. The programme expects subsidy to private companies, who would benefit from investments to make their sites more viable, for example Bathside Bay. The Council will administer Freeport Business Rates Relief in accordance with the Statutory Guidance and associated documents issued by the Government under the Freeport Subsidy Scheme, published on 26 April 2024</p>
<p><b>Area or Ward affected</b></p>	<p>All Wards. The policy will have particularly significant impact on Harwich and Kingsway, Dovercourt Bay and Dovercourt Vines and Parkeston where the major Tax site is located at Bathside Bay.</p>

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

This section sets out the background to the Freeport policy and the sites within Freeport East,

in particular Bathside Bay at Harwich.

**In short, Government allows the eight Freeports to attract new business activity to specific development sites by offering short term tax breaks to companies, and then allows local areas to keep the business rates from that new activity for 25 years to fund local regeneration.**

Government has three stated aims for the Freeports programme:

- to promote regeneration and job creation – this is the main objective;
- to establish Freeports as national hubs for global trade and investment;
- to create “hotbeds for innovation”.

Freeports are part of the government’s **levelling up agenda**, with Freeports in areas with low levels of income and employment, and a particular focus on increasing the skills and employment of those from disadvantaged backgrounds.

The UK government also expects that the Freeports will contribute to **decarbonisation of the economy** and progress towards its target of reaching net zero greenhouse gas emissions by 2050.

#### **What do the companies get on a Freeport tax site?**

Eligible firms who grow their businesses on a Freeport tax site will have access to tax reliefs for five years including:

- Business Rates;
- Stamp Duty Land Tax (SDLT);
- Employer National Insurance Contributions (NICs);
- Enhanced Structures and Building Allowance; and
- Enhanced Capital Allowances.

Business also get simplified customs process, similar to a bonded warehouse. These tax benefits are designed to attract new investment to the site.

#### **What does the local area get through a Freeport?**

The local council keeps all of the business rates growth, above an agreed baseline, paid by firms on the Freeport tax sites. Usually some of the business rates would go to central government. This extra income is guaranteed for 25 years. Government allows councils to borrow against that future income to invest in regeneration and infrastructure now, and pay themselves back as the business rates come in.

#### **Freeport East**

- Freeport East is one of the eight Freeport’s nationally. It aims to benefit traders, manufacturers and clean energy suppliers. It plans to create 13,500 new jobs and generate a Gross Value Added (GVA) of £5.5 billion over 10 years.
- Freeport East is based around:
  - the Port of Felixstowe;
  - Harwich International Port; and
  - Gateway 14 business park off the A14 near Stowmarket, Suffolk.
- It has 275 hectares of space and facilities across three sites eligible for tax relief at

Felixstowe dock, Bathside Bay in Harwich, and Gateway 14 in Stowmarket. These sites are also eligible for customs duty relief, and there are four additional sites also eligible for customs reliefs. [Maps of Freeport East tax sites - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612217/Maps_of_Freeport_East_tax_sites_-_GOV.UK.pdf)

- The Ports of Harwich and Felixstowe are both owned and operated by companies owned by the Hutchison Group Ltd (HPUK). The Gateway 14 Site in Stowmarket is owned by Mid Suffolk District Council.
- **Felixstowe Tax Site:** High value manufacturing, processing, and engineering hub to maximise the benefits being immediately adjacent to Felixstowe Port, the UK's gateway to Europe, Asia and the rest of the world. The investment into Felixstowe and its drive towards trialling innovative usages of hydrogen and new technology will drive investment into Felixstowe and the wider area to support investment into housing, transport and skills facilities.
- **Gateway 14 Tax Site:** This is a business park off the A14 near Stowmarket. It aims to house high value logistics, manufacturing, research and development and professional services are the primary sectoral focus for the site. The increase in employment land and high value jobs will aid justification for increased transport and housing developments and lead to a supporting service industry that will aid the wider regeneration of the local area.

#### **Bathside Bay: the Harwich Tax site**

- The Harwich Tax Site is intended to be developed as a Clean Energy Hub. Most of the tax site is a tidal bay that needs to be reclaimed from the sea.
- The UK is the world's largest market for wind energy. Before 2030, £16bn of capital expenditure is anticipated in East Anglia ONE North, TWO and THREE, Norfolk Vanguard and Norfolk Boreas: 35 percent of total investment in offshore wind in the UK. The UK is only second to China internationally in offshore wind development, according to the FT.
- The Clean Energy Hub will be part of the supply chain as this new offshore wind energy is developed with broadly two types of port users. The *manufacturers* who build the windfarm towers and other parts. These manufacturers help bring security of commercial and business rate income and the economic benefits to the area through new jobs, and their supply chains. The windfarm *developers* use the port to store the towers etc. for up to two years before installing them in the North Sea.

#### **Governance of Freeport East**

Freeport East is a Company Limited by Guarantee. The Company Board has representatives from the members of the partnership including.

- Tendring District Council
  - Essex County Council,
  - Suffolk County Council,
  - East Suffolk District Council,
  - Mid Suffolk District Council,
  - Essex University
  - Hutchison representative
  - Gateway 14 Ltd
- 
- Tendring District Council is a member and appoints a Director to board, Cllr Ivan Henderson, with Lee Heley, Corporate Director for Place and Economy proposed as



alternate

**PREVIOUS RELEVANT DECISIONS**

- April 2021 Freeport East Cabinet Paper
- September 2021 Freeport East Update and Business Rates Retention Cabinet Paper
- March 2022 – Cabinet Paper: Freeport East Full Business Case
- January 2023 – Cabinet Paper: Freeport East Progress and Agreement of Memorandum of Understanding

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

**APPENDICES**

Annex 1: Freeport East Business Plan  
Annex 2: Retained Business Rates Strategy

**REPORT CONTACT OFFICER(S)**

<b>Name</b>	<b>Samantha Jones</b>
<b>Job Title</b>	<b>Regeneration Programme Manager</b>
<b>Email</b>	<a href="mailto:sjones@tendringdc.gov.uk">sjones@tendringdc.gov.uk</a>

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Freeport East Ltd  
Draft Business Plan  
2024 – 2025

**CONFIDENTIAL**

**FREEPORT EAST**

A GLOBAL FREEPORT FOR A GLOBAL BRITAIN

**FELIXSTOWE  
GATEWAY 14  
HARWICH**

# CONTENTS

- 1.0** “Strengthening & Levelling Up the Region”
- 2.0** Freeport East Policy Objectives
- 3.0** Our Ambitions
- 4.0** Vision and Purpose
- 5.0** Innovation at the heart of Freeport East
- 6.0** Delivering the UK’s greenest freeport
- 7.0** How We Work
- 8.0** The Freeport Toolkit
- 9.0** Delivery against our 2023/24 Workplan
- 10.0** Our Work Programme for 2024/25
- 11.0** Funding and resources
- 12.0** Measuring Success
- 13.0** Dependencies

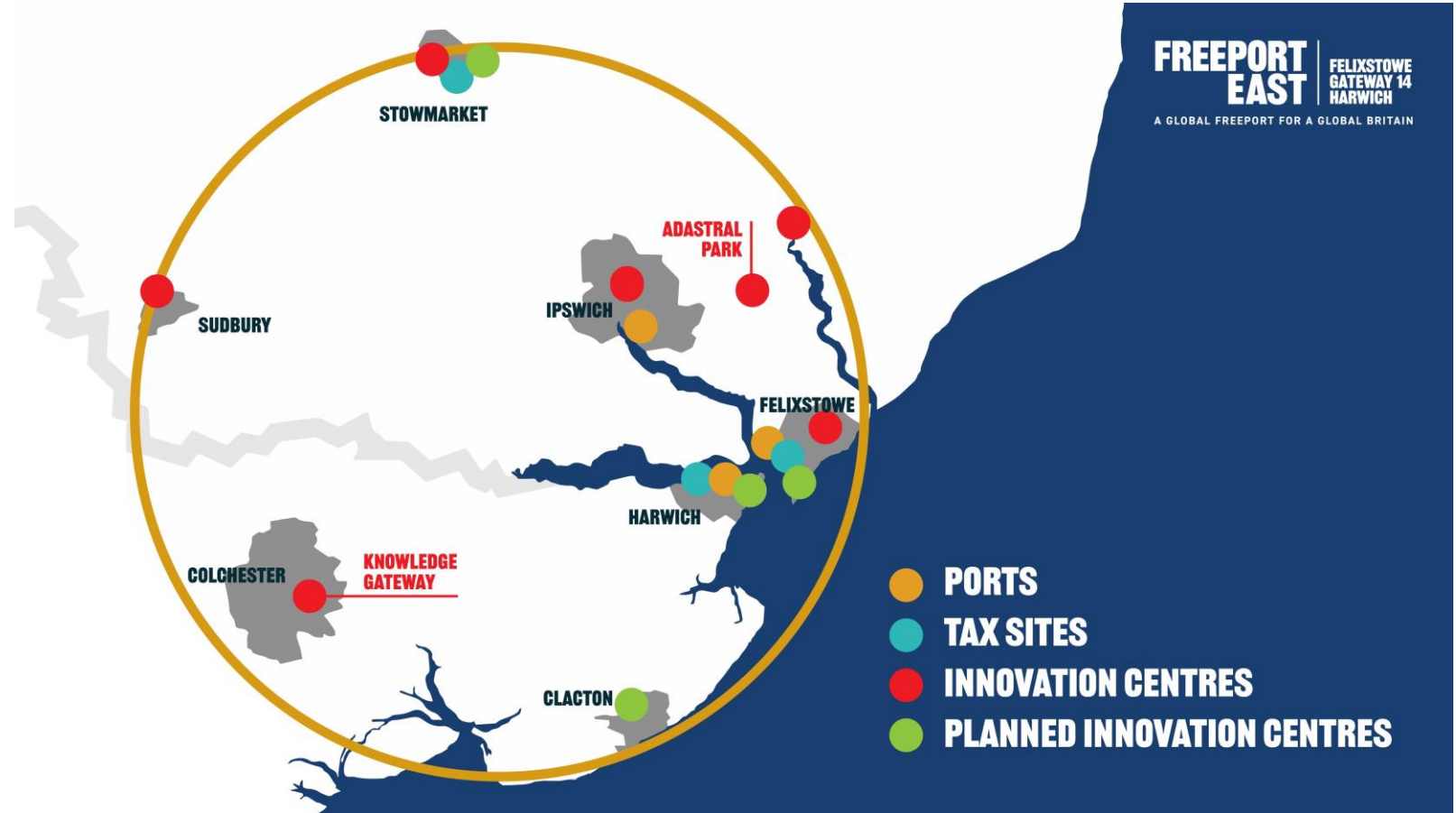
# 1.0 “STRENGTHENING & LEVELLING UP THE REGION”

Freeport East is designed as a key driver of the levelling-up agenda in Suffolk and Essex, as well as the wider East of England – helping to tackle inequalities that impact on job opportunities, access to education, health outcomes and more. Part of our economic geography have levels of deprivation that exceed anywhere else in England.

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A full test of the success of Freeport East will not only be judged in terms of inward investment and jobs figures, but also our ability to impact on these inequalities and specific areas of deprivation.

We will seek to retain a balance between our focus on the collective economic strengthening of the freeport region, whilst targeting change in known areas of deprivation to ensure our impact is felt in places of greatest need.



## 2.0 FREEPORT POLICY OBJECTIVES

Freeports in the UK are designed to contribute to delivering across a range of different policy areas.

Levelling Up

Skills

(Access to)  
(higher paid)  
Jobs

Regeneration

“Hubs of Innovation”  
= Productivity

Net Zero and  
Decarbonisation

Trade

Investment

A growth model of global relevance

The UK helping to tackle global challenges

# 3.0 FREEPORT EAST AIMS IN NUMBERS

What will it mean for local people? Freeport East is designed to deliver:

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5 new development sites designed to influence wider economic change

275 hectares of new business, innovation and employment space

Over 10,000 new jobs

Greater access for everyone to employment and education opportunities

New centres & resources for innovation and skills delivery

£5.5 billion in economic growth over 10 years

Up to £300m of business rates over 25 years ploughed into the local economy

New economic opportunities for our whole region

# 4.0 VISION AND PURPOSE

## 4.1 What is Freeport East

Freeport East is one of eight new Freeports in England announced by the Chancellor of the Exchequer on 3 March 2021. It will be a hub for global trade and national regeneration as well as creating a hotbed for innovation that will have an impact across the UK.

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With its unique global links and existing innovative sectoral clusters, Freeport East will attract inward international investment and drive domestic growth, propelling the country's economy forward.

Covering Britain's busiest container port, a major ferry port and the largest business, innovation and logistics park in East Anglia, Freeport East offers a unique combination of advantages to benefit traders, manufacturers and clean energy suppliers, creating 13,500 new jobs and generating a Gross Value Added (GVA) of £5.5 billion over 10 years.

Freeport East received final Government approvals in January 2023, triggering the release of specific funding support and enabling kick-off of wider activities and communications.

## 4.2 OUR VISION

Freeport East aspires to be the UK's leading centre for trade, green energy and innovation. It will be a Global Freeport for a Global Britain.

We will deliver unique opportunities for investment, business-led growth and levelling-up that will deliver benefits at the local, national and international level

### 4.4 Key Priorities for 2024/25

1. Develop Freeport East Ltd as a high performing organisation
2. Establish and deliver on an ambitious vision for Freeport East and primary areas of focus
3. Deliver Investment
4. Make the most of our visibility and voice

## 4.3. The role of Freeport East Ltd

Freeport East Ltd was incorporated as a Company Limited by Guarantee in December 2022 and established by a range of local public and private partners to act as the main counterpart to Government for delivery of the freeport policy for Freeport East.

Areas of our role include:

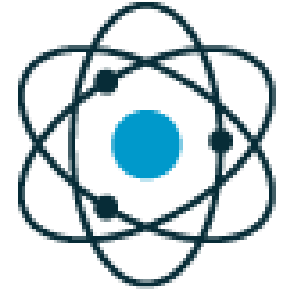
- Facilitating skills, innovation, net zero, trade and investment and regeneration within the freeport boundary through development of plans aligned to partner strategies, project proposals and securing funding for projects
- Facilitating delivery of tax and customs sites, monitoring site infrastructure progress and supporting Tax Site Owners in their development of plans to secure funding
- Working with partners to support regional and economic growth in the Freeport East area
- Monitoring and reporting on the performance of Freeport East
- To promote Freeport East opportunities to local, national and international investors and engage with local communities and stakeholders within the freeport boundary to raise awareness of the freeport's vision and objectives
- Maximise the benefits of the full freeport toolkit.



# 5.1 INNOVATION AT THE HEART OF FREEPORT EAST

- UK Research and Innovation (UKRI) recognises innovation as “the application of knowledge of ideas for the development of products, services or processes - whether in business, public services, or non-profit sectors”.
- Innovation doesn’t have to be high-tech or even new - it can be the adoption, adaption or application of existing innovations that are not presently being exploited in a particular organisation, sector or geography.
- Economies and regions that are innovative tend to create more and higher-paying jobs, are more resilient to economic change, place themselves at the forefront of new opportunities and create greater economic value.
- A more innovative Freeport East region will therefore create a range of benefits for local communities and businesses and position it more effectively for the opportunities and challenges of the future.

- The Government has set Freeports the challenge of becoming “hubs of innovation” and we have placed it at the centre of how we are seeking to deliver the vision of Freeport East.
- Freeport East already has many amazing local assets to support innovation, including world-class universities and research institutes, internationally-recognised sectors of excellence in areas such as clean energy, telecoms, Artificial Intelligence and agri-tech, full of trail-blazing SMEs and start-ups and well-established corporate innovation leaders.
- Our job is to work with a range of partners to make more of these assets, strengthen connections and access to funding and then ensure the benefits in terms of employment, skills and applications of innovation are shared across our communities.



# 5.2 OUR APPROACH TO INNOVATION

We will focus on four discrete areas to deliver on this ambition to be the most innovation-driven UK Freeport

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## 1. Increase public and private sector innovation spending in the Freeport East area

We will proactively facilitate the creation and support of industry / academic collaborations to secure innovation funds to progress local business developments, especially in our priority sectors. We will allocate Freeport East funds to support businesses to innovate with new products and services or training opportunities to drive their growth in sales and market reach, including exports. We will use our access to Government innovation networks and private sources of funding alike to maximise opportunities for local businesses.

## 2. Use innovation as an anchor for attracting new investment to Freeport East

We will showcase opportunities in new sectors such as green hydrogen, agritech, digital and clean energy, including through undertaking novel and strategic analysis, to attract new businesses into our region. We will ensure that inward investors can link into existing innovation networks and build a new dedicated Freeport East Innovation Cluster as a core, differentiating part of our offer to attract/retain new investments and support existing key sectors

## 3. Strengthen the physical and virtual places and connections that aid innovation thinking and activity

Freeport East will deliver new innovation centres at Gateway 14 in Stowmarket, in Harwich and elsewhere, and strengthen the connections between innovation centres, including along the Tendring coast, working with a range of partners. We will work with both HE & FE institutions and County & District Councils. As a vital new node of the Connected Innovation Network (25 centres operating across Norfolk and Suffolk) we will provide local businesses with better opportunities to network, innovate, grow and succeed.

## 4. Work to facilitate the deployment of innovations across our region to drive productivity and tackle local social and economic disparities

We will look to explore how new innovations in mobility, clean energy, healthcare and education can be connected into local service delivery, strengthening Freeport East's contribution to enhancing our local communities. Seeking to act as a partner and gateway for private sector innovation, we will work with national bodies to enhance local impact, including Innovate UK EDGE, KTN and the Catapults, DWP, Skills partnerships, the secondary education sector, the NHS (incl. Health Innovation East) and the Voluntary and Community Sector.



# 6.0 DELIVERING THE UK'S GREENEST FREEPORT



- Freeport East has an important role to help drive our region towards net zero. We believe this reflects the interests of all our local stakeholders as well as playing an important role in supporting UK Government policy.
- Delivering against net zero creates competitive advantage for inward investment for Freeport East, Suffolk, Essex and wider East of England region
- Our existing corporate partners, as well as many other businesses in the region, often already have very strong commitments on net zero and biodiversity (e.g. Hutchison Ports, Gateway 14 Ltd and other developments such as Port One)
- Many of our priority, high-growth potential sectors align with the industry response to net zero ambitions including areas such as green hydrogen, offshore wind, zero-emission vehicles and local energy solutions (e.g. maximising rooftop solar for new developments)
- Our communities and local authorities are at the forefront of recognising and delivering on sustainability and rightly expect us to be ambitious and creative on biodiversity and sustainable growth
- Freeport East, through inward investment activity and international partnerships provides a significant opportunity to influence current and new employers and inward investors on net zero ambitions as well as strengthening export opportunities for local businesses
- Net zero, decarbonisation and clean technologies are the heart of presenting our region as a modern economic model of global relevance – balancing the needs of people and the environment and understanding our local role in global challenges
- Playing our role in enabling our region to deliver net zero objectives is therefore a key part of our approach. As well as delivering investments and infrastructure that support net zero sectors, we will look to be ambitious in how we can support our local authorities in delivering their own climate change plans, building partnerships in areas such as biodiversity and ensuring green skills are a core part of how we will help local communities benefit from the changing economy around us.



# 7.1 HOW WE WORK

## 7.1 OUR STRUCTURE

We are governed by a Supervisory Board, which is our principal decision-making body. It makes decisions on our core plans and strategies. The board is comprised of 9 directors (representing our founding members) and is led by an independent chair, supported by the Chief Executive of Freeport East Ltd.

The Supervisory Board also includes observers, who provide advice and support to the Board, including East Suffolk Council as the Accountable Body and the Department for Levelling Up, Housing & Communities.

The Board can invite other organisations become Associate Members – organisations which are not founding members, but subsequently become a member of the company to assist Freeport East Ltd in realising its vision and objectives.

All meeting dates, papers, agendas and minutes of Board meetings are available at [www.freeporteast.co.uk](http://www.freeporteast.co.uk)

## 7.2 SUB-GROUPS

We will work with a coalition of stakeholders to deliver our work programme, leading the following sub-groups:

- Trade and Investment
- Transport and Connectivity
- Innovation
- Security
- Skills

## 7.3 OUR WIDER PARTNERSHIP

Our wider partnership includes a wide range of businesses, education providers and partnership groups, including Transport East and skills bodies.

We will organise events and outreach to strengthen our connections with local stakeholders and ensure we broaden the understanding of how Freeport East can support and work with businesses and communities.



# 7.2 HOW WE WORK

The role of Freeport East Ltd is multi-faceted and varied. We seek to deliver effectively across five key areas.

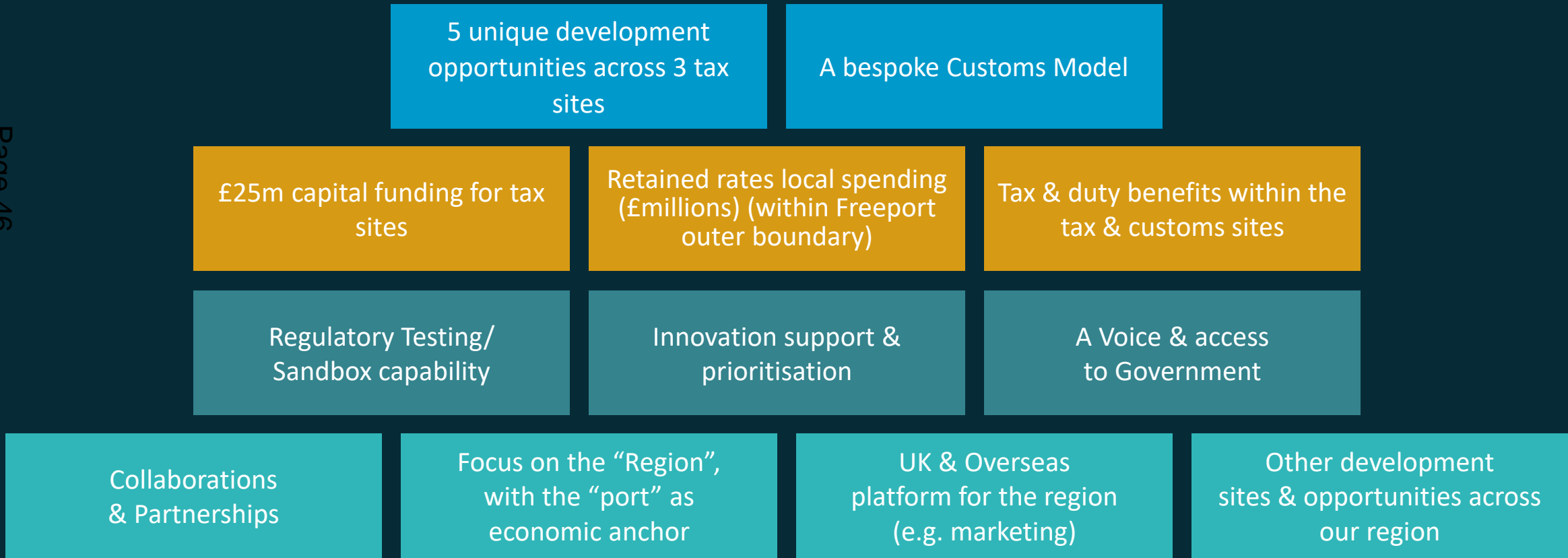
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Lead Strategic Thinking	Act as counterpart to Government	Lead and Facilitate Investment & Funding Mechanisms	Influencer	Elevate work with partners
<p>Strategic direction and thought leadership for delivering the full vision of Freeport East</p> <p>Lead development of studies and strategies relevant to the Freeport East geography and vision</p> <p>Connect local opportunities for our people and businesses to regional, national and international trends and movements</p>	<p>Be accountable to Government on delivery of the Freeport objectives</p> <p>Lobby for appropriate support across Government departments and Whitehall</p> <p>Monitor and evaluate performance across the freeport</p>	<p>Targeting and managing efficient funding processes for seed capital and business rates</p> <p>Engage with and secure potential investors for our sites and region</p> <p>Position investment opportunities in our region to maximise public and private sector investment</p> <p>Accelerate outcomes by unblocking / accelerating progress on our freeport</p> <p>Adding capacity and capability to our partners</p>	<p>Champion the East of England and Freeport East partnerships</p> <p>Listening and understanding across local, and national partners</p> <p>Support stronger regional voices at a national level</p> <p>Collaborate with like-minded partners to deliver initiatives across the region</p>	<p>Understand and engage with priorities of our partner organisations</p> <p>Add our voice and support to key policy and investment opportunities</p> <p>Build effective and collaborative partnerships that deliver outcomes at a local level</p> <p>Focus on complementary relationships to avoid overlap / duplication</p>

# 8.0 THE FREEPORT TOOLKIT

Each freeport has a toolkit that is based on core freeport mechanisms and funding streams, backed by wider opportunities and levers that all contribute to delivering a modern freeport in a mature, knowledge-based economy. Freeport East Ltd will take the lead in maximising the combined benefits of these mechanisms for the Freeport East economic area.

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# 9.0 DELIVERY AGAINST OUR 2023/24 WORK PROGRAMME

Freeport East identified four priority work areas for 2023/24


Priority 1 (P1)  
Establish Freeport East Ltd




Priority 3 (P3)  
Deliver Investment



Priority 2 (P2)  
Establish and deliver  
an ambitious vision  
for Freeport East



Priority 4 (P4)  
make the most  
of our Visibility and Voice



The following slides provide a high-level summary of delivery against these four areas.

# P1 ESTABLISH FREEPORT EAST LTD

## HIGH LEVEL OUTCOME

- Freeport East Ltd is set up to be, and recognised as a high-performing, well-respected and productive organisation that builds strong collaborative partnerships with a range of organisations. Freeport East is considered as a leader amongst UK freeports and deploys models of delivery that are used as templates by others.

## BACKGROUND

- Freeport East Ltd was incorporated as a company limited by guarantee in December 2022. It has an effective Board of 10 Directors and an Independent Chair. It has an established relationship with East Suffolk Council as the Accountable Body. As the lead counterpart to Government and a platform for local partnerships it is central to successful delivery of the Freeport East vision.

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What we said we would do:	What we delivered in 2023/24
<p>Establish Freeport East Ltd as an organisation which is:</p> <ul style="list-style-type: none"> <li>• A trusted custodian of public funds and commercial information</li> <li>• A trusted, open, innovative partner</li> <li>• Attractive employer</li> <li>• Well-run and governed</li> </ul>	<p>We have:</p> <ul style="list-style-type: none"> <li>• Put in place a first-of-a-kind freeport company, recruited key staff and built a new team</li> <li>• Established good relationships with our Member organisations, including Local Authorities and established ourselves as a valuable partner to a range of stakeholders</li> <li>• Put in place robust governance mechanisms, policies and processes for Freeport East Ltd, including an effective process for identifying and mitigating risks.</li> <li>• Sought to maximise transparency by sharing a range of information on our website, including Board agenda and Minutes, our MoU with DLUHC and Billing Authorities, and other governance documents.</li> <li>• Established a Finance and Audit Committee to oversee the finances of Freeport East Ltd and ensure effective processes are in place for managing these.</li> <li>• Developed and implemented governance arrangements with our tax site owners and occupiers and custom sites operators.</li> <li>• Implemented effective Monitoring and Evaluation arrangements with regular reporting to Government and our Members to ensure Freeport East is delivering against its objectives</li> <li>• Developed strong connections and collaborations with other UK freeports to maximise collective benefits for the UK</li> <li>• [Received positive assurance from our annual review process with DLUHC].</li> </ul>



# P2 DELIVER AN AMBITIOUS VISION

## HIGH LEVEL OUTCOME

- Deliver an ambitious yet coherent and focused vision and strategy for Freeport East that is widely communicated and understood, and builds momentum, interest and opportunities for our economic area, whilst complementing other programmes and initiatives already underway across the wider freeport area.

## BACKGROUND

- Our proposals to Government provide the basis for a more widely communicated vision and strategy. Our emergent work on a Green Hydrogen Hub have demonstrated the value of our platform and positioning to build productive and collaborative partnerships to deliver.

### What we said we would do:

Establish and deliver on an ambitious vision for Freeport East and primary areas of focus

### What we delivered in 2023/24:

We have:

- Published our vision for a Green Hydrogen Hub and a study on the Freeport as a key centre for driving transport decarbonisation and maritime green corridors
- Completed a study into the electricity demands of delivering a green transport hub, as a basis for ensuring we have an energy network that supports our ambitions
- Commenced development of a transport masterplan for Freeport East which will ultimately signpost the key investments required
- Worked with local partners to publish a plan for building an ambitious clean energy and maritime-focused Innovation Cluster in Harwich
- Established an overseas market strategy with country and sector prioritisation, providing a basis for links with several overseas Embassy posts and engagement in key markets to support inward investment and export opportunities
- Created sub-groups for Skills and Transport with our partners, to coordinate skills activity and identify transport priorities across the freeport geography
- Built strong links with key industry sector networks, professional associations and innovation centres.
- Embedded the Freeport within NALEP, BMSDC and Essex CC Innovation Boards
- Founder member of the Clean Maritime Research Partnership
- Participated in a range of high-level events and engagements ranging from London International Shipping Week to World Hydrogen Week and a wide range of other significant events to promote interest in the Freeport

# P3 DELIVER INVESTMENT

## HIGH LEVEL OUTCOME

- Demonstrable progress on delivering of each of the three tax sites including infrastructure works and new inward investment
- A pipeline and delivery plan for wider investment priorities to deliver on Freeport East vision and how retained business rate model and other funding sources can be utilised to support their delivery

## BACKGROUND

- In 20/21, following final approvals and agreements in place with DLUHC, we now have mandate to progress seed capital delivery and strengthen marketing of all our site opportunities, through our own mechanisms and in partnership with the Department for Business & Trade.

### What we said we would do:

Implement effective mechanisms for planning and delivery of investments across the Freeport and wider area.

### What we delivered in 2023/24

We have:

- Seen completion of initial infrastructure works at Gateway 14, Stowmarket with initial funding approved to support site preparatory works at Felixstowe.
- Seen a first occupier at Gateway 14 - a £200m investment from The Range facilitating ambitious investment in net zero infrastructure and local skills and supply chain opportunities.
- Worked with tax site owners to attract further investment with two further investments now reaching legal agreement stage.
- Developed and launched an £800,000 programme of support to boost green energy, skills and innovation across the local area
- Developed cross-functional collaborations to secure c. £3.7 million of innovation funding and enable local companies to expand into new market sectors.
- Collaboration Agreements signed with two academic-industrial consortia.
- Facilitated SME and academic applications for a range of grant opportunities.
- Created an Inward Investment group with DBT and local partners to support delivery of inward investment activity
- Signed a first MoU with an Australian nanomaterials spinout firm, providing basis for inward investment and innovation partnerships in the green hydrogen sector.
- [Developed and agreed a Business Rates Strategy and framework with our partners for managing retained business rates across our tax sites.]

# P4 MAKE THE MOST OF OUR VISIBILITY & VOICE

## HIGH LEVEL OUTCOME

- Awareness of Freeport East has increased across a range of stakeholder groups that provide basis for investment and partnership opportunities and ensure strong local buy-in
- Freeport East speaks as a strong and respected voice, alongside and in support of key partners to make the case for investment in our area and to build high-value private and public sector partnerships

## BACKGROUND

- In 20/21, following final approvals we started the process of building awareness through increase social media activity, onboarding of specialist comms & marketing resources and initial successful events and external engagement (such as Westminster launch and Green Hydrogen events)

What we said we would do:	What we delivered in 2023/24:
<p>Increase our visibility and voice across the region and internationally</p>	<p>We have:</p> <ul style="list-style-type: none"> <li>• Developed and implemented an ambitious communications plan for 2023/24</li> <li>• Hosted two successful launch events both in Westminster and Ipswich</li> <li>• Developed and launched a new website to enable the Freeport to effectively communicate with its stakeholders, potential investors and partners</li> <li>• Started the process of building broader local support with strengthened relationships across a range of local businesses and stakeholders</li> <li>• Participated in a successful DBT trade mission to Türkiye, raising the profile of Freeport East internationally and leading to a range of new potential strategic investments.</li> <li>• Designed and ran a levelling up skills event on Smart Freight &amp; Logistics with Clacton Coastal Academy, the FIN and the Connected Places Catapult, working with industry</li> <li>• Led a series of business networking events across the region to develop a Freeport East Innovation Cluster, explain the Freeport’s role and vision and forge new partnerships.</li> <li>• Hosted a range of ministerial, government and investor visits to Freeport East</li> </ul>

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# 10.0

## OUR WORK PROGRAMME 2024-2025

# 10.1 OUR WORK PROGRAMME

Based on a review of delivery against our work programme for 2023/24, we have identified the following priority work areas for the coming year,:

Priority 1 (P1)  
Develop Freeport East Ltd as a  
High performing organisation



Priority 3 (P3)  
Deliver Investment



Priority 2 (P2)  
Establish and deliver  
an ambitious vision  
for Freeport East



Priority 4 (P4)  
make the most  
of our Visibility and Voice



The following slides go into each of these in more detail.

# P1 DEVELOP FREEPORT EAST LTD AS A HIGH PERFORMING ORGANISATION

## HIGH LEVEL OUTCOME

- Freeport East Ltd is recognised as a high-performing, well-respected and productive organisation that builds and capitalises on strong collaborative partnerships with a wide range of organisations. Freeport East is considered as a leader amongst UK freeports and deploys models of delivery that are used as templates by others.

## BACKGROUND

- Freeport East Ltd was incorporated as a company limited by guarantee in December 2022. It has an effective Board of 10 Directors and an Independent Chair. It has an established relationship with East Suffolk Council as the Accountable Body. As the lead counterpart to Government and a platform for local partnerships it is central to successful delivery of the Freeport East vision.

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Key Priority 1	2024/25 Business Plan Task	Business Plan Outcomes &/or Deliverables
Develop Freeport East Ltd as a high performing organisation: Is effective at making and executing critical decisions Is adaptable in the face of change • Has clearly defined roles and sufficient resources in place to execute and deliver its vision and objectives	Develop and implement a flexible and efficient resources plan, maximising commitment of resources from partners and minimising costs to the freeport, ensuring appropriate resources and skills are in place to deliver the freeport’s vision and objectives in line with government’s freeport delivery plan.	Supportive Audit outcomes over the year following DLUHC Annual Conversation and Security Audit  Judged internally and externally to be an effectively run organisation  Efficient and flexible resources plan in place alongside commitment of resources from partners, to successfully deliver against the freeport’s vision and objectives
	Undertake governance review to ensure efficient and effective governance structures and mechanisms are in place which enable the Supervisory Board and the Company to maximise its resources in the most efficient manner, including effective engagement processes with tax site owners and occupiers.	Governance structures and mechanisms reviewed in consultation with partners with recommendations for any changes considered by the Supervisory Board.  Transparency of key information judged positively by DLUHC and Member organisations
	Develop a Social Value Charter and implement social value principles into the Company’s procurement practices.	A Social Value Charter is developed and published and woven throughout the company’s procurement procedures.
	Provide accountability through delivery of effective Monitoring and Evaluation and security monitoring arrangements across the freeport with efficient and accurate reporting to the Board and government.	Monitoring and evaluation processes are in place providing accountability to government and the Board on delivery against the freeport’s objectives which includes monitoring of progress of seed capital projects.
	Produce a 5 year plan for the evolution of Freeport East Ltd as an organisation designed to be a place-based driver and enabler of inclusive economic growth, through alignment with evolving local governance mechanisms and opportunities	5-year plan developed for Freeport East Ltd which aligns with the Freeport East Strategy, takes account of the relevant local priorities of key stakeholders, as well as seeking explicit support and buy-in from them – particularly from our billing authorities.
	Build strong connections and collaborations with other Freeports in the United Kingdom to maximise collective benefits for the UK	Freeport East has contributed to a healthy, collaborative and productive freeports network that represents local and regional interests to Government building on formal and informal pan-freeport networks

# P2 DELIVER AN AMBITIOUS VISION

## HIGH LEVEL OUTCOME

- Deliver an ambitious yet coherent and focused vision and strategy for Freeport East that is widely communicated and understood, and builds momentum, interest and opportunities for our economic area, whilst complementing other programmes and initiatives already underway across the wider freeport area.

## BACKGROUND

- Our proposals to Government provide the basis for a more widely communicated vision and strategy. Our emergent work on a Green Hydrogen Hub have demonstrated the value of our platform and positioning to build productive and collaborative partnerships to deliver.

Key Priority 2	2024/25 Business Plan Task	Business Plan Outcomes &/or Deliverables
Page 55	Establish and deliver on an ambitious vision for Freeport East and primary areas of focus	Published strategy for Freeport East providing a roadmap for delivery of the freeport vision and objectives.
	Deliver an enhanced strategy for the Freeport East initiative that covers key areas of focus including skills, innovation, net zero, trade & investment, connectivity and levelling up	Published masterplan and investment pipeline for enhanced Freeport East connectivity.
	Deliver a Freeport East transport & connectivity masterplan and investment pipeline in partnership with Transport East and Local Authority planning and highways teams.	Key transport interventions identified and clear advocacy and/or funding strategies in place
	Build on our Green Transport Hub study with the REA to deliver new funding, investments and partnerships to deliver a greener and interconnected transportation system with Freeport East at its heart.	New partnerships delivering on the Green Transport Hub; increased collaboration with local energy players including network operators and engaging Ofgem on creation of a new regional energy planner; new funding, projects and investments progressing
	Continue to progress development of our vision for a Green Hydrogen Hub, using Freeport East as a platform to build partnerships and momentum, including through appropriate pilot projects and investments	Established vision and industry understanding of the Freeport East Green Hydrogen Hub; new green corridor opportunities identified and marketed to drive increasing opportunity; ongoing progression of existing and new pilot activities progressing; pipeline of green hydrogen investments and supply/demand chain being progressed; identification of new Freeport East inward investment demonstrably linked to green hydrogen hub
	Establish key international partnerships to facilitate UK trade connections and increased trade and investment activity in the Freeport East area	Six international partnerships identified and in progress based on relevant local strengths and opportunities.
	Continue to deliver and build effective partnerships around a Freeport East Innovation Cluster (locations, connections, opportunities, funding)	Freeport East support helps deliver at least three successful innovation funding bids; establish the baseline locations and support activity to develop Innovation support and increase innovation activity in the business community through targeted funding mechanisms and wider support; new innovation funding support attracted into the Freeport East area
	Support the development of a Harwich Innovation Cluster as a proactive member of the steering group led by Tendring District Council, the funders of the feasibility study and business case	Collective agreement on next steps for a pop-up Harwich innovation centre and a roadmap to an eventual iconic innovation centre for Harwich.
	Support the development of a Gateway 14/Stowmarket Innovation Cluster as a proactive member of a steering group led by Mid Suffolk District Council	Enhanced MSDC-led Business Plan for the new G14 Skills & Innovation Centre and aligned G14 Marketing Strategy as basis to develop sustainability-focussed Innovation Cluster.
Re-orient the initial Freeport East skills plan to take account of recent and emerging skills and workforce development opportunities and funding structures. A review will also include a revised governance structure.	Establish skills and workforce development vision in place with a programme of work underway, in particular through other skills partners being influenced to deliver in line with the Freeport East needs. Freeport East facilitates 3 identifiable skills interventions	

# P3 DELIVER INVESTMENT

## HIGH LEVEL OUTCOME

- Demonstrable progress on delivering of each of the three tax sites including infrastructure works and new inward investment
- A pipeline and delivery plan for wider investment priorities to deliver on Freeport East vision and how retained business rate model and other funding sources can be utilised to support their delivery

## BACKGROUND

- In 20/21, following final approvals and agreements in place with DLUHC, we now have mandate to progress seed capital delivery and strengthen marketing of all our site opportunities, through our own mechanisms and in partnership with the Department for Business & Trade.

Key Priority 3	2024/25 Business Plan Task	Business Plan Outcomes &/or Deliverables
Investment Planning and Delivery	Deliver inward investment into Freeport East tax sites, customs sites and the wider economic area	At least 3 new investments into Freeport East sites and one additional Customs Site operation established, with Freeport East opportunities widely communicated in relevant sectoral and geographic markets
	Completion of Board approval of remaining seed capital business cases to enable construction / infrastructure improvements on all three tax sites	Secured release of seed capital funding from DLUHC for the three tax sites. Seed capital delivery underway on all three tax sites.
	Build a public-private strategy for further development of the Bathside Bay Green Energy Hub	Clarity on participation of key public and private partners in further financing and delivery of the Bathside Bay Green Energy Hub
	Establish a prioritised pipeline of all future Freeport East investments, including on tax sites and in the wider geography to maximise the potential of the economic area	Prioritised pipeline of investments to be supported by Freeport East retained rates mechanisms published and used as basis for identifying additional sources of capital
	Deliver first investments under our Innovation & Skills and Clean Growth Fund	Innovation and Skills and Clean Growth Fund applications sought; assessment process complete and initial investments underway with agreed monitoring processes.
	Develop a pipeline of Pot C priorities and initiate first calls for Pot B proposals in line with our retained rates strategy.	Pipeline of priorities developed for funding through Pot C. Call for Proposals for funding through Pot B completed with successful outline projects identified
	Maximise opportunities through the Freeports delivery roadmap to create investable sites, attract investment and strengthen local supply chains, working with Government departments, councils, business and other key stakeholders.	An agreed approach to marketing collateral and attendance at events with DBT and regional partners, and a plan to operationalise Proactive engagement with relevant partners, including Government departments such as DfT, to ensure Freeport East maximise the benefit of proposals in the Delivery Roadmap

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# P4 MAKE THE MOST OF OUR VISIBILITY & VOICE

## HIGH LEVEL OUTCOME

- Awareness of Freeport East has increased across a range of stakeholder groups that provide basis for investment and partnership opportunities and ensure strong local buy-in
- Freeport East speaks as a strong and respected voice, alongside and in support of key partners to make the case for investment in our area and to build high-value private and public sector partnerships

## BACKGROUND

- In 20/21, following final approvals we started the process of building awareness through increase social media activity, onboarding of specialist comms & marketing resources and initial successful events and external engagement (such as Westminster launch and Green Hydrogen events)

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Key Priority 4	2024/25 Business Plan Task	Business Plan Outcomes &/or Deliverables
Visibility and Voice	Develop and deliver an ambitious communications and marketing plan for 2024/25, including Freeport East-hosted events and wider engagement activity targeted at building connections with a range of stakeholders including local communities.	Develop and deliver the Freeport East comms and marketing plan for 2024/25 Development of a range of marketing collateral to use at regional and international events
	Working closely with partners, scope an engagement programme specifically designed at younger people to inspire them about future opportunities and provide connections that help them develop their careers, skills and confidence	Engagement programme defined and agreed, with initial projects reaching a diverse audience of young people and related engagement with schools and colleges
	Set up the Freeport East local Ambassadors network to maximise benefits and contributions of local expertise	Up to 20 local ambassadors engaged to promote and support the Freeport East vision and share their professional expertise and guidance
	Build high-value partnerships with third party private sector organisations to deliver collaboration in areas relevant to delivering the Freeport East vision	Multiple high-value partnerships enhanced/established that provide demonstrable benefits in areas such as inward investment, innovation, decarbonisation/green energy and opportunities for local people.
	Work alongside and in support of other partners to make the case for key investment priorities across transport, education, health, regeneration, skills, business investment and other areas of need to deliver of the Freeport East vision	Secure consistent and meaningful support from key local partners, both public and private sector, to aid on demonstrable recognition that Freeport East priorities are increasingly recognised regionally and nationally
	Develop and publish our Annual Report	Annual Report published and presented to stakeholders at our Annual General Meeting in September 2024.
	Cement regional and national partnerships, building on those partnerships already in place including APPG	Avail ourselves of opportunities to promote the role and activities of the freeport.
	Develop marketing collateral focused on investment and keep under review.	Hard and soft marketing collateral

# 11.0 FUNDING AND RESOURCES

## OVERVIEW

- Our core funding initially came through support from the capacity funding provided by DLUHC. In due course, our costs will be covered by retained business rates collected across the three tax sites.
- In addition, we will seek to be creative and innovative in how we deliver our outcomes and balance scarce resources. This will include being highly collaborative and open to a range of partnerships across the public and private sectors.
- We will seek to make maximum use of the DLUHC-funded Freeports Hub (PA Consulting & WSP) to provide specialist, high-value technical support, for example on economic analysis and business case modelling (a recent example includes the analysis of local offtake for hydrogen demand within a Green Hydrogen Hub, which has been widely welcomed by industry stakeholders).
- We will work closely with a range of partners, including local authorities, to target new funding streams that support our ambitions, for example on regeneration, innovation, decarbonisation and skills.
- Through being an innovative and engaging organisation we will build positive partnerships with the private sector to pool resources and maximise our impact. For example, in 23/24 we secured support from the REA, RWE, Sizewell C and Maritime Transport to fund our work on a Green Transport Hub.
- We will look to bring in new resources and fresh thinking from local organisations, in particular our local Universities. We will specifically look to establish a means of giving opportunities for current students and alumni from the Universities of Suffolk and Essex to work with Freeport East through consulting projects, paid-internships and sandwich placements, maximising value for money in our delivery model whilst delivering enhanced education and skills benefits for our local partners.
- We will explore opportunities to build a local network of Ambassadors, recognising the deep knowledge and experience across multiple sectors that exists in our local area and where we know there is a source of goodwill for supporting the freeport to become a success.
- We will continue to explore other ways of enabling us to have impact above and beyond the extent of our immediate human and financial resource envelope.



# 11.1 PROPOSED OPERATIONAL BUDGET

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Operating Budget	2024/25 Budget £	2024/25 Notes
Wages and Salaries	705,000	Includes proposed operational structure i.e. 9 / 10 FTE with on-costs and staff training costs
Consultancy & subcontracting	100,000	Includes transport and innovation strategy masterplanning
Legal & professional fees	95,000	Includes Auditor fees, external comms agency, legal costs and freeport collective activity on innovation network and public affairs
Marketing & Local Engagement	115,000	Includes regional and international marketing and promotional activity, sponsorships, conferences, events and room hire; engagement campaign for young persons
Other Expenses	48,000	Includes general office supplies and stationery, broadband supplies, printer supplies, recruitment costs, travel expenses, company insurances
Recharges from ESC	87,000	Includes HR and payroll services, IT support and computer supplies and finance team services/support.
Contingency	100,000	To include any costs for future office accommodation. Contingency released only upon approval of Finance & Audit Committee.
<b>TOTAL EXPENDITURE</b>	<b>1,250,000</b>	

## Future Years

Our proposed maximum operational budget (inc contingency) for future years are 100% supported by retained rates forecasts:

<b>2025/26</b>	£1.25M
<b>2026/27</b>	£1.25M
<b>2027/28</b>	£1.25M
<b>2028/29</b>	£1.0M

# 12.0 MEASURING SUCCESS

We will publish an annual report which will report against this Business Plan and be presented to members at our Annual General Meeting, with regular reporting on progress to the Supervisory Board throughout the year.

We will utilise data collected as part of the DLUHC-led Freeports Monitoring & Evaluation programme, as well as a range of other data and information.

## KEY OUTPUTS

- Completion of our agreed work programme across the four priority areas.
- Submission of detailed data monitoring reports to Government on a six-monthly basis.
- Tangible progress and investment delivered across all three tax sites and through key initiatives on innovation, net zero and levelling up

## KEY OUTCOMES

- Continued and broad-based support, both locally and nationally, based on Freeport East delivering benefits across all policy objective areas
- Increased recognition of the role of, and opportunities for partnership-working with Freeport East Ltd
- The needs of the whole Freeport East economic area demonstrably becoming recognised at regional and national levels and incorporated into relevant planning, policy and investment priorities



# 13.0 DEPENDENCIES

Delivering the Freeport East vision is based around partnership and therefore there are many aspects of our business plan which have a reliance on dependencies from Members within our governance structure.

In addition for the general support and engagement from our Members and nominated Directors we rely on for delivering Freeport East, these other specific dependences include:

- Local Authorities – coordination on planning matters; business rate relief process development and communication; Accountable Body role.
- Tax Site Owners – leading on delivering infrastructure and vision for sites; sharing information required for marketing and financial forecasts
- DLUHC – ensuring efficient reporting mechanisms, timely release of government funding and clear direction on government policy
- Further and Higher Education Establishments - Open, constructive collaborations, working together on key initiatives, such as skills and innovation partnerships.



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# Freeport East Local Growth & Investment Strategy

Using retained business rates on freeport tax sites to help strengthen and level-up our region

March 2024

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# 1. Introduction

## About Freeport East

Freeport East aspires to be the UK's leading centre for trade, green energy and innovation. It will be a Global Freeport for a Global Britain. It will deliver unique opportunities for investment, business-led growth and levelling-up that will create benefits at a local, national and international level.

## Purpose of this strategy

The freeport model designed by UK Government provides that all growth in business rate income on designated tax sites above a specified baseline figure over a 25-year period is to be collected locally and then utilised to support the aims of the freeport.

This model is a significant benefit when compared to the extant approach whereby a significant proportion of business rate income would otherwise flow directly to HM Treasury. The freeport model thereby secures greater funds for regional growth and investment under governance mechanisms and processes which are locally-led.

As set out in relevant documents from the Department for Levelling Up, Housing and Communities (DLUHC) and the Memorandum of Understanding implemented between DLUHC, the Billing Authorities and Freeport East Ltd, the principle of the retained rates strategy should be to maximise the amount of pooled funds that can be utilised to support the Freeport vision and objectives. These funds can be deployed to promote the freeport vision within the Freeport East Outer Boundary (the 45km zone) or wider "travel to work" area.

Initial proposals for how these funds would be used were set out at a high level in the Full Business Case that was submitted by the partners of Freeport East and approved by Government in December 2022. Outline forecasts suggested that the total funds available under the freeport business rate model could be up to £300m over 25 years. The first year of the 25 year period is 2023/24 and the final year is 2046/47.

The purpose of this strategy is to provide a more detailed articulation of how funds will be allocated and utilised in support of the Freeport East vision and the mechanisms, governance and processes required to deliver that.

It is noted that each relevant Billing Authority has separately sought approval for business rate retention mechanisms. This strategy draws upon those policies but, reflecting the essence of the freeport model as a joint endeavour, goes further in terms of how business rates collected will be deployed in the best interests of the overall success of Freeport East.

This strategy is owned and approved by the Freeport East Supervisory Board which comprises appointees of each of the Founder Members of Freeport East Ltd. This includes the three Billing Authorities and both Suffolk and Essex County Councils.

The strategy will be reviewed every year by the Freeport East Board.

Once approved, this strategy will be made available for public access on the Freeport East website. Some of the processes set out in this strategy may also call for wider consultation with the business community and/or public, which will be dealt with on a case-by-case basis.

## Scope of this strategy

The business rate income subject to this strategy is as set out in the Non-Domestic Rating (Designated Areas) Regulations 2023 and includes premises wholly or partially within the three tax site location that are also designated by HM Government in legislation<sup>1</sup>.

The three Freeport East tax site locations are in Felixstowe, Harwich and Stowmarket.

Gateway 14 in Stowmarket was originally set up as a single site in single ownership and developed by Gateway 14 Ltd. In due course, where Gateway 14 Ltd enters into freehold sales, the tax site will be split into individual plots for ownership purposes, albeit remaining under the banner of the Gateway 14 .

In the case of the Felixstowe, there are two discrete sites. One site is owned by the Felixstowe Dock and Railway Company and comprises approximately 32 hectares of brownfield or under-utilised port land. The second is occupied by Maritime Transport Ltd under the terms of a long lease, the site of the former Anzani House, and is approximately 5 acres of brownfield land.

In the case of Harwich, there are also two discrete sites. The first is the area known as Bathside Bay, which is a mixture of existing quay, under-utilised warehousing and cleared land and shallow water and owned by Harwich International Port. The overall site comprises approximately 132 hectares and is currently the subject of planning permissions for redevelopment for port infrastructure (the Green Energy Hub). The second is approximately 4 acres and known as Iconfield Park, where the owner is J&J Holdings. It is largely under-utilised industrial derelict land with some existing engineering workshops and offices.

Baseline business rate income for each of these three tax site locations is as set out in the Non-Domestic Rating (Designated Areas) Regulations 2023 and laid out in the table below. All business rate income over the specified baseline in each year of the 25-year period commencing on the 1<sup>st</sup> April 2023 shall accrue for the purposes of the freeport and be subject to the content of this strategy.

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<sup>1</sup> [www.gov.uk/government/publications/maps-of-freeport-east-tax-sites](http://www.gov.uk/government/publications/maps-of-freeport-east-tax-sites)

If in any year the amount of retained business rate income for a tax site is lower than the baseline amount then the collected business rate income subject to this strategy for that site and year will be zero.

<b>Tax Site</b>	<b>Billing Authority</b>	<b>Baseline business rate income to be applied from 1<sup>st</sup> April 2023</b>
Harwich	Tendring District Council	£841,447
Gateway 14	Mid Suffolk District Council	£0
Felixstowe	East Suffolk District Council	£774,808

In consideration of the approach and governance for spending of retained business rates, the new Subsidy Control Act will be an important consideration alongside other relevant legislation. Subsidy control assurance is to be provided by the public body which provides public funding and therefore is most likely to be the role of the Accountable Body (East Suffolk Council) or a relevant Billing Authority. In delivery of the governance processes set out in this strategy, all partners and particularly Freeport East Ltd will need to be cognisant of the implications of the Subsidy Control Act, particularly where funds are being deployed to support private sector activity.

## Structure of this strategy

This strategy is structured into five sections as set out below:

- Section 1 - Aims and objectives - outlines the key aims of Freeport East, which provide the focus for spending plans and associated governance processes for use of the retained business rates. If the outputs and objectives of individual projects are aligned to these aims and met, then they will support us in delivering the vision for Freeport East
- Section 2 - Key principles for high level allocation of retained business rates income – outlines the means by which retained business rates will be allocated for different high-level purposes, together with exploration of some of the key mechanisms and considerations for how funds are used in support of the Freeport East vision
- Section 3 - Decision-making – following the high-level allocations made, this section outlines the basis upon which individual projects and interventions will be brought forward and assessed and the governance in relation to those decisions.
- Section 4 - Financial management – outlines the mechanisms to be deployed by the Accountable Body, Billing Authorities, Freeport East Ltd and others to ensure effective and efficient financial management of the retained business rates
- Section 5 - Programme management – outlines the key operational processes to be used in delivering all spending activity utilising the retained rates, principally under the guidance of the Accountable Body.

## 2. Aims and objectives

### Freeport East objectives

Freeport East is a public-private partnership, based on a shared endeavour and common objectives to drive a more sustainable and diverse regional economy and to address the inequalities that prevent members of our communities benefiting from equal access to good education, skills and employment opportunities.

The vision for Freeport East is to help facilitate a better place to live, work and invest with a multi-faceted approach that attracts and facilitates greater domestic and international inward investment, whilst also ensuring that the benefits of growth are felt more broadly and equally.

In order to do this, we intend to utilise the funds captured within the scope of this strategy across the following broad areas of activity:

- Site development for inward investment
- Skills
- Net Zero
- Innovation
- Trade & Investment
- Local growth & infrastructure

The strength of particular interventions across these areas will be judged not only by their ability to support private-sector-led growth, but also to facilitate wider socio-economic benefits, such as improvements in our natural environment, strengthening public services, increasing health & wellbeing outcomes and child poverty rates. Naturally some interventions will deliver more strongly in specific areas, and these funds are only a small part of wider public and private sector spending in our region – but in totality, we will be focusing on a portfolio of actions that can collectively strengthen the region for years to come.

### Freeport East Aims

The overall aims of Freeport East, against which spending proposals will ultimately be judged are to be able to contribute effectively to:

- create, strengthen and extend the UK's primary hub for global trade and investment
- facilitate a more diverse, sustainable and inclusive regional economy that creates a variety of well-paid jobs and career paths for local people
- level-up the region, reduce inequalities and broaden access to opportunity, particularly in relation to education and employment

- drive innovation, in order to 1) deliver an increase in public and private R&D spend; 2) strengthen the physical and virtual networks to allow innovation to flourish; 3) use innovation as a key enabler of inward investment and 4) help direct emerging innovations to tackle local socio-economic challenges
- support the Government's Net Zero Ambitions including through delivering a cleaner, greener energy sector, protecting and nurturing our local biodiversity and supporting those sectors that are able to contribute to cleaner growth

## Key target outputs for use of retained business rates income

Outputs will be more specifically defined as part of specific funding proposals and in line with sub-strategies. Whilst there is an interest in targeting and tracking a wide set of outputs across all interventions, in practice this will need to be balanced against the resource demands of sensibly tracking such outputs. Where possible, business cases and appraisals will seek to be clear about where outputs are likely to be used to inform decision-making only and the basis of those estimated outputs, versus those that are essential to be monitored over the long term. These are likely to dovetail with cases where DLUHC are able to specifically provide additional M&E capacity support.

However, high level outputs of the overall combination of outputs will seek to mirror those set out in the DLUHC Monitoring and Evaluation framework and which therefore reflect the original policy intent of the freeports programme.

These outputs will therefore be likely to include:

- Jobs
- Inward Investment

In addition, more specific outputs will reflect local priorities and sub-strategies and may be particularly relevant to certain funding proposals or areas of work. For example, across areas such as inequalities, innovation and net zero, outputs applied from time to time may include:

- Land brought forward for development
- New floorspace created
- Number of persons enabled to access employment and education opportunities
- £ increase in R&D/innovation spending
- Total MW (or equivalent) of new clean energy capacity
- Total sqm of additional PV solar roof installations across new developments in the Freeport East Outer Boundary

Any combination of outputs will be kept under review including the means of estimating and tracking those. Wherever possible we will seek to ensure these flow from our business plan and strategy as well as DLUHC M&E to ensure top-to-bottom visibility on impacts of the programme and spending within Freeport East.

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### 3. Key principles for high level allocation of retained business rates income

#### Scale, timing and uncertainty of retained business rates income

Implementation of this strategy will depend on the ongoing revision of forecasts of business rate growth, combining forecasts of various degrees of (un)certainty. A single combined business rate income forecast over the remainder of the 25 year period, utilising the Freeport East single financial model, will be produced at least bi-annually and will be reviewed by the Freeport East Finance and Audit Committee.

An annual update on future forecast business rate income across the sites will be published as part of the Freeport East Business Plan process. This will include a single year-ahead retained business rates forecast that will be part of the one year Business Plan cycle.

Appendix A provides a technical note outlining how the forecasting process will be undertaken. It should particularly be noted that all numbers in this document are provided in 2023 real terms, i.e. they are not adjusted for inflation that will arise over the 25 year period. In practice, it is assumed that business rate income will grow broadly in line with inflation and that expenditure will grow at a similar rate. For simplicity, all numbers in the document are maintained in 2023 real terms and will be adjusted year-by-year as this strategy is updated.

At the current time, as of November 2023 the current forecast is for a high-low range of between approximately £300m and £210m of total income over the 25 year period, from 2023/24 through to 2046/47.

Of this, £61m reflects business rate growth that is already supported by existing contracts/leases/sales of plots on one or more of the tax site locations and therefore of high certainty. We refer to this as our FIRM forecast (see Annex A). Our current ANTICIPATED forecast would be approximately £75m. As set out in Annex A this includes future rates income where we know there are current commercial arrangements under discussion that make this future income likely.

**Finally, a summary of the November 2023 HIGH LEVEL forecasts for business rate income** are provided in the table below. These are over and above the baseline income set out in the relevant legislation and the table above. It should be noted that these are merely indicative and reflective of various uncertainties. A full technical note on the forecasting model is provided at Appendix A:

Tax Site	Local Billing Authority	High Outcome	Low Outcome
Harwich	Tendring District Council	£105m	£22m

Gateway 14	Mid Suffolk District Council	£141m	£136m
Felixstowe	East Suffolk District Council	£55m	£51m
<b>Total</b>		<b>£301m</b>	<b>£209m</b>

\*All figures are quoted in real terms in 2023 figures.

In the first five years, HIGH LEVEL forecasts for High and Low scenarios are:

<b>Tax Site</b>	<b>Local Billing Authority</b>	<b>High Outcome First Five Years (23/24 to 27/28)</b>	<b>Low Outcome First Five Years (23/24 to 27/28)</b>
Harwich	Tendring District Council	£1m	£0.6m
Gateway 14	Mid Suffolk District Council	£18.4m	£15m
Felixstowe	East Suffolk District Council	£1.8m	£1.2m
<b>Total</b>		<b>£21.2m</b>	<b>£16.8m</b>

For spending that is based on in-year income (i.e. where expenditure is largely matched in-year with available income), the forecasting process will principally be used to provide an important forward-look on upcoming income, to ensure that appropriate planning and processes are in place to deliver expenditure in a timely manner.

However, it is acknowledged that to deliver the maximum impact from the expenditure, it would be preferable for a significant proportion of it to be undertaken as early in the 25-year period as possible. This will require one or more mechanisms to bring forward future income for current expenditure (e.g. by borrowing against future business rate income) (see section on Forward Funding).

Where such proposals or mechanisms are envisaged, the forecasting model referred to here will likely need to be supplemented by more detailed, project-specific bespoke modelling to ensure that commitments are not made that cannot be funded in the future, and which do not inadvertently constrain other future options, or incur unreasonable opportunity costs.



The following section sets out the principles and ordering of how retained business rate income shall be allocated towards different high level applications.

## Primary allocations for Freeport East delivery costs & committed spend

Prior to making allocations of funds towards investments or programmes , a set of primary uses will need to be satisfied and accounted for first, on an annual basis.

### Top slice for Freeport East Ltd delivery costs

The primary use of any retained business rate income in any given year will to be cover the running costs of Freeport East Ltd. Freeport East Ltd plays a critical role as counterparty to the Government to ensure the freeport initiative is delivered effectively and efficiently, including acting as the gateway to investment incentives and decision-making body on how a range of public funds are utilised in support of the freeport vision. Freeport East Ltd also sets the vision and strategy for the freeport, works to attract inward investment and oversees and delivers a range of interventions to fulfil the freeport objectives on skills, net zero, local growth and innovation. The requirement to ensure that Freeport East Ltd is adequately funded is also captured in the MoU with Government and the Delivery Plan Framework.

On an annual basis, an allocation will be made to cover Freeport East Ltd operating costs, based on a budget approved annually by the Freeport East Board and Members.

For years 1-5 the full year budget for Freeport East Ltd is estimated at up to £1.25m per annum, recognising the benefits of investing in capacity early to drive greater long-term benefit. However, this is an upper range and any final budget would need be agreed by the Freeport East Board and Company Members on an annual basis.

In the initial years, these costs are also supported by a Capacity Grant provided by DLUHC, before the retained business rates are available. Where there remains a gap between these mechanisms, the Accountable Body will need to work with other partners to provide an appropriate cashflow mechanism to support Freeport East Ltd costs that will be repaid in future years. Any such mechanism may involve associated financing costs that would also need to be covered by this allocation in future years.

Given the ramp-up in costs during the set-up phase and ongoing use of the DLUHC capacity funding together with availability of interest on cash balances, the actual forecast for costs to be set against retained business rates in year 1 (23/24) is now zero, meaning a total forecast of £5m in the first five years, or an average of £1m per annum. The forecast of delivery costs on a five year basis is as follows:

Years	1-5	6-10	11-15	16-20	21-25	Total
Freeport East Ltd	£5m	£5m	£5m	£4.5m	£2.5m	<b>£22m</b>

delivery costs						
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Where other funding streams for Freeport East Ltd are subsequently identified then these would be used to reduce the call upon the retained rates. Examples of this could include other funding received by Freeport East for services provided or under grant arrangements. No such income is included in the current forecasts.

*For the purpose of subsequent estimations, we currently assume that total Freeport East Ltd delivery costs over the 25 year period will total to £22m.*

### Top slice for Accountable Body administration costs

To recognise the additional costs incurred by the Accountable Body in delivering their role in support of the freeport, a top slice will allow for reimbursement of appropriately incurred costs from the retained business rates income.

On an annual basis, an allocation will be made to cover Accountable Body administration costs, based on a budget approved annually by the Freeport East Board and Members.

For years 1-5 the costs for Accountable Body administration costs are estimated to be up to £100k per annum. These would be focused on costs of commissioning new external advice and additional resources brought into the Accountable Body to deliver the Freeport role.

Administration costs for other local authorities are covered by the amounts they receive under the Pot A mechanism (see Pot A later).

*For the sake of subsequent estimations, we currently assume that total Accountable Body administration costs over the 25 year period will total to £2.5m.*

### Prior commitments or repayments arising from previous years

Where repayment obligations have been created to support expenditure in prior years (e.g. to support a borrowing mechanism that accelerates spending in early years) then these will need to be accounted in the current year prior to further expenditure being considered or committed.

Similarly, where commitments have previously been made on a multi-annual basis (for example to a multi-year skills programme) then these will also need to be accounted for in the current year prior to further expenditure being considered or committed.

As at November 2023, the only pre-committed sums to date relate to forward funding provided by the Freeport East Local Authority Members.

The five local authorities each contributed £80k per year for two financial years to provide early stage funds to accelerate delivery across the freeport area. These funds were made available as forward funding for Pot C activities (see later section on purpose on Pot C). These

funds will be available for repayment to each relevant Local Authority, as and when the respective tax sites in their Districts create sufficient contributions to support the repayment, after other delivery costs are adequately covered, from year 6 onwards (i.e. 2028/29). Even once repayment is possible, Local Authorities may also choose to defer or void these repayments as a means of strengthening freeport delivery.

## MoU Sanctions

In extreme circumstances there may be occasions where the Accountable Body suffers sanctions in relation to its responsibilities under the MoU. This principle is set out in the Members Agreement. In accordance with that agreement the Accountable Body would be able to propose that these are covered from the retained business rates allocations at the time of such unforeseen circumstances arising.

## Annual contingency allocation

Prior to further allocations or commitments, an appropriate contingency will also be carried to manage any variations in areas of expenditure in relation to freeport operating costs and existing commitments, including unforeseen legal events and MoU sanctions.

A contingency allocation will be agreed as part of the annual expenditure forecasting process and if necessary, increased during the year with approval of the Freeport East Ltd Board.

*For the sake of subsequent estimations, we currently assume that the contingency allocation over the 25 year period should be set at up to £2.5m (i.e. £100k on average). Unused contingency allocations would be returned for use in line with the remainder of this strategy.*

## Banking Mechanism for site contributions to freeport delivery costs

In any given year, particularly in the early stages of the freeport, it is possible that contributions from individual sites to the freeport delivery costs could be highly variable. This would principally be the case where one site has not yet created sufficient retained business rate income to make a proportionate contribution for the freeport delivery costs.

As set out separately, it is expected that over the 25-year period the contribution to the freeport delivery costs will be supported equally by business rate income from the three tax sites. For example, assuming the total outturn freeport delivery costs over 25 years was £27M then we would expect each site to have supported a total of £9m each.

In order to target an equal contribution over 25 years, whilst also recognising that some sites will create business rate income earlier than others, a Banking Mechanism will be used. This will enable Freeport East to record tax sites, on an annual basis, with an “intention to fund” in relation to that same years freeport delivery costs, and then repay those costs at a later date. Such an “intention to fund” could be provided when a tax site is providing zero income or where the income is lower than the relevant contribution to delivery costs for that same year. In the latter circumstance it would allow, in the early years, some funds to be passed straight through to Free Cash Flow. Overall, this will mean that a site that has developed

earlier, will pay a greater contribution to freeport delivery costs in the early years, and less in later years as others sites catch up with their contributions. Conversely, sites that develop later will be seeking to cover a fair proportion of the delivery costs over a shorter period of time, with greater annual contributions as a consequence.

It is important to note that this does not create any form of liability for the owners or occupiers of any tax site, nor for the relevant Billing Authority – the “intention to fund” is set against the future business rate income itself, and merely creates a clear record that, as soon as is possible, the business rate income from a tax site will be used to contribute to the freeport delivery costs of earlier years, when there was insufficient business rate income to contribute at the time.

At years 5, 10, 15 and 20 a review will be undertaken of the outstanding “intention to fund” sums under the Banking Mechanism. If necessary these will be recalibrated at the time against forecast business rate income from that year onwards, to ensure that sites do not end up carrying “intention to fund” sums that cannot be repaid from that site. At the review points in years 5, 10, 15 and 20, the Board will have the opportunity to review site progress against the “intention to fund” sums being incurred and consider any amendments at that point in time, including a re-set of the contributions between the sites and/or a reduction in future delivery costs. By commencing this process in year 10 we consider there will be sufficient time for all sites to cover any extant “intention to fund” sums built up at that time.

## Secondary Allocations to Pots A, B and C (Freeport East Free Cashflow)

*For the sake of subsequent estimations, we currently assume that the total allocation for freeport delivery costs and associated contingencies over the 25 year period, as set out in the previous section, will be £27m.*

In any given year, once the costs of Freeport East delivery and previously-committed spend (including those for multi-year programme commitments and repayments against pre-agreed borrowing mechanisms) has been accounted for, then Freeport East will allocate any remaining business rate income across three Pots – A, B and C. This shall be referred to as the **Freeport East Free Cashflow**.

As set out in the relevant freeport guidance, the MoU with DLUHC, and the FBC, the overriding principle of the freeport is a) to create the greatest amount of locally retained business rates through support for individual tax sites whilst b) ensuring as much of those resultant business rate income is pooled across the freeport area to deliver interventions that are of highest value in supporting a more diverse and inclusive economy and tackling all relevant aspects of the levelling-up agenda, particularly inequalities in access to education, skills and employment.

The high level purpose of the pots for distribution of the Freeport East Free Cashflow are:

- Pot A – to partially cover “lost income” for local authorities when compared to a counterfactual scenario of “no freeport development” and to support local services to support businesses
- Pot B – to support the development of tax sites in line with the vision and objectives of the freeport in order to attract earlier, higher value and higher business rate income investments
- Pot C – to support the overall Freeport East geography to meet the vision of the freeport initiative

In any given year, allocations to Pots A, B and C will vary according to need and profiling of spend, but over the 25 year period will be managed to ultimately balance against the percentage allocations set out later in this section.

### Pot A Allocations

Pot A is used to provide an income to the relevant Billing Authority to partially offset the lost income that would have occurred had the freeport not been in place, with the purpose that those funds are then used to support vital services in the local area that businesses would benefit from.

Pot A funds can only be distributed to the relevant Billing Authority from business rate income that arises from the tax site locations within that same Billing Authority jurisdiction. It is therefore a requirement that a tax site location must have contributed sufficient business rate income before Pot A income can be received by that same Billing Authority. Such income will also need to have been sufficient enough to cover liabilities for freeport delivery costs before any distribution of income under Pot A can be made.

*Over the course of 25 years Pot A will be the lower of:*

*a) 20% of total retained business rates from the relevant tax site; or*

*b) the value of the reasonable counterfactual for local authority income that would have arisen from that site under the no-freeport scenario.*

This latter calculation will reflect that, as well as the slower and lower value development potential of any site in a non-freeport scenario, local authorities would receive only a proportion of business rate income on that site. The non-freeport counterfactuals are as set out in the following table:

<b>Tax Site</b>	<b>Billing Authority</b>	<b>Counterfactual income over 25 years</b>
Harwich	Tendring District Council	£1,000,000 <sup>2</sup>

<sup>2</sup> Based on a partial development of existing landed areas of Bathside Bay but without any reclamation project.

Gateway 14	Mid Suffolk District Council	£25,500,000 <sup>3</sup>
Felixstowe	East Suffolk District Council	£2,750,000 <sup>4</sup>

In relation to each tax site, the Pot A funds are split on an 80/20 basis between the district-level Billing Authority and the County level Authority, as set out in the following table.

Tax Site	Billing Authority proportion of Pot A	County Council proportion of Pot A
Harwich	80% Tendring District Council	20% Essex County Council
Gateway 14	80% Mid Suffolk District Council	20% Suffolk County Council
Felixstowe	80% East Suffolk District Council	20% Suffolk County Council

The counterfactual development scenarios (i.e. without the freeport) show slower build-out and a less comprehensive approach to addressing barriers to investment. Pot A funds are therefore profiled to reflect a gradual increase over time, rather than applying at a fixed rate of total income from the first year onwards. This also means that funds can flow into Pots B and C faster in earlier years, allowing for broader-based investments across the freeport areas.

In relation to the Felixstowe and Harwich tax sites this means no Pot A funds would be distributed for the first 10 years on either site. Any Pot A funds deferred in the first ten years would then expect to be wholly disbursed within the following 5 to 10 years (i.e. before end of year 20).

In the case of the Gateway 14 tax site, the Suffolk County Council proportion will be allocated from year 6 onwards (i.e. no Pot A funds for the first five years). The Mid Suffolk District Council proportion will follow a formula for the first 10 years where it would be **the lower of** 16% of the Free Cash Flow on the Gateway 14 tax site or the figures set out in the table below.

Year	Year	Maximum Pot A allocation to Mid Suffolk District Council
1	2023-24	Zero

<sup>3</sup> Reflecting significantly slower expected build out and lower value use cases through absence of tax reliefs, wider freeport visibility, seed capital and Skills & Innovation Centre. This figure also includes any proposed allocation in relation to prior LEP support for the G14 Enterprise Zone, to be determined between MSDC and SCC.

<sup>4</sup> 10% of proposed freeport scenario reflecting severely limited capacity for private sector investment without seed capital funds to address remediation and other infrastructure barriers

2	2024-25	£277k
3	2025-26	£277k
4	2026-27	£422K
5	2027-28	£734K
6	2028-29	£808K
7	2029-30	£650K
8	2030-31	£650K
9	2031-32	£650K
10	2032-33	£650K

Again, any deferred Pot A funds from the early years period, would be planned to be fully disbursed over the next 5 to 10 years and in any case fully by year 20.

While funds under Pot A are returned to the relevant Local Authorities, there will remain a strong expectation that the funds are used to support the overall vision of the freeport and should be identifiable as such. Responsibility for accounting to DLUHC for the use of the Pot A funds will remain with the Accountable Body, irrespective of which local authority receives the funds.

*As of the November 2023 forecasts, Pot A estimates for 25 years across each site would be:*

<b>Tax Site</b>	<b>Recipient Local Authority</b>	<b>High Outcome<sup>5</sup></b>	<b>Low Outcome<sup>6</sup></b>
Harwich	Tendring District Council	£3.8m <sup>7</sup>	£0.8m
Harwich	Essex County Council	£1m	£0.2m
Gateway 14	Mid Suffolk District Council	£20.4m	£20.4m
Gateway 14	Suffolk County Council	£5.1m	£5.1m
Felixstowe	East Suffolk District Council	£11m	£7.5m
Felixstowe	Suffolk County Council	£2.7m	£1.8m

<sup>5</sup> Based on current High Income scenario for Freeport East on page 8

<sup>6</sup> Based on current Low Income scenario for Freeport East on page 8

<sup>7</sup> 80% of the maximum Pot A allocation of £6.2m

Each local authority will have the option to defer or waive any proportion of their Pot A allocation. Where a proportion of the Pot A allocation is waived, it will be made available for use under other areas of spending.

## Pot B Allocations

Pot B provides funds to expedite and increase the attraction of individual tax sites to inward investment in line with the vision and objectives of the freeport, including the sectoral targets for individual tax sites that were indicated in the Full Business Case. This applies to all components of the three tax site locations, across the different identified ownerships.

It is a pooled fund that can be utilised across all tax sites. However, initial priority will be given to identifying opportunities for use of Pot B funds from a particular site to maximise the rate-producing potential of that same site, before considering the use of those funds elsewhere (e.g. business rate income on Harwich Iconfield Park would first consider Pot B uses on that site before pooling of remaining funds). The rationale is that helping tax sites to bring forward investment that is faster and delivers higher rates of business rate income, aligned with the freeport vision and objectives, will itself create greater retained business rate income for the freeport overall. Awards made under the Pot B allocation would be supported by a clear site development plan as well as a relevant business case (as set out in section 4).

A key factor in the use of Pot B will also be in judging how such a funding contribution would enable a site to deliver on the ambitions set out in the Full Business Case in terms of the *types* of businesses and their sectoral split. When assessing the ability of an investment to deliver higher rates of business rate income, the counterfactual may not therefore be “any development” that may otherwise have occurred, but the degree to which the *types* of business outcomes targeted in the Full Business Case would have occurred without the proposed funding support.

Over the course of the 25 year period, the Pot B allocation will be up to 35% of the business rate income of each of the tax sites (i.e. Total Pot B over 25 years = (35% \* Harwich) plus (35% \* Gateway 14) plus (35% \* Felixstowe)).

Pot B allocations are limited in this way to recognise the uncertainties that still come with investments into the tax sites (and therefore the risk of prioritising further site re-investment disproportionately over other beneficial uses of rates income) and to ensure a proportionate allocation of funds are available to support wider initiatives.

*As of the November 2023 forecasts, Pot B estimates across each site would be:*

<b>Tax Site</b>	<b>High Outcome Pot B Limit</b>
Harwich	£33m
Gateway 14	£49m



Felixstowe	£16m
<b>Total</b>	<b>£98m</b>

The types of expenditure that may be relevant for Pot B spending are likely to relate to addressing key barriers to development and investability, such as power connections, local transport links or other factors that would otherwise stymie investment. Certain types of expenditure may also create added value for an inward investor that could help drive higher retained business rate income, such as access to certain innovation facilities or green logistics options.

A key determinant of whether proposed expenditure from Pot B is considered appropriate for approval will be its ability to drive a higher total business rates income level from any particular site. If a proposal delivers high socio-economic returns but does not drive higher business rate income, then it may be better suited for consideration under Pot C.

Each year, the Board will review the forecast of Pot B funds together with an indicative pipeline of potential uses to consider whether funds should remain ring-fenced or be re-allocated to support other tax sites or into Pot C. This would be intended to avoid a situation of dormant Pot B funds that could be better utilised elsewhere to support the freeport objectives. Where accumulated funds within Pot B remain unallocated for year 10 onwards there would be a strong expectation that they would be likely to be reallocated. In any case, any such reallocations would only occur following Board approval and would not cut across repayment mechanisms that extend beyond year 10 and which may have been created to bring forward expenditure against future business rate income.

### Pot C Allocations

Pot C is a wholly pooled fund that reflects business rate income collected across all tax site locations and can then be utilised anywhere across the Freeport East geography and wider travel to work area.

Pot C will be at least 45% of the retained business rate income on each relevant tax site location. Based on November 2023 forecasts and the high and low scenarios set out previously, this would suggest a range of approximately £90m to £145m for Pot C based on 45% of the 25 year forecast income.

Pot C is designed to support a range of interventions across the Freeport East geography that will support the high level aims and objectives of the freeport, including reducing inequalities, growing a more diverse and sustainable economy, establishing deeper innovation clusters that drive productivity, increasing access to education and employment and driving decarbonisation and net zero.

Whilst all interventions under Pot C should also be considered in light of increasing the attractiveness of the area to inward investment, thereby increasing business rates income on

both tax sites and non-freeport sites, the purpose of Pot C is principally about delivering wider benefits that help to reinforce the Freeport East geography as a great place to live, work, invest and grow.

Initial thematic areas in which funding allocations are intended to be allocated would be:

- Skills
- Innovation
- Net Zero & Decarbonisation
- Inward Investment & Trade
- Local Growth & Transportation

It is acknowledged that some major tax site investments could benefit from both Pot B and Pot C allocations. This would apply where an investment is helping to bring forward inward investment as well as creating significant wider socio-economic benefits and delivering on other Freeport East aims and objectives. The primary example of this would be the Bathside Bay site in Harwich. The use of Pot B funds for Bathside Bay could be justified to address site delivery barriers that prevent wider inward investment and creation of business rate income. At the same time, it may also be proportionate to utilise Pot C funds to address barriers to development for the site given the significant catalytic effect the project would have on the wider Tendring and Freeport East economies as well as delivering on local and national net zero, employment and innovation objectives. Any such proposal would be considered by the Board at the appropriate time, but any projects that could span Pots B and C would be encouraged to provide an early indication to Freeport East to aid effective financial and process planning.

## Other considerations for funding allocations

### Forward funding

In many intervention areas, it is apparent that investing funds earlier in the 25-year life of the freeport model will help deliver greater overall benefits. For example, it would be preferable to invest in skills support or local transport interventions before a significant demand for new employment. Similarly it would be better to invest in site infrastructure that addresses delivery barriers in order to reap greater business rates income and employment benefits. This can only be done if there are effective mechanisms to bring forward future forecast business rate income. Most simply, this would be a form of borrowing against future business rate income to make investments now. However, any such approach brings a degree of risk which will need to be carefully considered by the Freeport East Board.

We are continuing to explore different options, including through discussion with Government, in relation to creating effective mechanisms for forward funding. At the current time, we consider there are three high level forms of mechanism that could be utilised to help

bring forward funding in this way. Each of these options are hypothetical at this stage and actual deliverability would depend on the specifics of the financial case and intended use:

1. **Internal local authority allocations** – local authorities that are part of the Freeport East geography could use existing reserves to help provide a forward funding mechanism, especially where those same local authorities will be receiving the future business rates income directly themselves.
2. **Assignment of future business rate income to tax site landowners and/or related delivery partners** – a mechanism could be created to assign an agreed proportion of the future business rate income on a site to enable a public or private sector partner to deliver upfront investments. This would bring the added benefit of aligning incentives such that the tax site landowner benefits from its own investments and actions in terms of developing a site and attracting tenants.
3. **External borrowing** – retained business rates could be used to borrow funds, such as from the Public Works Loan Board or the UK Infrastructure Bank. Such borrowing would require well-established mechanisms for forecasting and managing business rate income to meet the requirements of a third party lender.

### Additionality alongside other funding sources

As set out in DLUHC guidance for freeports, it is important that retained business rates income should not merely be seen as a substitute for other funding sources and should be aiming to enhance the benefits that can be delivered for the region by going above and beyond what other agencies may be able to do. In particular, retained rates business income should not be seen as a substitute for other public funds, nor unnecessarily veer into core spending responsibilities of public agencies.

Spending interventions should also be compared to a counterfactual – what would happen in the absence of funding - based on evidence of one or more market failures.

In addition, funding proposals and business rates should always consider match funding to varying degrees. Not only does this serve to minimise the call upon retained business rates alone, but it is also broadens the management of risk and ensures that other parties who may have greater agency around outcomes are also incentivised and aligned in terms of delivery and financial contributions.

### High priority for cross-boundary, multi-outcome interventions

In line with Freeport East being a collective endeavour that seeks to deliver change across political boundaries, we will need to work hard to ensure we design and deliver interventions that support the development of the freeport overall. By delivering interventions that are spread across the freeport geography and particularly tackle areas of highest socio-economic need we increase our ability to help level-up opportunities and outcomes.

This means an emphasis will be placed on articulating aggregated interventions that collectively benefits the freeport vision, even if individually delivered in discrete geographic areas, e.g. supporting the expansion of an innovation cluster may merit discrete expenditure in different areas but which collectively deliver across the freeport area.

## Assessing Value for Money

The assessment of value for money will be central to all appraisals of spending proposals. The core methodology for such assessments will follow HM Treasury's Managing Public Money guidance on use of public funds, and its Green Book guidance for economic appraisal and evaluation. This comprises the five-case model that works through the Strategic, Economic, Commercial, Financial and Management cases for a particular funding proposal. We will reflect the important recent emphasis on the Strategic Case, and the acknowledgement of limitations of the Economic Case in directing funding towards low-demand areas.

We will also seek to be mindful of the moral hazard associated with selecting shorter-term, lower value, lower risk projects and shying away from tackling complex, multi-stakeholder problems to transform areas with high levels of need. In the context of Freeport East funds being targeted at going and above beyond other funding functions that can be delivered by other public agencies, it follows that part of this stretch should be manifested in a form of higher risk appetite, a willingness to tackle intractable, long-term challenges and a bias towards utilising cutting-edge or innovative approaches.

### Freeport East Calibrated Benefit Cost Ratio

Under the five case model, the Strategic Case carries significant importance in decision-making, especially in the context of Levelling Up, which seeks to counter lower economic indicators in certain areas (e.g. in deprived areas, the benefit associated with certain forms of value capture are naturally lesser than in more economically successful areas, even though the cost inputs may be broadly the same).

The freeport policy objectives create an opportunity and imperative to ensure that funds respond to the needs of more deprived areas. This may manifest in different ways. The Freeport East Board have already incorporated differentiated decision-making in how they have sought to target the first round of spend under the Freeport East Clean Growth Fund and Freeport East Skills & Innovation Facility. In these cases, it has been done through setting thresholds for allocations of funding to particularly align with indices of deprivation.

In other cases, the scale of investment may merit a more formalised economic analysis based around a Freeport East Calibrated Benefit Cost Ratio (e.g. by using average benefits per output across the Freeport East region). Such a ratio could be presented to decision-makers, where appropriate and proportionate, alongside the Exchequer Benefit Cost Ratio to ensure that lower demand areas are not disadvantaged.

## Managing opportunity costs and no-regrets options

There are many more potential uses of retained rates income than there are likely to be funds available. As well as delivering value for money on a case-by-case basis, it is therefore important that, as far as possible, the best overall combination of spending options are chosen over time. It will never be possible to do this perfectly, but key considerations are around how opportunity costs are managed whilst facilitating no-regrets decisions and avoiding delayed or deferred decision-making.

### Visibility of forward pipeline

We will aim to provide decision-makers with maximum feasible visibility of the forward pipeline of projects, and therefore comparable choices, in order to ensure that the opportunity cost of each investment decision are transparent. To do this we will build an understanding of the needs and opportunities of the local area as well as deploying “call for proposal” windows that seek to allow multiple projects to be prioritised, rather than decision-making on a first-come-first-served approach. This will rely on an effective forecasting mechanism such that we are well-informed as to which funds will be available over what timeframe – but it will also involve carefully selecting those areas in which well-defined calls for proposals can be sought, to provide reliable data whilst avoiding wasting the resources of those required or requested to submit proposals. For 2023/24 and 2024/25 we have set out in section 4 our proposed priorities.

### No regrets interventions

Notwithstanding the need to maximise visibility of future options and manage opportunity costs effectively, there is also a need to ensure that effective decision-making and delivery is not unnecessarily delayed, either in the pursuit of perfection or as a result of the lowest common denominator. Decision-makers will be supported to make “no regrets” decisions where possible. This is more likely to be possible where the spending levels are involved do not impinge on multiple other options but would recognise that the success and public support for the overall freeport initiative will depend on bringing forward investments sooner rather than later.

The implementation of the Clean Growth Fund and Skills & Innovation Fund using £800k of brought-forward Pot C funds, are models of prioritising particular no regrets decisions and which are designed to facilitate wider benefits that will repay in tax site income and wider socio-economic benefits over time.

## 4. Decision-making

This section sets out the processes through which decision-making will be delivered on specific projects.

### Twenty-Five Year and Five-Year Forecasts

Freeport East Ltd will maintain both a twenty-five-year forecast and a rolling five-year forecast that brings together the best available information on existing and new site occupation and indicative allocations across the cost requirements and pot allocations set out in section 3. The twenty-five year forecast will also include actual received income and expenditures made in any period prior to the date on which the forecast is considered.

The two forecasts will provide context and a “lead-in” to individual project decisions as and when they need to be made during that period. The distinction between different levels of certainty of income (as set out in the technical note at Annex A) as well as the different time periods will provide an important mix of data to support effective decision-making.

The forecasts will be reviewed bi-annually by the Freeport East Board, with relevant support from the Finance & Audit Committee.

Both forecasts will follow the principles and provisions set out in this strategy to maintain an effective forward-look on potential income and expenditure to support effective decision-making.

### Annual Budget Allocation

Each year, as part of the Freeport East business planning process, the Freeport East Board will approve a proposed allocation of the retained business rates for the same one year period covered by the Business Plan. The allocation will reflect the principles and provisions of this strategy, together with all relevant existing decisions made by the Board from time to time, including prior commitments already made. The annual budget allocation approval will allow for spending to be delivered in the same year, i.e. it will be actionable with as much appropriate detail necessary to allow the Executive Team to deliver through the course of the financial year.

### Funding Allocation process

#### Strategic Direction of Funding

In formulating proposals for how retained rates funds should be utilised as part of the annual process the Freeport East FBC/strategy, vision and business plan will be the basis for these proposals. Freeport East Ltd, together with its associated governance and through wider engagement as appropriate with other stakeholders, will provide the steer for what funds should be made available for proposals and under what conditions and criteria. Freeport East will also provide leadership on using freeport-specific analysis and studies, for example into

possible transport and connectivity interventions, to determine prioritised interventions that support the freeport vision.

## Call for Proposals

Wherever possible, Freeport East will utilise a Call for Proposals model to solicit the widest possible inputs on appropriate forms of spending. The audience for any such Call for Proposals will vary according to the specific needs. For Pot B, this is likely to be more restricted, given the focus on advancing development on the existing tax sites, than for Pot C which has much wider application. The intention to and benefits of consulting widely shall not undermine the need for Freeport East to use its strategic leadership role to appropriately shape the focus and criteria for a particular funding allocation. For example, Freeport East has already instigated two such Calls for Proposals in relation to the Clean Growth Fund and Innovation and Skills Funds. In these cases the Call for Proposals is against an already defined need and target outcomes, such that external stakeholders are able to respond more specifically to a specific opportunity.

Any Call for Proposals will set out the eligibility of different types of organisations to bid for funding, and the format and minimum information requirements for an Expression of Interest (which may include inter alia: problem, proposed intervention, anticipated timing, anticipated amount of funding required, Upper and Lower Tier Authority sponsors). This will recognise the different types of possible Calls (e.g. ranging from major infrastructure interventions that may require a public sector sponsor through to small business support grants that would open to all relevant applicants).

As part of the process of projects being added to the pipeline, they will be discussed as appropriate as part of expert-led thematic analysis and in any relevant thematic working group to ensure that projects are cross-authority where relevant, or otherwise complementary across the Freeport East area.

Initially, in 2023/2024 we propose the following call for proposals should be prioritised:

- Pot B expenditure – a call for proposals from local authorities and tax site landowners to propose appropriate interventions that could enable earlier, higher quality and higher business rate income on tax sites; and
- Freeport East Growth Fund and Freeport East Skills & Innovation Facility using Local Authority Forward Funding under Pot C – an initial call for proposals has already been made. Depending on the volume of applications, the proposed funding of £800k could be increased and support further proposals.

In parallel, we will continue to build visibility on the pipeline of potential future Pot C projects, principally through bespoke Freeport East analysis in relevant thematic areas and through engagement with local authorities and other public bodies.

In 2024/25, we would then seek to prioritise:

- Pot B expenditure – continued engagement with local authorities and tax site landowners to focus on those proposed interventions that demonstrate value for money and contribute effectively to accelerate or increase the quality of business rate income on tax sites. Such proposals could be brought forward to the Board at any point to reflect the pace of individual site development;
- Freeport East Clean Growth Fund and Freeport East Skills & Innovation Fund – assessment of ongoing progress and impact, with a view to determining whether these funds should become rolling models of support in future years under Pot C.
- A first formal process to commence allocations against future Pot C income guided by a strategic focus to be agreed by the Freeport East Board.

## Assessment Gateways

In formulating proposals for how retained rates funds should be utilised and depending on the nature and size of specific proposals we will set out a form of gateway process. The elements set out subsequently are indicative at this stage but provide an outline of the type of gateway process we would expect to implement which would be detailed in relation to specific funding allocations.

### Gateway 1: Strategic Outline Business Case (SOBC) / Site Development Plan (SDP)

For higher value projects (i.e. in excess of £10m or where they are novel, contentious or highly innovative) Freeport East would look to assess a SOBC and/or SDP to gauge an understanding of a proposal at a high level. Part of the purpose of this exercise would also be to provide a steer on the relative benefits of expending further time and resource on developing a certain proposal.

### Gateway 2: Outline Business Case

For individual or cumulative projects up to a total of £1m, an outline business case may be considered sufficient to enable a positive funding decision and to reflect the need to keep decision-making processes sufficiently agile and light-touch to enable robust decisions and minimise burdens on delivery partners.

As defined in relation to specific funding allocations, such a business case would be expected to be in a format satisfactory to Freeport East and for the purposes of ensuring appropriate governance and financial compliance through the Board.

Larger projects, or those where Freeport East determines there is a need for greater examination and articulation of the proposal, will be put through the Full Business Case process.

Unsuccessful projects will be provided with feedback, whilst successful projects may have conditions imposed that would be reflected in the ultimate funding agreements put in place via the Accountable Body.



## Gateway 3: Full Business Case

For larger projects, Freeport East would require the submission and appraisal of a full business case that is compliant with the HMT Green Book methodology and the five case model. This would ensure an appropriate examination of the funding proposal and its contribution to the delivery of the freeport objectives. It would also allow for systematic comparison between options, noting that the demands on use of the retained business rate income are likely to be high and therefore comparative analysis and consideration of opportunity costs are likely to be a critical aspect of the process.

Projects that are not successful at this stage would be provided feedback and there may be an opportunity for a resubmission of a similar or reconfigured proposal once any weaknesses are addressed.

As noted above, smaller projects which are considered particularly risky, novel or contentious may also be required to deliver a full business case for assessment by Freeport East.

Where relevant, Freeport East will also align its own appraisal and timelines to match those of other public and private funding providers.

Successful projects will be provided with an outline of the funding process to be implemented and Freeport East would continue to support the process, even where grant funding agreements are subsequently put in place directly with the Accountable Body. In addition, Freeport East may seek to agree conditions and requirements as part of the funding delivery, for example to ensure effective oversight and to maximise the benefits of the project to other freeport initiatives and stakeholders.

## Assurance at Gateways 1, 2 and 3

Key criteria will be set out in relation to specific funding allocations and based on the specific outcomes or need that a funding allocation is seeking to address. However, this strategy sets out some of the broader considerations that will inform the specific cases.

### Pass / fail criteria

It is possible that certain pass/fail criteria will be utilised to ensure a focus on compliant proposals. The criteria will be assessed by Freeport East Ltd, with advice from independent technical specialists as appropriate and oversight from the Accountable Body where required. These pass/fail criteria may include:

- Strategic alignment – fit with the freeport vision, strategy, business plan, relevant sub-strategy and criteria related to the relevant “Pot” from which funding is proposed;
- Value for Money – based on a minimum Exchequer Benefit Cost Ratio and/or Freeport East Calibrated Benefit Ratio
- Affordability – Impact on current retained rates funds held in reserve/future income
- Compliance – With procurement, Subsidy Control and other relevant regulations
- Deliverability – No major interdependencies / barriers to delivery

## Prioritisation criteria

Again, specific prioritisation criteria will be set in relation to specific funding allocations. These will be used to determine the ranking of options in relative priority and therefore the allocation of funds. These will be used to determine choices between options that are being proposed at the same time but will also be used to track and monitor comparative decisions that may be taken over time.

Specific criteria will be set out in relation to the relevant allocation but may likely include:

- Contribution to the Freeport East objectives
- Freeport East Calibrated Benefit Cost Ratio
- Opportunity cost - Impact on current reserve/future income stream
- Wider intangible benefits in terms of strengthening the outcomes, coherence and wider opportunities for Freeport East

## Formal decision-making

To summarise the key methods of governance for each of area of spending allocation:

- For Freeport delivery costs, the Freeport East Board will agree an annual budget, and then submit to Members for approval as part of the annual Freeport East Business Plan
- For Pot A, retained business rates income will be distributed in accordance with this strategy and the annual allocation agreed by the Freeport East Board. Decisions on use of the funds will be taken by the local authorities as per their respective constitutions with regard also to this strategy and the Freeport vision, with reporting to Freeport East and the Accountable Body as required to satisfy the requirements of the MoU with DLUHC (for example in relation to reporting under the Monitoring & Evaluation framework);
- For Pot B, the Freeport East Executive, with input from the Management Committee, will recommend funding proposals, based on the principles of Green Book business cases and Site Development Plans or equivalent plans for wider interventions, for approval or rejection to the Freeport East Supervisory Board, which will take the final decision in line with its usual governance arrangements and delegations; and
- For Pot C, the Freeport East Executive, with input from the Management Committee will recommend appropriate assessments, based on the principles of Green Book business cases but proportionate to the level of spend involved, for approval or rejection to the Freeport East Supervisory Board, which will take the final decision in line with its usual governance arrangements and delegations

## Transparency

To the extent possible and in compliance with relevant legislation and commercial considerations, decisions will be published as per the governance arrangements of the Freeport East Supervisory Board. This will be done via the Freeport East website.

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## 5. Financial Management

### Implementing effective financial processes

#### Annual Forecasting and Cash Transfer Cycle

Each year Billing Authorities will complete their NNDR1 (January) and NNDR3 (August) reporting processes to DLUHC to provide an upfront estimate (NNDR1) and outturn validation (NNDR3) of all relevant business rate income relating to the freeport tax sites.

NNDR1 data will be shared with the Accountable Body and Freeport East Ltd to ensure that forecasts of income are consistent and kept up to date.

A transfer equal to all recorded business rate growth subject to the scope of this strategy will be passed across to the Accountable Body by each Billing Authority no later than 30 days of the deadline date for completion of the NNDR3 return in each year. In circumstances where Billing Authorities receive more regular payments against NNDR1 estimates, then funds will be transferred across within 30 days of the relevant date of receipt of those funds. It is currently understood that DLUHC will make equal monthly instalments to each Billing Authority based on the forecast provided in the NNDR1, starting from May of the same year. It is therefore expected that monthly transfers will be made to the Accountable Body throughout the year.

Where there are subsequent amendments to the NNDR3 Return as part of the audit exercise, a reconciliation will take place and payments will be made to or from the relevant Billing Authority as required.

The Accountable Body, East Suffolk Council, will pool all such receipts and report to the Freeport East Finance and Audit Committee at least twice a year on the status of the pool and in accordance with HM Government requirements, including under the memorandum of Understanding with DLUHC.

#### Single Freeport Business Rates Account

Pooled business rate funds will be held by the Accountable Body in a single identifiable and auditable account. The Accountable Body will seek to earn a return on any uncommitted funds held in the single account in line with its Treasury Management policy which will be reported to the Finance & Audit Committee for oversight on a regular basis and at least annually as a minimum. Unless otherwise agreed by the Supervisory Board, all interest accruing on the pooled funds will be added to Pot C.

#### Longer term forecasting

Annually, each Billing Authority will be required to provide to the Accountable Body and Freeport East Ltd an annual updated forecast of business rates expected to be received in each tax site for the remaining period of the 25 years. These forecasts will be used to inform

and keep up to date a single harmonised financial model across all Freeport East tax sites that enables consistent matching of income and expenditure and commitments.

## 6. Programme management

### Pipeline management

Freeport East will manage a pipeline of future funding opportunities that could ultimately benefit from the support of funding mechanisms set out in this strategy.

Placing a particular project, proposal, programme or intervention on the pipeline at any time will not guarantee that any funding will be provided, nor that a full assessment has been undertaken that suggests that proposal would be suitable funding.

Pipeline opportunities may arise through bespoke Freeport East analysis or be provided by relevant partners, such as location authorities, tax site owners and a range of other stakeholders. Freeport East will formally request submission of pipeline ideas from relevant partners as well as update from time to time as new information emerges.

A new version of the pipeline will be published annually as part of this retained rates strategy.

Maintaining a future pipeline of opportunities will serve multiple purposes, including:

- Providing visibility internally on future opportunities to encourage discussion and consideration amongst partners about how best to bring proposals forward, as well as match with other available funding sources that may strengthen deliverability
- Provide visibility externally on the types of funding support that Freeport East may be able to consider providing and support investors and other stakeholders who may find this visibility aids their own decision-making
- Strengthening decision-making at any point in time, in particular in relation to opportunity costs and efficiency by having sight of other options and upcoming decisions
- Supporting resource efficiency and forward planning, especially given the very limited assessment resources available to Freeport East.
- Support the planning of specific calls for proposals. For example, where it is known that a cohort of strong proposals around a specific theme are already well-developed then it may create the basis for a formal call for proposals to provide early indication of Freeport East funding support.

The pipeline will provide proportionate information in relation to individual funding options as well as providing a degree of qualitative prioritisation where it is possible to do so in a proportionate manner.

As part of the annual process of updating this retained rates strategy, pipeline opportunities may be withdrawn or reconfigured where for example they have already been completed, are no longer deemed necessary or have found other funding sources to support them.

## Funding agreements

At the current time, it is anticipated that all funding agreements will be entered into directly by the Accountable Body with relevant delivery partner and/or funding recipients. This process would follow a positive formal decision by the Freeport East Supervisory Board.

Where a forward funding or borrowing mechanism is proposed or a multi-year funding agreements is to be put in place, these would also be expected to be documented with the Accountable Body in so far as required.

The Accountable Body will include all necessary conditions and requirements in their funding agreements to ensure that they, and the Freeport East Supervisory Board have sufficient oversight, assurance and remedies to ensure funding is delivered appropriately and the desired outcomes are achieved. In extreme circumstances, the Accountable Body will consult with the Freeport East Board prior to implementing any remedy or funding withdrawal under a funding agreement.

Freeport East will maintain a decisions register on its website to provide appropriate visibility of decisions.

## Spend management

Relevant controls on spending will be set out in funding agreements as required and will be recognise the different nature of spending proposals and how controls can best balance risk and accentuate efficient delivery and oversight In principle, they are likely to include provisions related to:

- Releasing payments based on evidence of spend and availability of reserves
- Managing slippage across accounting periods during projects
- Managing underspends upon project closure / failure / withdrawal
- Repaying funds due to non-compliance with the funding agreement

This section will also confirm that the risks of overspends will lie with the funding recipient, save where explicitly addressed in approvals by the Freeport East Board and in the relevant funding agreement.

## Change control

Where considered appropriate by the Accountable Body, funding agreements will include provisions for change control.

These could relate to changes to delivery timescales, the identity of certain delivery partners or members of the governance and delivery team arrangements. On the other hand, use of the change control procedure should be kept to a minimum, and the focus should be on ensuring timely and efficient delivery of the funding and the desired outcomes.

Where proposed changes are material to the original funding decision by the Freeport East Board then Freeport East would be involved in any process to expect or refuse the proposed changes.

## Monitoring and evaluation

The Accountable Body will ensure that funding agreements provide the requisite degree of monitoring and evaluation data to satisfy Freeport East in its interest in driving success for the freeport, as well as to deliver accordingly under its' M&E obligations to DLUHC.

These M&E requirements will be set out upfront in calls for proposals and other related material to ensure that funding recipients are aware of their obligations. Most M&E requirements should be a function of seeking to maximise the benefit of Freeport East to local businesses and communities and should therefore be accepted as a means of all partners contributing to that success.

Following completion of funded projects, all relevant participants will be committed to appropriate lesson learning reviews. The outcome of such reviews will remain the property of Freeport East who will seek to share with partners and the general public to maintain maximum transparency.

## Risk management

The Accountable Body will share any such information arising from the funding agreements with Freeport East such as to ensure that Freeport East can ensure visibility and oversight of the funding decisions it has made.

The Accountable Body and Freeport East will convene at least quarterly to review progress against all funding agreements utilising freeport funds in order to assess, understand and mitigate risks. Where necessary, risks will be escalated to the Freeport East Board for visibility and action.

# Appendix A – Retained business rates income forecasting: Technical note

This appendix is intended to outline the structure, key assumptions and data sources to be used in the forecasting of retained business rates income. It will also seek to highlight key limitations and caveats.

## The Freeport East forecasting model

A single Freeport East retained rates model will be used to forecast future income and to model forecast and outturn expenditure and commitments over time. Based on having these future forecasts for overall retained business rates income, it will also be able to provide ongoing forecasts of the likely distribution of Pots A, B and C across the overall freeport, as well as on a site-by-site basis.

The model will also seek to relate this information to other key indices, such as floorspace projections and jobs figures.

The model will be built around different scenarios based on degrees of certainty of future income. This will be based on categorisation of forecast income on the basis of:

1. FIRM - Business rate income that is backed by existing or fully committed developments (e.g. developments already in situ or where land sale and construction agreements are in place with well-defined delivery and occupation dates)
2. ANTICIPATED - Business rate income forecast in relation to known pipeline opportunities with high expectation of completion (e.g. Heads of Terms are in place and commercial discussions are underway)
3. HIGH LEVEL - Broader business rate forecasts reflecting likely occupier take-up based on site development plans and informed judgement of the Freeport East team with input from tax site owners and other relevant stakeholders and experts.

In addition, a further scenario will reflect the degree of risk around development of the Bathside Bay project, recognising it is the largest and most complex single development within the Freeport East proposals. Whilst the core scenarios above will be based on the successful development of the site in accordance with the Green Energy Hub proposals, a fall-back scenario for forecasting purposes is based on income associated with a development solely of existing land (less than 25% of the full income scenario).

## Key assumptions

The model will incorporate the following set of core assumptions, which will be reviewed annually in line with publication of the forecasts.



Inflation

Growth Rate

Void Periods

## Data sources

The primary data sources for the model will be the forecasts of likely tax site occupation and therefore future business rates income based on information provided by tax site owners and the Billing Authorities. Freeport East will categorise this information for use in the model based on the nomenclature set out above.

Freeport East will regularly engage with both groups of organisations to keep data fresh and to update accordingly for reporting to the Freeport East Board and Finance & Audit Committee.

# Appendix B – Indicative longlist of future investments

## Pot B – Enhancements for site investments and maximising business rate income (indicative as of January 2024)

### Gateway 14

- Support for G14 Skills & Innovation Centre
- Green energy and green transport innovations
- Grow-on space to attract specific market segments

### Felixstowe (FDRC)

- No information as yet

### Felixstowe (Maritime Transport/Anzani Avenue)

- Financial support to enable delivery of new clean fuels centre and related infrastructure

### Harwich (Bathside Bay)

- Financial support for reclamation and infrastructure costs alongside other public and private sector investment

### Harwich (Iconfield Park)

- No information as yet

### Pot C – Freeport East

#### List A - Infrastructure Investments

Green Hydrogen-related innovation, skills, infrastructure and fuelling capacity in Felixstowe and other locations

Harwich Pop-Up Innovation Hub (as per joint UoE, TDC, FPE study)

Harwich Innovation Centre (as per FBC proposals, Innovation Study and joint UoE, TDC, FPE study)

Green Skills Infrastructure provision in North Essex – building on Colchester Institute footprint to expand skills provision in response to green sectors

A133/A120 Interchange & Mobility Hub – all-movements interchange hub (subject to FPE transport masterplanning work)

A120 widening and Bus Rapid Transit (subject to FPE transport masterplanning work)

A133 widening (subject to FPE transport masterplanning work)

Support for increase in Colchester-Harwich-Clacton rail service frequencies in partnership with Greater Anglia (subject to FPE transport masterplanning work)

Clean fuel bus service support across various Freeport East geographies (emphasis on building on private sector employment support as well as reaching areas of relatively poorer employment access) (subject to FPE transport masterplanning work)

Felixstowe-Harwich ferry infrastructure and service enhancements – to build on emerging employment opportunities and strengthening of economic cluster and opportunities (subject to FPE transport masterplanning work)

Haven Ports 5G digital infrastructure, including widening of existing 5g testbeds and trials programme beyond Port of Felixstowe

Targeted support at net zero infrastructure solutions (e.g. EV charging, green hydrogen fuelling) where this particularly tackles under-served areas and/or contributes to our vision for a Net Zero Freeport economic area, alongside other public and private sector partners.

Various enhancements to cycle and walking infrastructure to better connect people to employment & education opportunities and reduce wider traffic impacts (inc Harwich, Clacton, Felixstowe-Ipswich-Stowmarket corridor)

Non-tax site land aggregation and/or enabling works (various possible locations)

## **List B – Wider Investments, Projects and Programmes**

Freeport East Clean Growth Fund (with possible progression into large-scale clean growth investment fund for example such as the Mayor of London's Energy Efficiency Fund)

Freeport East Skills & Innovation Fund (ongoing funding and expansion against original objectives)

Balance of funding in relation to LEP Enterprise Zone at Gateway 14 (allowance to ensure that any legal obligations for revenue in relation to the prior LEP designation on part of the Gateway 14 site can be accommodated)

Working with Institute of Export and local SMEs to maximise opportunities from Ecosystem of Trust pilots to strengthen trade with existing trade partners (such as EU) but also target new

trade opportunities that support UK export objective but also international development (e.g with the Commonwealth)

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## CABINET

24 MAY 2024

### REPORT OF THE PORTFOLIO HOLDER FOR ECONOMIC GROWTH, REGENERATION AND TOURISM

#### **A.2 UPDATE ON LEVELLING UP FUND AND CAPITAL REGENERATION PROJECTS**

##### **PART 1 – KEY INFORMATION**

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

To update Cabinet on the Levelling Up Fund and Capital Regeneration Projects following the June 2023 report and to request officers to investigate the opportunity to bring forward that delivery of the demolition of Milton Road car park in Dovercourt.

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

###### **Agreement with Essex County Council**

- On 23 June 2023 Cabinet considered a report titled 'Clacton Civic Quarter Levelling Up Fund (LUF) Bid, Dovercourt Town Centre Improvement Corridor Capital Regeneration Project (CRP) Bid'. This report delegated authority to the Portfolio Holder for Economic Growth, Regeneration and Tourism in consultation with the Corporate Director Place and Economy, Section 151 and Monitoring Officers to approve the Heads of Terms for two funding agreements to be developed between Tendring District Council (TDC) and Essex County Council (ECC), and authorised the Corporate Director Place and Economy to approve the final terms and conditions of the agreements in consultation with the Section 151 and Monitoring Officers.
- The Heads of Terms were then approved by the Portfolio Holder on 2 January 2024 and the final terms and conditions of the funding agreements were approved on 22 January 2024. The agreements allow ECC to commission and deliver the three projects within the two schemes where ECC own the land and run services, which are Clacton Hub (Clacton LUF), and Harwich Library and Kingsway Improvements (Dovercourt CRP).
- ECC gained approvals to sign the funding agreements on 19 January 2024, and the funding agreement was sealed on 20 February 2024 by TDC. The agreements allow ECC to commission and deliver the three projects within the two schemes where ECC own the land and run services, which are Clacton Hub (Clacton LUF), and Harwich Library and Kingsway Improvements (Dovercourt CRP). Further detail is set out in the legal section.

###### **Funding draw down**

- On 6 October 2023 Cabinet considered a report titled 'Levelling Up Fund and Capital Regeneration Projects - Progressing the Projects to Planning Permission'. This report recommended drawing down a further £1,898,421 from the remaining match funding of £2,041,460, to cover professional fees for all stages of the project.

- On 19 April 2024, Cabinet considered the Finance Update Report that enabled spend of both the Council's match funding contribution, and the LUF and CRP grant funding received from Government on the projects. The report recommended delegating the determination of the mix of funding (from the Council's own approved contribution and the money made available by the Government) to support both the LUF Scheme in Clacton and the CRP Scheme in Dovercourt within the £1,898,421 previously drawn down, until the next significant project milestones are reported to Cabinet. The delegation was to the Corporate Director Place and Economy in consultation with the Council's S151 Officer. As result the Council can draw down on the LUF and CRP funding to the value of 1,898,421.
- As set out in the report to Cabinet on October 6, a further report will be brought back for consideration on the detailed projects. This report will seek approval to develop technical designs to the level of detail required to go out to the market for procurement of main build-contracts, and for agreement of the drawdown of LUF and CRP funds to support delivery of the two TDC led projects within the overall programme, Carnarvon Terrace in Clacton and Milton Road in Dovercourt.

#### **Dovercourt Town Centre Improvement Corridor (CRP)**

- On 7 February the Council submitted a change request to government in relation to delivery of the Dovercourt Town Centre Improvement Corridor CRP scheme. This change request is to allow the Council to relocate the housing element of the scheme. At time of bid submission, the housing element was planned to be sited at the location of Milton Road car park, however the change request suggested the relocation of the housing element, to the two derelict sites at Victoria Street, Dovercourt. Cabinet agreed the acquisition of these sites on 17 June 2022, and the Council completed the acquisition on February 8 2024.
- On 7 May 2024, Government advised the Council that their change request had been approved.
- In September 2019 Cabinet approved concept designs and project proposals for the Starlings site in Dovercourt Town Centre and the demolition of the two-storey decked carpark on Milton Road (the site to be used subsequently for residential development), and allocated funding to secure delivery.
- On 28 January 2022, Cabinet agreed to postpone the demolition of Milton Road Car Park and bring forward options for the site later in 2022/23. The Milton Road Car Park project was then included in the Council's round 2 bid to the Levelling Up Fund, which was then awarded in a sister fund, Capital Regeneration Projects.
- Following the approval of the change request, this report asks Cabinet to agree the demolition of Milton Road Car Park and subsequent reinstatement of car parking at the site, with the number of spaces to be confirmed as designs progress.
- There are significant benefits to the change of site for the Dovercourt Town Centre scheme from Milton Road, as it has the potential to bring further brownfield sites within the town into regeneration. However, there may be cost implications, as works to Milton

Road carpark and the works to any alternative sites will both be completed under these proposals.

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

**It is recommended that Cabinet:**

- a) notes the acceptance of the two funding agreements between TDC and ECC for the delivery of the ECC led schemes within the LUF and CRP projects respectively; and**
- b) requests officers to investigate the opportunity to bring forward the Milton Road element of the Dovercourt scheme from the Capital Regeneration Project funding and report the outcome back to Cabinet in the context of the wider scheme.**

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

Initiating the demolition of the existing car park on the Milton Road site, as well as site clearance, surveys and demolition as needed for the two Victoria Street sites, would ensure the sites are ready for development in time for commencement of the main works, whilst ensuring the sites are made-safe for the public and neighbours.

#### **ALTERNATIVE OPTIONS CONSIDERED**

Not to investigate bringing forward the Milton Road demolition. The decision on the Milton Road carpark would be taken alongside the wider construction programme in the knowledge of actual rather than projected construction costs. However, progressing the demolition in a timely fashion would allow for the realisation of the benefits of this aspect of the scheme earlier, and so investigating the potential supports accelerated delivery.

## **PART 2 – IMPLICATIONS OF THE DECISION**

#### **DELIVERING PRIORITIES**

The council has adopted a new Corporate Plan. The LUF and CRP projects meet the following themes in the plan: Pride in our area and services to residents; Raising aspirations and creating opportunities; and Working with partners to improve quality of life.

The Council's new corporate priorities include raising aspirations and creating opportunities. Under this objective there is a specific objective to implement the Levelling Up Fund and Capital Regeneration Partnership Projects.

The Tending Economic Strategy was updated in 2020. The Strategy uses evidence from Office of National Statistics to demonstrate that there have been some important changes in the district's economy in recent years which require a change in approach.

The successful Levelling Up application complements the following areas for action set out in the Strategy:

- Supporting long term investment into local civil society, citizen engagement and participatory activities within Jaywick Sands and Clacton
- Building the capacity of local civil society and third sector organisations to support the development of routes to employment in community businesses, social enterprise and alternative labour markets
- Work with core Higher Education and Further Education partners (primarily the University of Essex and the Colchester Institute)
- Accommodate the business needs of a growing population by developing new flexible spaces for start-up and micro business growth.

Delivery of these projects will align with the following strategic objectives set out in Section 1 of the Local Plan, adopted on 26<sup>th</sup> January 2021: providing sufficient new homes and fostering economic development.

### OUTCOME OF CONSULTATION AND ENGAGEMENT

During the public consultation exercise for ECC’s Public Realm scheme, which forms part of the Dovercourt Town Centre Improvement Corridor CRP scheme, the Council received feedback from residents regarding the location of the housing at Milton Road and the loss of parking as a result of the proposed scheme. To respond to this feedback, the Council submitted the change request to Government outlined above in this report, and has now been advised this request was successful.

Further information on the consultation and engagement linked to the LUF and CRP can be found in previous Cabinet reports.

### 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)	Updates on the Levelling Up schemes were added to the Forward Plan on 08/02/2024.

The terms of the funding agreements with ECC ensure the obligations on the Council in the MOUs with Government for LUF and CRP are discharged.

The June 2023 Cabinet Report highlighted it was important to ensure the Funding Agreements with ECC are agreed and completed as soon as possible following ECC approving their business case process, to ensure that the obligations for the ECC projects under the MOUs with Government are passported, to reduce the risk to the Council.



The key points within the final funding agreements with Essex County Council are now as follows:

The funding agreements between TDC and ECC mirror the respective Memorandums of Understanding TDC have entered into with DLUHC as Lead Authority for the delivery of each of the LUF and CRP projects. This includes the payment schedule for the Grant.

Any changes to payment schedules as a result of a change request accepted by government, will supersede the payment schedule set out in the MoU.

The Recipient (ECC) shall use the Grant only for the Purpose and in accordance with the terms and conditions set out in the funding agreement.

The Recipient's Section 151 Officer will be required to provide TDC with written confirmation through a signed Statement of Grant Usage and corresponding Quarterly Monitoring Return that the Project continues to represent value for money.

TDC shall pay the Grant to the Recipient in the amount shown in the Quarterly Monitoring Return completed by the Recipient and returned to the Accountable Body as set out above.

The amount of the Grant awarded to the Recipient shall not be increased in the event of any overspend by the Recipient in its delivery of the Projects.

<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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No comments received.

#### **FINANCE AND OTHER RESOURCE IMPLICATIONS**

The total bid to the Levelling Up Fund for the Clacton Civic Quarter was £19,958,224. This is then broken down across the two projects in the bid, with the latest position as follows:

Project 1 (Clacton Hub)

Total request to Levelling Up Fund: £3,102,985

Match Funding Contribution provided by ECC: £7,896,291

Total Project Costs: £10,999,279

Project 2 (Carnarvon Terrace):

Total request to Levelling Up Fund: £16,855,239

Match Funding Contribution provided by TDC: £2,078,500

Brownfield Land Release Funding: £420,000

Electric Vehicle Fund: £390,000 (not yet secured)

Total Project Costs: £19,743,739

**Total overall LUF Programme Costs: £30,743,015.**

## **Dovercourt CRP**

The total bid for the Dovercourt Town Centre Improvement Corridor was £6,652,251. This bid contained 3 component projects as follows:

### Project 1 (Harwich Library)

Total request to Levelling Up Fund: £500,000

Match Funding Contribution provided by ECC: £666,844

Total Project Costs: £1,166,844

### Project 2 (Homes in Dovercourt):

Total request to Levelling Up Fund: £3,332,251

Match Funding Contribution provided by TDC: £216,500

Total Project Costs: £3,548,751

### Project 3 (Public Realm):

Total request to Levelling Up Fund: £2,820,000

Match Funding Contribution provided by ECC: £1,500,000

Total Project Costs: £4,320,000

## **Total Overall Dovercourt CRP Programme Costs: £9,035,595**

The addition of the Victoria Street works to the programme has decreased the amount of contingency available for the 'Homes in Dovercourt' project. Contingency is currently estimated at 7%, which is the minimum suggested at this stage of the projects. Additionally, the Council has ambitious sustainability targets for the schemes, and some of these may need to be value engineered if we find the design exceeds cost estimates.

We also have not factored in the sales proceeds from any homes in the Carnarvon Terrace schemes, which could provide further contingency.

The site clearance and demolition of the Victoria Street sites has increased the overall budget for 'enabling works', however, budget previously allocated to residential construction has simply been transferred to the Victoria Street sites.

Decontamination of Milton Road for residential occupation will no longer be required, so this budget has been re-allocated.

Although the budget is more finely balanced, it is anticipated that the Council will be able to satisfy the bid requirements and bring three sites into beneficial use.

The Council has also received a capacity payment of £70,000, to support delivery of the programme, which has been allocated to additional resourcing, to support wider Levelling Up delivery.

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

It is important to highlight that further key financial ‘milestones’ will be reached, for example, once the associated procurement processes have been undertaken and the overall cost of the projects become clearer.

Further decisions will therefore be required once these project ‘milestones’ have been reached before any major financial / contractual commitments are made. This will therefore provide the opportunity to revisit / review financial risks to the Council on an on-going basis along with the consideration of options to manage those risks.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The two projects led by the Council will develop or renew council assets. The Victoria sites will develop 9-12 social homes, and the Milton road and Carnarvon terrace will renew outdated multi-storey car parks. This will support on going service delivery to residents and visitors to the district. The delivery of the project brings in substantial external matched funding to achieve these ends, reducing the burden on local council tax and ratepayers.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks; and</p>	<p>There is a programme and project manager overseeing delivery of these schemes who actively manage risk at a project and a programme level, with monthly reporting to the programme board of the top ten risks and mitigations. The financial risks are highlighted clearly.</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>These are capital projects seeking to – in part - renew council assets to improve the quality of the service. Costs are managed closely and lessons from previous capital delivery schemes are reflected in the delivery of these projects.</p>

**MILESTONES AND DELIVERY**

The key milestones to take the respective TDC led projects through to submission of planning applications are as follows:

- Development Brief Finalised: End-Oct 2023
- Development Brief Approved: Mid-Nov. 2023
- Procurement of Pre-construction Information: Mid-Nov. 2023 – June 2024
- Procurement of Key Design team members –Late April. 2024
- Procurement of relevant designers, advisors and consultants – April-May 2024
- Detailed Planning Application Lodged – September 2024

Interim milestones will be:

RIBA (Royal Institute of British Architects) Stage 1: refinement of budget, production of build method options, general arrangement layouts, unit mix and numbers – May 2024 (indicative cost)

RIBA Stage 2: production of cost estimate, construction strategy – June 2024  
RIBA Stage 2+: detailed planning submission lodged – Sep 2024  
RIBA Stage 3: production of cost plan, construction phase plan, production of construction tender documentation– Oct. 2024

## **ASSOCIATED RISKS AND MITIGATION**

### **LUF and CRP**

Delivering projects of this size and scale presents a risk to the Council in terms of resourcing project delivery alongside business as usual, the work needed to support the council become financially sustainable in the long term, and other levelling up projects. The burden falls heavily on the core functions of the Council which are designed to support all that work, such as the legal, financial, and procurement services. The Council is scaling up capacity in these areas.

Project risks are constantly monitored through a systematic and ongoing process of risk identification, assessment, mitigation and monitoring. The risk register is a rolling item at the programme board, as regular communication and reporting on the status of risks to all project team members, stakeholders and sponsors is essential to effective delivery. Risk registers have been produced as follows;

- one each for the LUF and CRP programmes,
- one for each of the five individual projects, and
- an overarching risk register highlighting the ‘top ten’ risks across both LUF and CRP programmes.

The current key risks to the programme are as follows:

- Programme delays caused by governance, which will be mitigated via timely reporting and engagement with management, Cabinet, and council stakeholders. It should be noted that the ECC elements of the programme, remain subject to ECC’s own internal approvals process.
- Cost escalations caused by inflation, which will be mitigated through the form of contract executed, and adequate risk allowances within budgets.
- Resourcing, which will be mitigated through timely allocation and recruitment of key personnel.
- Requirements for a number of third-party approvals, which will require timely engagement with Planning, Highways, and other statutory consultees.
- Stakeholder management, which will be mitigated by allowing adequate time to collect and assess feedback and incorporate it as required.
- Sites not appropriated for Planning: to mitigate against the construction of new social housing and regeneration being frustrated or delayed by injunctions

A key risk to the delivery of the Clacton Civic Quarter previously was the deadline for committed spend of the Government Grant by March 2025, as set out in the Council’s MOU with DLUHC. The Council looked to mitigate this via a request to DLUHC to vary the deadline for grant spend from March 2025 to March 2026, which was submitted on 10<sup>th</sup> January 2024.

On 20<sup>th</sup> February 2024, DLUHC advised all Local Authorities who were successful in Round 2 of the Levelling Up Fund of an extension to delivery timescales based on recent monitoring return submissions. The Council's request for an extension was not signed off however as a result of the extension, the following project completion dates have been agreed:

Project 1 (Clacton Hub): 30<sup>th</sup> September 2026  
Project 2 (Carnarvon Terrace): 31<sup>st</sup> December 2026

These project completion dates are after the March 2026 DLUHC funding spend deadline. The projects can continue after 31<sup>st</sup> March 2026 as set out above but only matched funding can be spent on them after that point. As a result, the risk of time overrun remains, as there is finite matched funding for the schemes.

The Council will not be able to sign a construction contract to deliver Carnarvon Terrace and Milton Road / Victoria Street if we are not assured at that point that DLUHC will fund the projects during the full time the works are then expected to take. We will continue to work closely with DLUHC on the timeline for our schemes.

A further risk is that funding is governed by a Memorandum of Understanding with Government, rather than a contract. As a result, Government could determine it no longer wishes to fund the programme at a future point. However governments honour funding where Local Authorities have themselves entered into contractual arrangements to deliver. As such, until we are in contract to construct the schemes, there is the risk that funding could be withdrawn by central Government. If funding is withdrawn, the schemes cannot progress.

It has not been possible to appropriate the land for the schemes for 'planning purposes', as the assets are not currently surplus to requirements. As a result there is a small risk of project delay if any third party were to take out an injunctions against a scheme to protect rights they might have on the land. While an injunction would have a severe impact if it took place, the likelihood of it occurring is very low.

### **EQUALITY IMPLICATIONS**

EQIAs were developed for both bids and are intended to be living documents which are updated throughout the scheme.

Key findings for both the LUF and CRP programmes of work were the potential impacts, both positive and negative, on people with the following protected characteristics; age, disability. Potential impacts were as follows:

Carnarvon Terrace: provision of predominantly one-bed properties meets the needs of elderly couples/single people on the housing register in Clacton. This could further free up larger family size homes needed elsewhere on the housing register. A rationalised car park will provide safer, easier access to the town centre with increased natural surveillance. Homes built will be adaptable as per existing housing stock to make each unit as appropriate for its resident/s as possible. Accessibility across a range of disabilities will be factored in at design stage in terms of the safety of the building, but also the comfort of its residents. Improvements to the car park will make the town centre more accessible to those with disabilities with a new pedestrian entrance/exit making journeys shorter for those with mobility issues.

Homes in Dovercourt: each housing unit provided at the development will have the flexibility to be adapted with disability assistance aids if required by the tenant/s, although the townhouse design may not be appropriate for those with age or health related mobility issues in the long term. However, TDC's Draft Housing Strategy 2019-2024 shows that 415 households (26%) on the housing register have a physical or mental health condition made worse by their housing, which this provision would move to address.

## **SOCIAL VALUE CONSIDERATIONS**

TDC has entered into a Service Level Agreement (SLA) with ECC to undertake its procurement process, with TDC contributing a fee to ECC to deliver key procurement activities and enables TDC access the wider knowledge of the ECC in-house team. TDC's SLA with ECC ensures the Council's procurement follows a compliant contracting process in accordance with legislation and policy and the commissioning of the Professional Team will be undertaken through this route.

The projects themselves also aim to deliver social value.

Within the Clacton Civic Quarter scheme, the plans for the co-location and shared space for Adult Community Learning (ACL) and the library will make both more accessible via public transport and therefore likely increase the amount of people who access the services. library and ACL services with improved digital capabilities to benefit all. This could particularly benefit people with subsidised access to low cost/free public transport, including those of pension age.

Re-introducing ACL to Harwich & Dovercourt will provide a centralised skills offer and provide opportunities for residents. ACL will not only deliver skills training directly but also act as a starting point for local residents on career pathways that involve higher level qualifications.

As of 1st May 2020, there were 1,958 households on the Tendring District Council housing register (up from 608 in 2017, equivalent to 222% growth in just three years). Lack of available housing also contributes to wider health and social inequalities. Both the Carnarvon Terrace scheme within the LUF project, and the Homes in Dovercourt scheme within the CRP, will provide social housing. This will have a positive impact on single people, couples, and small families made up of all ages through increasing current housing provision of both types. The location of the housing within both schemes, close to train stations and the respective town centre areas, will offer residents good access to employment opportunities.

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

As set out in the June 2023 Cabinet report, consideration has been given, to both how this suite of projects will impact the environment and how the projects contribute to the Council's wider commitment to become net zero carbon (of Scope 1 & 2 emissions) by 2030 as laid out in the Tendring Climate Emergency Action Plan 2020 – 2023.

Projects were chosen which will directly impact carbon output, including the increase in provision of EV Chargers in Clacton which will support residents to move to hybrid/electric vehicles in line with the Government's wider commitment to stop sales of diesel/petrol-only cars/vans from 2030. The demolition and rebuilding of Carnarvon House and the current Clacton Library site will enable lower carbon features to be included in the newly designed buildings, and the refurbishments at Harwich Library, although primarily focussed on extending

the available space within the site, will also allow for environmentally friendly adaptations to be included. Furthermore, the multi-use shared space options provided at both libraries as a result of this work allow for a reduction in overall carbon emissions; shared spaces tend to use less heating/electricity/other resources, reduce the need for travel between sites, and can encourage use of public transport to use the facility.

**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.**

<p><b>Crime and Disorder</b></p>	<p>Both projects include the provision of additional community services and improved visual amenity, which will contribute to the reduction of crime through increased natural surveillance. Rationalised access points to the car park will also provide this and will ensure people feel safer walking through the space in the evening, especially women, who can feel particularly vulnerable.</p> <p>The Carnarvon House site was an existing crime hotspot in Clacton, and redeveloping this site aim to decrease crime directly.</p>
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<p><b>Health Inequalities</b></p>	<p>Both projects contain schemes which will have a positive impact on health inequalities including access to housing, education, jobs, and public services.</p> <p>The completion of both projects will result in the provision of housing in two of the most deprived areas in the District, in areas which have demand on the housing register. TDC's Draft Housing Strategy 2019-2024 shows that 415 households (26%) on the housing register have a physical or mental health condition made worse by their housing, which this provision would move to address.</p> <p>Through investment in libraries and skills provision, both projects also aim to increase access to training and employment, through structured courses and access to IT systems.</p> <p>Both projects also include mixed use space with flexible access for public sector partners. This provides opportunities for joined up working between organisations, which can improve and simply access to services for residents.</p> <p>The Clacton Hub also includes space for the University of Essex to establish a presence. The different aspects of the University offer will result in collection of data and insights on coastal communities, which will benefit wider health and wellbeing decision making. There will also be skills and training opportunities for residents.</p>
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<b>Area or Ward affected</b>	Clacton Civic Quarter: Pier Ward, when delivery begins  Dovercourt Town Centre Improvement Corridor: Harwich & Kingsway Ward, when delivery begins
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## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

The Council's Corporate Plan is committed to developing vibrant town centres and public spaces to be proud of, building and managing its own homes and offering joined up public services for the benefit of residents and businesses. To this end, the Council published the 'Love Clacton' Plan in 2020 and 'Dovercourt Revisited' in 2019 that outline proposals for town centre regeneration.

The Council submitted two applications in August 2022 to Round Two of the Levelling Up Fund: £19,958,224 for the Clacton Civic Quarter, and £6,652,251 for Dovercourt Town Centre, as the projects that best fit these Government funding opportunities from the Love Clacton and Dovercourt Revisited proposals.

Both bids were developed jointly with Essex County Council, who allocated resource to develop the bids, own land and buildings within three of the projects, and has committed £8m of matched funding to the delivery of both bids.

It was announced on 19 January 2023 that the Council's bid to round 2 of the Government's Levelling Up Fund (LUF) for Clacton Town Centre, the 'Clacton Civic Quarter', was successful and was awarded £19,958,224. In addition, on 15 March 2023 it was announced that a £6.65m bid for projects in Dovercourt Town Centre was approved, under Government's Capital Regeneration Scheme.

#### Clacton LUF

- The Clacton Civic Quarter bid requested £19.960m for two projects:
  1. Carnarvon Terrace is proposed to be 28 new homes in three blocks built along Carnarvon Road: one block of 11 social homes and two blocks for sale. The ground floor of each block will provide new offices or shops. The Council will remodel the carpark and install up to 30 EV chargers. A covered market of 'maker spaces' will be built.
 

The 'maker spaces' will provide space for emerging local businesses and a new retail offer for the town centre, which will increase day time activity and complement existing shops. The improvements to the carpark, including new electric car charging points will be a draw that further supports visitors to the town centre and the seafront. The provision of 28 flats, 11 of which will be affordable / social housing, seek to address the lack of affordable housing provision in the area. Within the district, the biggest demand for affordable housing is for 1 or 2 bedroom properties in Clacton.
  2. Clacton Hub will redevelop the existing ECC library site to make provision for a new library and Adult Community Learning centre with additional flexible space including proposals to bring the University of Essex to Clacton for the first time.



The University of Essex will be part of a new skills and education hub in Clacton, setting up base in the town to create a Centre for Coastal Communities. The exciting new site will provide access to a range of new learning opportunities for local people, while retaining important community elements, including the local Museum.

The Clacton LUF plans are based on many years of preparation. The successful Round Two Levelling Up Fund Bid is based on an unsuccessful Round One bid, which itself is based on a 2020 Future High Streets Fund bid, that whilst not it did not win funding, did provide the underlying vision, project development and consultation for the successful Clacton LUF bid.

Government told the Council it had been successful on 19 January 2023. Cabinet agreed on 17 March 2023 to accept the £19.960m awarded to the Council and to authorise the S151 Officer to sign the associated MOU in consultation with the Corporate Director Place & Economy and Portfolio Holder for Business and Economic Growth.

Essex County Council has subsequently increased its match funding to Clacton Hub, and those figures are reflected in the latest financial information in this report.

### **Dovercourt CRP**

- Government notified the Council in January 2023 that its Dovercourt Town Centre Improvement Corridor bid was unsuccessful for LUF, but on 15 March 2023 Government announced the bid was successful in a sister fund, 'Capital Regeneration Projects' (CRP).

The funding from Government comprises:

1. Kingsway improvements: A major investment into the appearance of Dovercourt Town Centre to improve the visitor experience and support local businesses.
2. Learning and library project: The Adult Community Learning skills centre will return to Dovercourt town within a refurbished library, increasing the opportunities for residents to benefit from courses locally.
3. Homes in Dovercourt: Demolish an out-of-date multi-storey carpark at Milton Road and build nine new, well-built social homes.

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

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

In accordance with the previous Cabinet decisions above, the Council and the Government have now signed the respective MoUs for both the LUF and CRP schemes. These MoUs denote an agreement to proceed and that the allocation of funding to the Council has passed the Government's subsidy control tests.

- On 6 October 2023 Cabinet considered a report titled 'Levelling Up Fund and Capital Regeneration Projects - Progressing the Projects to Planning Permission'. This report recommended drawing down a further £1,898,421 from the remaining match funding of £2,041,460, to cover professional fees for all stages of the project.

Essex County Council has subsequently increased its match funding to Library Scheme in the CRP. The latest figures are reflected in the financial information in this report.

## **PREVIOUS RELEVANT DECISIONS**

Delivery

[Levelling Up Fund and Capital Regeneration Projects: Procurement of site surveys](#)

[Victoria Street sites purchase](#)

[Decision – acquisition of land](#)

[Decision – completion of purchase](#)

Round two

[Decision - Procurement Exercise To Secure A Levelling Up Bid Consultant](#)

[Decision - Levelling Up Fund: Procurement of Consultants](#)

Round one

[Decision - Levelling Up Fund - Clacton Town Centre \(tendringdc.gov.uk\)](#)

[Decision - Cabinet Members' Items - Report of the Business and Economic Growth Portfolio Holder - A.2 - The 'Levelling Up Fund' - Proposed Bid for Clacton Town Centre \(tendringdc.gov.uk\)](#)

[Issue details - Clacton Town Centre: Bid to the Levelling Up Fund \(tendringdc.gov.uk\)](#)

## **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

[Levelling Up Fund Round 2 Prospectus](#)

[Regeneris Report \(tendringdc.gov.uk\)](#)

[Cabinet Report 25 June 2021](#)

[Agenda Report Pack for Cabinet - Friday, 25th February, 2022 - contains Corporate Priorities for 2022/23](#)

[Cabinet Report 17 June 2022](#)

[Cabinet Report 23 June 2023](#)

[Cabinet Report 6 October 2023](#)

[Cabinet Report 15 December 2023](#)

#### APPENDICES

None

#### REPORT CONTACT OFFICER(S)

<b>Name</b>	<b>Rebecca Bromley</b>
<b>Job Title</b>	<b>Projects Manager</b>
<b>Email</b>	<b>rbromley@tendringdc.gov.uk</b>

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## CABINET

24 MAY 2024

### REPORT OF THE PORTFOLIO HOLDER FOR ECONOMIC GROWTH, REGENERATION AND TOURISM

#### A.3 PROGRESS WITH TOWN CENTRE REGENERATION THROUGH THE CLACTON LONG TERM PLAN FOR TOWNS AND DOVERCOURT HIGH STREET ACCELERATOR

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

The Council is committed to town centre regeneration and has been allocated funding by Government to support a long term plan for Clacton and a pilot High Street Accelerator project in Harwich and Dovercourt. This report updates Cabinet on progress and welcomes funding associated with these two schemes and delegates approvals on spending.

###### EXECUTIVE SUMMARY

- On 15 December 2023, Cabinet considered a report titled Government Funding Opportunities for Tendring. This report provided further information on the Long Term Plan for Towns Funding and the High Street Accelerator Programme. These opportunities for the district complement the ongoing Levelling Up Fund and Capital Regeneration Project schemes in Clacton and Dovercourt, and future potential funding from the Levelling Up Partnership.

###### Clacton long term plan for towns

- The Cabinet approved the acceptance of the £20m Long Term Plan for Town Funding from government, delegated entering into agreement with DLUHC to the Corporate Director with S151 Officer, and delegated the formation of the Clacton Town Board to the Portfolio Holder for Economic Growth, Regeneration & Tourism (15 Dec 2023), including the appointment of an independent chair. George Kieffer was chosen as the chair of the Clacton Town Board on 1 March 2024 and the board was formed on 15 March 2024 and held its first meeting on 21 March 2024. Membership of the board is drawn from the Clacton community, business and public sector members including Tendring District Council. Draft Terms of Reference were approved by the Portfolio Holder for Economic Growth, Regeneration and Tourism on 15 March and by the Clacton Town Board in 21 March 2024.
- The Government has not yet entered into a Memorandum of Understanding, but asked for the submission of information at the start of April to demonstrate progress on governance arrangements in advance of release of the first £200,000 in 2024/25. DLUHC officials responded positively to the progress made in Clacton setting up the Board, and the Council has received the Grant Determination letter dated 30<sup>th</sup> April 2024 confirming that Government will release the £200,000 capacity funding. This is in addition to £50,000 already received. Funding can be used to support public engagement (for example residents, visitors, community groups, young people and businesses) as well as for

delivery of projects. An indicative budget was submitted in the April 2024 information return to Government.

- The Clacton Town Board, supported by the Council, will now develop a single long term plan to be submitted to the Department of Levelling Up, Housing and Communities by 1 August 2024. In line with Government guidance the plan will identify the measures under the three broad investment themes: safety and security; high streets, heritage and regeneration; and transport and connectivity.
- Given the tight timelines for delivery of the long term plan for towns and the importance of engagement and consultation, the Council will allocate £30,000 of the total £250,000 received to date to fund community engagement with residents in Clacton. This will leave £230,000 to be allocated to further activity. The aim is to find out issues that residents want to see tackled in the town, in particular against the themes of fund's investment themes of safety and security; high street, heritage, and regeneration; and transport and connectivity. The delivery partner for this work will be chosen through a request for quotations. This external support for resident engagement will compliment work with businesses and young people that will be completed by the Council.

### **High Street Accelerator in Harwich and Dovercourt**

- The Council accepted the full £237,000 (£50,000 and £187,000) of High Street Accelerator Funding on 5<sup>th</sup> March 2024 and the Corporate Director for Place and Economy and the Section 151 Officer approved the Memorandum of Understanding on behalf of the Council on 9<sup>th</sup> January 2024. The High Street Accelerator Board was formed and held its first meeting on 4<sup>th</sup> March 2024. The board is chaired by Paul Milsom, Managing Director at Milsom Hotels and Restaurants. It has representatives from the Harwich and Dovercourt business, community and public sectors, including Cllr Ivan Henderson, Deputy Leader of Tendring District Council and Portfolio Holder for Economic Growth, Regeneration and Tourism. The Board has approved Terms of Reference.
- The Council has successfully spent the first £50,000 of Accelerator funding for 2023/24 on improvements to Dovercourt high street, set out in detail later in this report.
- The national High Street Accelerator Programme includes a £5m capital fund. The ten participating councils nationally could apply for a share of up to £500,000 to improve their high streets' green spaces and create more pleasant environments for residents to meet and socialise. The Council submitted an expression of interest on 1st March 2024 and published a notice of decision by the Deputy Leader of the Council and Economic Growth, Regeneration & Tourism Portfolio Holder on 16 April ahead of receiving funding. The funding covers:
  - Improved accessibility to the town centre from the beach.
  - Improved access from Cliff Park
  - High Street and the Queen Victoria statue public realm improvements
  - Pocket Spaces

The expression of interest is included in an Annex to this report.

- Government has approved the submission of the expression of interest and written a letter of 8 May 2024 offering £500,000 funding (£450,000 capital, £50,000 revenue), which is expected to be spent within this financial year (2024/5). Given the scale of projects currently under way across the Council, and the nature of the works, represents a high

delivery risk. The Council will discuss with Government the feasibility of delivery as part of the Memorandum of Understanding.

- There has been a rapid increase in the scale of capital allocations to the Council by government against very tight spend timescales. The Council recognises that it may have to return some or all of the funding earmarked and not complete projects if:
  - the conditions imposed by government require completion to undeliverable timelines; or
  - the council cannot spend government funding on the project within agreed deadlines, and so would have to allocate its own funding to the project instead; and / or
  - the council's capacity is overstretched and is unable to utilise external resources.
- Officers are exploring options to ensure the necessary capacity for delivery will come in to the authority and will report back to Cabinet on progress.

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

**It is recommended that Cabinet:**

- a) Welcomes and acknowledges receipt of the Grant Determination Letter awarding the second tranche of Long Term Plan for Towns capacity funding in the sum of £200,000 to support the development of the Long-Term Plan, including additional community engagement activity;**
- b) allocates up to £30,000 of the funding in a) to support community engagement and consultation in support of the development and implementation of Clacton's Long Term Plan for Towns;**
- c) delegates the authorisation of the spending of the remaining Long Term Plan for Towns Capacity Payment of up to £220,000 (as set out in the report) to the Portfolio Holder for Economic Growth, Regeneration & Tourism following recommendations from the Town Board on how best to use this money, in line with Government's Guidance, to support the development of their Long-Term Plan;**
- d) subject to (c) any such decisions will require a report in support explaining the projects and made following consultation with the Chief Executive and S.151 Officer, taking into account the latter's responsibility to submit a Statement of Grant Usage and an Assurance Letter to DLUHC.**
- e) Welcome and acknowledges year 2 (2024/25) of the High Street Accelerator (HSA) Funding offered by the Department for Levelling Up, Housing and Communities to the value of £187,000 to support improvement of the town centre in Harwich and Dovercourt;**
- f) delegates the authorisation of the spending to the Leader of the Council in consultation with the relevant Portfolio Holder for the specific projects, the decisions will identify the impact on resources to deliver across the Council;**
- g) welcomes and acknowledges receipt of the Grant Determination Letter received 8 May 2024 awarding £500,000 funding (£450,000 Capital, £50,000 Revenue) for**

financial year 2024/25 to spend in line with the expression of interest in support improvements to green space in Harwich and Dovercourt; and

- h) Delegates the authorisation of this spending to the Leader of the Council in consultation with the Portfolio Holder for Leisure and Public Realm; and delegates entering into a Memorandum of Understanding for this funding to the Corporate Director (Place and Economy) in consultation with the Section 151 Officer.

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

The Council is committed to building pride in the District, championing the local environment, and promoting local heritage. The funding provided by Government under the Long Term Plan for Towns and High Street Accelerator will support the Council to implement its priorities in Clacton and Harwich. The Council agreed in March 2024 to take forward the Long Term Plan for Towns and the High Street Accelerator in its highlight priorities for 2024-25. The planned physical improvements and regeneration initiatives in Clacton and Harwich are ready to bring substantial benefits not only to their residents but also to visitors from across the district and beyond. Community engagement and consultation is a key part of the Long Term Plan for Towns, and so allocating funding to this activity supports the delivery of the programme to the timelines required by Government.

#### ALTERNATIVE OPTIONS CONSIDERED

The alternative option is to not use the funding for either Long Term Plan for Towns or for the High Street Accelerator. This option has been considered carefully, as the scale of project delivery in addition to other current and potential projects under the levelling up banner, will put a significant strain on Council resources. The Council already faces capacity challenges as it builds financial sustainability for the long term, delivers other levelling up schemes, and manages business as usual.

However, the scale of benefit of these two schemes is such that it is recommended to proceed, with additional resourcing, across a number of specialisms including front line delivery and back office support to be put in place to enable project delivery. It is also noted that project delivery will be kept under review and if at a future point it is not considered possible to meet the time scales required by Government, the Council will not proceed with schemes, to avoid consequent financial risks.

## PART 2 – IMPLICATIONS OF THE DECISION

#### DELIVERING PRIORITIES

##### Corporate Plan (2024-2028)

The Council has adopted a new Corporate Plan – a key document which lays out the high-level priorities for the authority over the next four years. The Long Term Plan for Towns and Accelerator projects meet the following themes in the plan:

- Pride in our area and services to residents



- Raising aspirations and creating opportunities
- Championing the local environment
- Promoting local heritage
- Working with partners to improve quality of life

### **Highlight Priorities 2024-25**

On the 12<sup>th</sup> March 2024 the Council set out its highlight priorities for 2024-25, which included delivering the Long Term Plan for Towns and the High Street Accelerator under the raising aspirations and creating opportunities theme.

We will celebrate business success, encourage cultural, tourism and economic growth:

**B1** Develop a long term plan for Clacton-on-Sea working with partners in a Town Board

**B2** Implement Levelling Up Fund, Capital Regeneration Partnership Projects and High Street Accelerator Schemes, taking these through design and planning

### **Economic Strategy 2020-24**

The Tendring Economic Strategy was updated in 2020. The Strategy uses evidence from Office of National Statistics to demonstrate that there have been some important changes in the district's economy in recent years which require a change in approach.

The successful Levelling Up application complements the following areas for Action set out in the Strategy

- The Clacton Town Board is a new opportunity to bring together partners in the town to develop and drive action.
- The Accelerator will further the Council's development of high-quality public realm projects in Dovercourt town centre, making it an increasingly attractive place for people to visit, capitalising on the growth in tourism locally.

### **Tendring District Council Local Plan 2013 - 2033**

Delivery of these projects will align with the following strategic objectives set out in Section 1 of the Local Plan, adopted on 26<sup>th</sup> January 2021:

- Providing sufficient new homes
- Fostering economic development

## **OUTCOME OF CONSULTATION AND ENGAGEMENT**

Community engagement is a key aspect of the Long-Term Plan for Towns, so plans should reflect local priorities and be co-designed with communities, businesses and residents, drawing on available evidence and data. The requirement for the Town Board to produce a 10-year vision requires clear evidence that the Town Board is community led, including through its membership, ways of working and distinction from the local authority, and evidence of buy-in from local businesses, civil society and communities. It should describe how these stakeholders have been engaged to date, and how that engagement will continue going forward.

The Council expects to spend a proportion of the funding accepted under this report for the Long Term Plan for towns on community engagement, as set out in the recommendations. Options for engagement include working with local community and voluntary groups, young people, and engaging with Clacton Councillors, with businesses and with the town board itself. The Council plans to outsource the engagement with community and voluntary groups given the expectation of government for extensive public engagement.

Government guidance on the Long Term Plan for Towns states *“Engage early and identify priorities and ambitions to ensure the plans are co-created with the community from the start. Use local knowledge to understand where engagement has typically been weakest and which groups have been underrepresented. Seek out relationships with community groups to establish how engagement can work better for these groups and overcome barriers such as income, ethnicity, age, disability and language. Go to where the people are and be creative. Hold engagement events in the social spaces where people meet, for example, the local high-street, youth clubs, pubs, schools and community centres. Maximise the opportunity to get the view from as broader set of residents who may not typically attend consultation events.”*

The Tourism Group in Harwich and the High Street Accelerator Board has been fully engaged in the High Street Accelerator programme, providing ideas for the wrapping of shops in the town centre, and discussing the remaining spend at regular meetings. This group includes local businesses, voluntary groups, and councillors.

**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)	Updates on the Levelling Up schemes were added to the Forward Plan on 08/02/2024.  Updates on the LT Plan for Towns, LU Partnerships and HS Accelerator were added on 16/04/2024.

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

In accordance with the Government’s Department of Levelling Up, Housing and Communities Long Term for Plans Guidance for local authorities and Town Boards, published on 18 December 2023, the Council remains the accountable body for funding and executing plans, Town Boards are responsible for developing the Long-Term Plan, working closely with local people.

The guidance states once Towns Boards are established Government will release approximately £200,000 capacity funding at the start of the new financial year 2024 to 2025, to

support the development of the Long-Term Plan, including additional community engagement activity. Town Boards should advise local authorities on how best to use this money, to support the development of their Long-Term Plan.

Local authorities are being encouraged to help empower the Town Board in realising the role and driving forward a community-led vision for change. This may include providing advice and support on legal duties like impact assessments, to help leaders with non-public sector backgrounds navigate those requirements they may be less familiar with.

Where the grant is awarded via a non-Grant Funding Agreement (GFA) route, and the recipient is a local authority, the first line of defence is provided by the local authority and is the responsibility of the Chief Finance Officer (Section 151 Officer) as they act at an operational management level within the local authority in receipt of the funding.

The Chief Financial Officer will be required to submit a Statement of Grant Usage and an Assurance Letter to DLUHC. The Chief Finance Officer will be required to provide written confirmation that they have undertaken to actively apply all the necessary checks to ensure proper administration of its financial affairs regarding the funding programme, particularly in respect to financial administration and transparency of governance. The first line of defence will also include compliance checks to ensure the governance requirements around the Town Board are being met.

Accountable bodies must work with all their stakeholders to understand how proposed projects can be delivered in compliance with subsidy control. Accountable bodies should use the assessment framework as well as drawing on their responses in the wider proposal (particularly any deliverability information) in assessing subsidy control.

The Council's Annual Governance Statement (AGS) (a statutory document which sits alongside the Statement of Accounts, which is inspected by External Audit and which follows the CIPFA format) covers the seven principles of Local Code of Governance (for Local Government) and expects adherence with Principle E - Developing the Council's entity, including the capacity of its leadership and the individuals within it. Within the AGS for 2023/24, the Council stated it would review departmental plans against the new Corporate Vision to incorporate resources / capacity to deliver priorities, projects and service provision. Applications for external funding and submission of expressions of interest must be made with consideration to resource and capacity to deliver in addition to existing commitments and service provision.

The Council must ensure that it is performing its statutory Best Value Duty with regards to the use of resources and service delivery. Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management. Cabinet's attention is drawn to the Government's Statutory Guidance issued on 8th May 2024 "Best value standards and intervention: a statutory guide for best value authorities"

[www.gov.uk/government/publications/Best Value Standards and Intervention Statutory Guide for Best Value Authorities](http://www.gov.uk/government/publications/Best-Value-Standards-and-Intervention-Statutory-Guide-for-Best-Value-Authorities) 08.05.24

## **FINANCE AND OTHER RESOURCE IMPLICATIONS**

### **Long Term Plan for Towns**

The Long Term Plan for Towns provides £20 million of funding and support over the next ten years. Government have confirmed that the Long Term Plan for Towns Funding will be 25 percent resource, 75 percent capital. There will be an annual sum released which can be carried over to the following financial years if agreed with DLUHC as part of the investment plan submission.

DLUHC are providing £250,000 capacity funding to support the development of the investment plan, including £200,000 which the Council has received following the setting up on the Towns Board. This funding forms part of the overall £20M allocation to Clacton under the scheme.

This report recommends allocating £30,000 of this £250,000 funding towards community engagement and consultation to support the development of the town, leaving £220,000 remaining to allocate.

### **High Street Accelerator**

High Street Accelerator Pilot Programme year two will make a total of £187,000 resource available over this financial year (2024/25), to add to the £50,000 made available in (2023/24).

£50,000 of the 2023/25 funding was spent on:

- Launch/community event.
- Shop wrapping.
- Shop cleaning.
- New website.
- Way Finder signs.
- New map of the area.
- Shop Grants for the Easter Competition,
- A video and photos of the event/high street changes,
- Hanging baskets including maintenance,
- Bunting and room hire.

Government has made £500,000 of funding available through the High Street Accelerator this financial year (2024/25) for green space in the Dovercourt, £450,000 capital and £50,000 revenue. This grant is based on the expression of interest (annex) submitted by officers. The deliverability of this project will be scrutinised closely to ensure the Council has sufficient capacity and time to deliver the scheme before agreeing to proceed. The report authorising expenditure will set out the project plan for delivery and the impact on council resources.

<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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Although there are no major comments over and above those set out elsewhere in the report, it is worth highlighting the governance arrangements set out above are consistent across the range of Levelling Up and Capital Regeneration Projects and therefore broadly mirror the robust arrangements in place already.

It is also worth highlighting the potential financial risks mentioned elsewhere. Amongst the various governance activities that will need to be put in place, arrangements will be made whereby the Service and the Finance Team will work closely together, supported by regular meetings, with the aim of ensuring that all associated projects are delivered within time / budget and / or that management interventions are made in a timely manner where necessary. In

terms of delivering the projects on time, the issues relating to capacity as set out elsewhere in the report are noted and will form an important element to underpin the success or otherwise of the various schemes and projects.

### USE OF RESOURCES AND VALUE FOR MONEY

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The Council recognises that these additional town's projects bring in additional resource to accelerate the delivery of the council's ambitions for pride of place and meet the Council's 2024/5 highlight priorities. However, at the same time the Council is mindful of the strain this can place on the authority during the accelerated period of delivery. As a result we are developing proposals to target our resources on project delivery.</p> <p>As project proposals are developed for the Long Term Plan for Towns and the High Street Accelerator the Council will ensure the need for sustainability is taken into consideration – so that the council is not setting up long term financial liabilities from short term additional funding from government.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks; and</p>	<p>The Council recognise the key risks to manage with these programmes are the capacity of the authority and its partners to deliver, the relationship with the town centre partnerships, and the risk of project overspend, and is resourcing the projects to enable these risks to be managed, working within the service and with the wider corporate organisation. Additional resources will be required within finance, legal, procurement and assets to take forward enhancements to the green spaces. Decisions to implement the requirements of external funding should address resource implications.</p>
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The cost and performance of the projects under the Long Term Plan for Towns and Accelerator projects will be monitored by Government, which strengthens the ability to understand the effectiveness of the interventions.</p>

### MILESTONES AND DELIVERY

#### Long Term Plan for Towns

- 5 April 2024: Submission to government of update confirming the set up of the Town Board, indicative budget, and compliance with guidance.
- DLUHC releases the next £200,000 of capacity funding to support the development of the Long-Term Plan, including additional community engagement activity
- Between 1 April and 1 August 2024: Town Boards submit their Long-Term Plans (comprising their 10-year vision and 3-year investment plan) to government.

- DLUHC assess plans as they come in, and release 2024 to 2025 capital and revenue funding once plans are approved.

### **High Street Accelerator**

- May 2024: Notification that the Green Spaces bid was successful, and funding received.
- Decision of the Leader published to accept the funding, including approach to addressing delivery and capacity constraints.
- May 2024: Year 2 High Street Accelerator funding received, £187,000.
- Accelerator partnerships to provide quarterly monitoring reports to show progress against the programme KPIs.
- 31st March 2025: All funding to be spent.
- April 2025 to October 2025: Evaluation period.

## **ASSOCIATED RISKS AND MITIGATION**

### **Capacity and delivery**

The Council needs to manage the delivery risks of the projects under these two programmes, given the Council is also tasked with other levelling up schemes, business as usual, and work to secure long term financial sustainability. The Council is planning the work to ensure there is sufficient skilled resource to project manage, commission, procure, and manage legal and financial arrangements to deliver the projects. However, in prioritising these programmes, the Council may need to decide to deliver other work to a longer time scale, and may not be able to take on new opportunities that emerge while these projects are underway. The Council may also need to return unspent money to government if it is not possible to progress projects under the Accelerator banner to the timelines set. Unspent money for the Long Term Plan for towns is expected to be rolled forward into future years.

### **Finance**

There is a risk of financial overspend, which could occur due to unbudgeted cost inflation, poor financial management, or late delivery past the deadline for DLUHC agreed spend. Clarification is being sought from DLUHC as to whether funding needs to be committed or fully defrayed within the allocated financial year. The Council will manage each programme sufficiently closely to be aware of financial risks ahead of time, so that decisions can be taken to progress or stop, should costs increase.

### **Engagement**

Both schemes also have engagement risks, with the relationship between the Council and the Towns Board and the High Street Accelerator Group to be set out clearly. Terms of Reference have been adopted by the High Street Accelerator Partnership and Clacton Town Board which help to clarify the relationship between the Council and the partnerships and set out roles and expectations.

### **Communications**

There are communication risks when projects are developed closely with the local businesses, community groups and residents, which may be made public ahead of time. A communication protocol is in development to mitigate this risk with the Clacton Town Board.

**EQUALITY IMPLICATIONS**

It is not anticipated that the acceptance of these funds will adversely impact on any groups with protected characteristics. Individual projects will need to take equality impacts into consideration in their development and design.

**SOCIAL VALUE CONSIDERATIONS**

The suite of funding opportunities available under the government’s Levelling Up banner are targeted towards areas which have a need for economic recovery and growth, and a need for regeneration. The funds set out in this report have a particular focus on town centres and offers the opportunity to regenerate, encourage new businesses and public services to locate there. There is also the opportunity to provide a better place for residents and visitors to enjoy, socialise and support the growth in the largest high streets in the district. This provides significant social value.

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

The projects under these programmes are not expected to have a significant impact on the Council’s ambition to be net zero, in particular in relation to scope one and two direct emissions by the authority and in its use of electricity.

It is possible that the long-term plan for towns projects will have an impact over time, especially under the theme of transport and connectivity, as it may have an impact on the use of motor vehicles. However, at this stage the detail of projects is not known and so it is not possible to assess the likely impact.

**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.**

<p><b>Crime and Disorder</b></p>	<p>Both the Long Term Plan and the High Street Accelerator have been specifically aimed at decreasing anti social behaviour. Police are on both Boards ensuring all projects are delivered taking into consideration guidance on crime and disorder.</p>
<p><b>Health Inequalities</b></p>	<p>These funds have the potential to positively impact health inequalities, providing an opportunity to address challenges with regards to accessibility in the town centres.</p> <p>There is also the opportunity to improve walking and cycling access, provide green spaces and improve the offer for residents and visitors alike supporting improved mental health, improving perception and pride in place.</p>

<b>Area or Ward affected</b>	Clacton Town Centre,  Dovercourt: Harwich & Kingsway Ward
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### **PART 3 – SUPPORTING INFORMATION**

<b>BACKGROUND</b>
<ul style="list-style-type: none"> <li>• On 15 December 2023, Cabinet considered a report titled Government Funding Opportunities for Tendring. This report provided further information on the Long Term Plan for Towns Funding, which was announced on 1 October 2023, and the High Street Accelerator Programme, which the Council was made aware of by the Department for Levelling Up Housing and Communities (DLUHC) on 13 September 2023. These opportunities for the District complement the ongoing Levelling Up Fund and Capital Regeneration Project schemes in Clacton and Dovercourt, and future potential funding from the Levelling Up Partnership.</li> </ul> <p><b>Long Term Plan for Towns</b></p> <ul style="list-style-type: none"> <li>• As reported to Cabinet in December 2023 the government announced the new Long-Term Plan for Towns at Autumn Statement 2023, to regenerate 55 towns, including Clacton on Sea.</li> <li>• Each town will receive a 10-year endowment-style fund with £20 million of funding and support. The funding will be underpinned by an investment plan overseen by the new Towns Board, in consultation with local people.</li> <li>• The Cabinet approved the delegation of the formation of the Board to the Portfolio Holder for Economic Growth, Regeneration &amp; Tourism (15 Dec 2023) and the Board, including the appointment of an independent chair has now been established and Terms of Reference and governance arrangements submitted to DLUHC.</li> <li>• The Clacton Town Board, supported by the Council, will now develop a single long term plan to be submitted to the Department of Levelling Up, Housing and Communities by 1<sup>st</sup> August 2024. In line with the guidance the plan will identify the measures under the three broad investment themes: safety and security, high streets, heritage and regeneration and transport and connectivity.</li> <li>• DLUHC have supported the Long Term Plan for Towns with an £200,000 capacity funding, in addition to £50,000 previously received, which can be used to support public engagement (for example residents, visitors, community groups, young people and businesses) as well as for delivery of projects. The budget for this will be agreed by the Council and the Town Board. The Council submitted an indicative budget as part of the April submission to government, subject to town board approval and formal decision making.</li> <li>• The Council is the accountable body for the programme and the responsible authority for funding for the Long Term Plan for Towns. Therefore the Council will have to perform</li> </ul>



its own governance in relation to decision making and funding in addition to engagement with the Town Board.

### **High Street Accelerator**

- On 13 September 2023, TDC were advised by the Department for Levelling Up Housing and Communities (DLUHC) that Tendring had been identified as one of ten authorities to pilot the Government's new High Street Accelerator Pilot Programme and it was agreed that Dovercourt high street would be the beneficiary.
- In year one (2023/24), a partnership of local stakeholders was formed and a fund of £50,000 was made available. This fund was spent on a number of projects to enhance the look of the high street, to market the area and to provide a successful community event to launch the initiative on 30 March 2024.
- For this financial (2024/2025), £187,000 is available from DLUHC for each High Street Accelerator Partnership to support further projects in line with the long-term vision to regenerate and revive a declining high street. This funding must be spent in the current financial year.
- Alongside the funding for the pilot, DLUHC invited the Council to submit an 'Expression of Interest' for a share of £5 million funding (£4.5m CDEL and £0.5m RDEL) available as part of the High Street Accelerator Pilot Programme. This additional funding is intended for Accelerator partnerships to deliver projects to improve green spaces and parklets around the high street.
- TDC requested their full allocation of £500,000 to be used on green schemes that are intended to draw footfall in the high street. The Council's Expression of Interest was successful, announced in May 2024. This funding must be spent in the current financial year. The report authorising expenditure will set out the delivery approach taking into account the very tight timescales for delivery and the overall capacity of the Council.

### **PREVIOUS RELEVANT DECISIONS**

[Cabinet Report 6 October 2023](#)

[Cabinet Report 15 December 2023](#)

[Accelerator Application: Decision](#)

[Accelerator Green Spaces EOI: Decision 15 May 2024](#)

[Clacton Town Board Set Up: Decision 1 March 2024](#)

### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

[Regeneris Report \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk/regeneris-report)

<b>Name</b>	<b>Lee Heley</b>
<b>Job Title</b>	<b>Corporate Director – Place and Economy</b>
<b>Email/Telephone</b>	<a href="mailto:lheley@tendringdc.gov.uk">lheley@tendringdc.gov.uk</a> <b>01255 68 6006</b>

## **Annex 1 Terms of Reference for Clacton Town Board**

### Clacton-on Sea Town Board - Terms of Reference

#### PURPOSE

The Town Board has been created to develop a Long-Term Plan for Clacton, comprising a 10-year vision and investment plan (initially 3 years). The Board will be responsible for providing a strategic view and leadership for the promotion and development of the town. It will be facilitated by Tendring District Council and is supported by endowment style funding from central government.

#### OBJECTIVES

1. To develop and agree a Town Investment Plan in consultation with the local community, including a 10-year vision and develop a clear programme of interventions. 2. Identify evidence requirements and draw on existing evidence as appropriate to support the development of a Town Investment Plan 3. Provide support and oversight to the delivery of the agreed Town Investment Plan. 4. Provide perspective, add value, develop project ideas and work alongside other key partners including Tendring District Council, Essex County Council, Department for Work and Pensions. 5. To ensure better co-ordination and use of existing resources and to maximise leverage of additional public / private investment. 6. To consider strategic issues facing Clacton and to provide leadership in relation to them. 7. To involve private, public and voluntary sectors in the work of the Board through a proactive approach to communication and engagement. 8. Maximise the town's asset base to enhance the prosperity of Clacton for all members in our community and for future generations. 9. To connect, advocate for and champion partnership working across Clacton, including, celebrating achievements, promoting the town to relevant bodies on a local, regional and national level. 10. To adhere to The Seven Principles of Public Life (I.e. the 'Nolan Principles').

#### Membership

Nominated deputies will provide representation when a Board member (listed below) is unable to attend.

The term of office for members will initially be for one year, with the potential to serve future three-year terms. Membership of the Board, including its Chair, will not be remunerated. However, reasonable travel expenses may be reimbursed at the relevant prevailing HMRC non-taxable rate subject to production of necessary receipts, not otherwise reclaimed from their nominating organisation.

Where members join the board by virtue of their office, their membership will end when they leave office.

#### Organisation Member

Independent Chair George Kieffer  
Local Business, Mc Donalds Craig Newnes  
MP for Clacton Giles Watling  
Clacton Tourism Group Billy Ball  
Police & Crime Commissioner's Office Greg Middleton  
NHS/Alliance Laura Taylor Green

University of Essex Dr Emily Murray  
Tendring District Council, Leader Cllr Mark Stephenson  
Tendring District Council, Deputy Leader Cllr Ivan Henderson  
Essex County Council Cllr Lesley Wagland  
Westcliffe Theatre Rob Mitchell-Gears  
CVS Tendring Sharon Alexander  
Tendring Education Strategic Board TBC

## OPERATION & ADMINISTRATION

1. Meetings will be organised at least quarterly, with the option to call additional meetings when required. 2. Public sector officers will be present at meetings to observe and contribute to discussion but will not hold voting powers. 3. Meeting formats will be flexible, including for example headline guest presentations and group discussions. 4. Non-members to be invited to Board meetings to provide input to relevant agenda items as appropriate. 5. The Town Board members will agree a communications protocol which will set out the parameters in which internal and external communications will be conducted. 6. To periodically review the Board's priorities, membership, and working practices to ensure they remain appropriate and effective.

## ACCOUNTABLE BODY AND RESPONSIBLE AUTHORITY

1. Tendring District Council (TDC) is the accountable body for the programme and the responsible authority for funding for the Long Term Plan for Towns and the Levelling Up Partnership funding, and holds the funding from the Government. 2. TDC will have to perform its own governance in relation to decision making and funding in addition to engagement with the Town Board. 3. TDC will perform secretariat functions for the Board including, but not exclusive of, recording attendance, minute-taking, and convening meetings.

## FUNCTION

1. It is members' responsibility to feedback information from the Town Board to their relevant organisations. 2. Sub-groups / working groups will be convened to address specific areas requiring expertise, linking in with existing partnerships where appropriate. 3. The Board will work with partners to deliver the Town Investment Plan and wider regeneration activities in Clacton. 4. In the event of a Board decision, the group will seek consensus. Where consensus is not possible, a simple majority of members present will suffice, and in the event of a 50/50 split the chair will have the casting vote. 5. The meeting will be quorate when there are at least eight Board members present either in person or virtually if the meeting is hybrid. 6. In the event that a Board member is unable to attend, they can be represented by a named deputy only. 7. New members can be adopted by a consensus vote.

## CHAIR

1. The Chair will lead the Town Board and ensure effective representation across the membership. 2. The term of the Chair will be for one year initially, however extensions to this term will be permitted with the support of the Board. 3. The Chair will be the lead contact between the Board and representatives for Tendring District Council as accountably body and responsibly authority. 4. They will chair the meetings in accordance with the aims and objectives of the Board. 5. To connect, advocate for and champion partnership working across Clacton, including, celebrating achievements, promoting the town to relevant bodies on a local, regional and national

level. 6. There will be no remuneration for the post of Chair 7. A Vice-Chair will be nominated by the Board.

#### Amendments

These Terms of Reference shall be reviewed and updated as required, by agreement of Board members.

## **Annex 2 Terms of Reference for High Street Accelerator Board.**

Terms of Reference: High Street Partnership

### **Terms of Reference**

The High Street Partnership ('the Partnership') is a group made up of representatives and stakeholders of Dovercourt High Street including local businesses, representatives of the Council and other public sector stakeholders.

The Partnership works together to support and promote the High Street and its future wellbeing and viability as a place to live, visit and invest.

*The principal area covered by the Partnership is shown in **Appendix 1***

### **1. Vision**

Our vision for the High Street is set out in High Street vision which highlights the need to improve perception, support businesses to grow and increase footfall.

### **2. Aims**

To work together as key High Street stakeholders to promote the attractiveness and use of the High Street by local residents, businesses, and visitors.

### **3. Actions**

- To contribute to the development of a vision for the High Street.
- To consult and engage with the local community and businesses to develop a list of potential actions to promote and improve the High Street.
- To support the development and delivery of a range of High Street events and activities to encourage footfall, increase dwell time and grow the reputation of the High Street as a place to visit.
- To identify opportunities to collaborate with the Council, public bodies, and landowners on improvements to High Street spaces and buildings.
- To seek opportunities for the provision of local arts and cultural delivery in the High Street with relevant arts and cultural partners.
- To attract additional private investment into the High Street to boost the attractiveness and economic health of the High Street.
- To work with the Council to support the delivery of key regeneration projects, by ensuring effective engagement throughout project delivery.
- To work with the Council and other bodies to secure funding from various sources for the High Street improvements.
- To coordinate the sharing of data on the High Street to contribute to the effective monitoring and evaluation of High Street performance.
- To prepare an action plan for the work of the Partnership.

### **4. Structure**

The Partnership is comprised of members who have an interest in the High Street's future development.

Once accepted, each member will have full voting rights at the High Street Partnership's Meetings, which will take place at agreed intervals

The meetings will provide an opportunity to update all High Street Partnership Members with information about relevant activity that has occurred since the last meeting.

The High Street Partnership will consist of up to 14 members who are appointed for a period of 2 years. The members of the Town Board are comprised of representatives from:

- Local Businesses
- Representatives from Harwich and Dovercourt's hospitality, tourism and leisure sector
- Representatives from Harwich and Dovercourt's cultural and arts sector
- Representatives from local VCSFE groups
- Local Residents
- Elected representatives (Local Councillors / MP)
- Police

The High Street Partnership will be supported by officers from Tendring District Council, who will act as Observers and have no voting rights.

At least 50% of members of the Town Board will need to attend a meeting for the meeting to be quorate.

All members of the Town Board will have an equal vote. In the event of a tie on any vote, the Chair will have a casting vote.

Officers of the Council attending the Town Board will act as Observers and not have voting rights at meetings.

## **5. Task & Finish Groups**

The Partnership's Board may seek to establish task and finish groups, as appropriate, to deliver projects such as events, project support/development activity, focussed activity on development of retail or the night-time economy.

Task and finish groups will be established only with agreement of the majority of members of the Partnership Board. These groups will make recommendations to the Partnership Board, unless specifically given permission to carry out actions or incur expenses on behalf of them at a quorate Board meeting.

## **6. Meeting Scheduling**

High Street Partnership Meetings will meet on no less than 6 occasions annually and meetings will be held in accordance with a calendar approved by the Group's members.

Agendas and documents will be issued prior to each meeting. All meetings are to be minuted.

The Chair, supported by the Council and in consultation with members of the Town Board, will be responsible for:

- Setting the agenda for each meeting
- Keeping the meeting moving and on time
- Encouraging broad participation from members
- Summarising agreed decisions and actions
- Ensuring accurate minutes of each meeting are produced

High Street Partnership members have a responsibility to:

- Attend meetings and positively engage in discussion.
- Contribute knowledge and expertise to benefit the High Street and the activities of the Partnership.
- Represent the agreed views of the Partnership in discussions with wider stakeholders.

## 7. Partnership Member's Conduct

All Partnership members are expected to adhere to the Seven Principles of Public Life, known as the Nolan Principles, as defined by the Committee for Standards in Public Life. They are:

- **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family, or their friends.
- **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.
- **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership:** Holders of public office should promote and support these principles by leadership and example.

### **Conflicts of Interest**

The following provisions shall apply to all partnership members:

- In the event that there is a conflict of interest, the person so conflicted shall immediately declare the nature of the conflict or potential conflict and withdraw from any business where the conflict would be relevant.
- Whenever a person has an interest in a matter to be discussed at a meeting the person concerned will not be entitled to remain present at the meeting during discussion of that matter.
- The Partnership may, at any time, authorise a person to remain in the meeting whilst a matter in which they have or may have a conflict of interest is discussed, provided that the conflict of interest is declared.

## 8. **Finances**



The High Street Partnership will seek funding from a wide range of potential sources, including in collaboration with the Council and other bodies, to achieve the aims and actions as set out in the Terms of Reference.

The Partnership is unconstituted so Tendring District Council is defined as the Accountable Body to hold funds on behalf of the Partnership.

All proposals for expenditure by the Partnership will require the approval of a majority of the Partnership.

Appropriate budgetary control and management measures will govern all the finances of the Partnership including receipt and expenditure of funds with fully transparent authorisation and accountability. A statement of annual account will be produce.

**9. Amendments to the Terms of Reference**

All Project Board members will be asked to vote on any proposals to change the Terms of Reference.

**10. Dissolution**

If any member of the Partnership decides it is necessary or desirable to dissolve the Partnership, they shall call a meeting of the Group with not less than twenty-one days' notice, informing them of the proposed dissolution. The proposal will be carried if approved by at least two-thirds of those present and voting at a quorate meeting.

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I agree to abide by the Terms of Reference

Name: .....

Date:.....

Signature: .....

## Annex 3 **High Street Accelerators Green Space Funding.** Expression of Interest

### **About this form**

Alongside the £2.5 million seed funding, there will be up to £5 million funding (£4.5m CDEL and £0.5m RDEL) available as part of the High Street Accelerator Pilot Programme. This additional funding is intended for Accelerator partnerships to deliver projects to improve green spaces and parklets around the high street, if these are necessary to the high street vision.

The funding is specifically intended for greening the high street where you have established your Accelerator, for example by installing green walls or planters, or creating parklets or other gardens. Greening projects can bring a number of benefits to the high street, including helping to increase its vibrancy and visual appeal and providing new social spaces that increase the dwell time of visitors to the area.

The funding will be available to be spent in financial year 2024/25 and each Accelerator partnership will have the opportunity to apply for up to £500k (up to £450k CDEL and up to £50k RDEL per Accelerator partnership). Accelerator partnerships that would like to utilise the funding will need to complete this expression of interest (EOI) form with details of your green space proposal. We would like to understand the impact you expect this funding to have on your high street and how your greening projects will be sustained over the medium- to long-term.

The Department for Levelling Up, Housing and Communities (DLUHC) will consider your proposal and, on the basis that it is rational and aligns with the general aims of the funding, we will provide funding in advance of expenditure in a single payment at the start of the 2024/25 financial year. A separate Memorandum of Understanding (or Grant Funding Agreement if you have a non-local authority treasurer) will be drawn up upon approval of your proposal, and as part of this we will require assurances that the funding will be spent within the 2024/25 financial year. We will monitor this spend through the governance and KPI monitoring structures for the pilot, which will be set out in the MoU (or GFA).

Please use this form and email the completed version to [HighStreetAccelerators@LevellingUp.gov.uk](mailto:HighStreetAccelerators@LevellingUp.gov.uk) by **5pm Friday 1 March 2024.**

### Section 1 – Contact Information

- 1. Name of High Street Accelerator**  
Dovercourt High Street
- 2. Contact name**  
Barbara Pole
- 3. Role in High Street Accelerator**  
Pilot lead for Tendring District Council
- 4. Contact phone number**  
01255 686230
- 5. Contact email address**  
bpole@tendringdc.gov.uk
- 6. Amount of funding requested (up to £450k CDEL and £50k RDEL)**  
£500k

## Section 2 – Your Proposal

**Question 1: Please explain why the high street is in need of green space funding. (250 words)**

As a seaside town, the focus of publicly accessible open space in Dovercourt is its attractive stretch of beach and Cliff Park which provides a substantial green space, and adjoins the historic Beacon Hill Fort, which has potential to be a unique visitor destination and nature reserve.

While in close proximity these assets feel disconnected from the town centre due to the lack of quality pedestrian routes. Improving connections, especially for those with limited mobility or young children would integrate these open spaces as part of a greater town centre offer, encourage trips and increase dwell time.

The streets themselves are the main public spaces outside of the seafront and Cliff Park. However, they are not optimised for people as the street design is functional and focused on traffic movements. These areas are also drab and uninviting with relatively narrow footways, and routes that are not easy to cross. The majority of footpaths have asphalt surfaces which have numerous patch repairs, which look unsightly.

Guard rails and barriers on key junctions further detract from the quality of the public realm. The lack of planting is noticeable and this gives the streets a stark appearance. There is little in the quality of the public realm in the town centre that, on its own, would attract people to come and spend time. Improving this is key to the regeneration of Dovercourt.

The poor quality public realm further detracts from the character and distinctiveness of the town centre and degrades its image.

**Question 2: Please set out your proposal for using the green space funding to improve your chosen high street. (500 words)**

**Improved Access from the Beach (CDEL)** – Better access from the beach to the high street has been raised by the community on a number of occasions and this funding will give us the opportunity. There is currently good access from the seafront to Empire Road which is a combination of paved and tarmacked surfaces. However, between Empire Road and Kingsway there is a stretch of soft surface that is unmaintained and therefore difficult to navigate with a wheelchair etc. The proposal is to provide a hard surface and landscaping which retains parking but provides an accessible route.

**Horticultural Scheme (CDEL)** – The Queen Victoria statue with beach access sits at the end of Kingsway and provides sight of the high street. However, this particular of cliffs is overgrown and has a restricted view of the seafront, uneven paving and is uninviting. Clearing and landscaping from the top to the bottom of cliffs will improve the sight line, open up the view of the sea and will entice visitors to explore above cliff level.

**Access from Cliff Park (CDEL)** – The creation of a new pedestrian link with landscaping from Cliff Park to the high street. This will open up the park and help to better integrate the open space with the town centre. The proposal is to provide a 3m pathway with street light that links up to the parks paths.

**High Street Public Realm Improvements (CDEL & RDEL).** – Dovercourt was granted the Capital Regeneration Projects funding with a proportion being spent improving the streetscape along Kingsway from the seafront to the station. However, this does not include the high street which it crosses and there is a real danger that this project will have a negative impact on the high

street by making it even more unappealing and drab compared to its surroundings. However, by replicating some of the designs through the high street we can maximise the available funding and provide a cohesive offer to the community and really lift the area as a whole.

**Pocket Spaces (CDEL)** – To transform small areas of public realm into usable pocket spaces. An area at Station Plaza and one on the high street which will enhance the environment and provide much needed resting spaces and possible cycle stands. These projects involve footway improvements including a footpath build out at a junction in the high street with distinct public space paving and the provision of a new feature trees with a timber benches. They could also include the provision of other seating objects and feature lighting elements.

To ensure the sustainability for the above, there is the opportunity to work with the CVST have a number of volunteers who do community gardening and they have suggested that if we provide the equipment they will maintain the baskets and planters ongoing. We also intend to encourage the shop owners to maintain their our frontage by providing the equipment needed.

**Question 3: Please explain the impact you envisage your proposal will have on your chosen high street? (250 words)**

Ending in January 2024, ECC ran a public consultation regarding Dovercourt Public Realm. They had 133 responses and some of the elements that the residents consider most important were improved paving and footways, landscaping improvements, reduced speed limits, addition benches and new wayfinder signs. Some of the common themes were that the shop fronts were tired and needed improving, improved accessibility and concerns over the high street declining with empty shops. Between the HSA funding and the green space funding it is the intent of the partnership address these points raised and provide a better, more friendly space.

The footfall in the high street is declining and the shops are closing earlier all the time leaving the space open for anti-social behaviour and petty crime. By making improvements to the look and feel of the high street we aim to encourage a more social space that gives the community a sense of pride and encourages a nighttime economy supporting the younger generations need for meeting spaces and activities.

There is also the opportunity to entice visitors into the high street by creating public realm that is providing a walkable, friendly space with accessible, attractive links between the beach, park and high street.

We are expecting that the impact will be seen before the end of this financial year by providing the first set of baskets/planters from the HSA funding. We can then expand on this once we receive the green space funding and provide more sustainable features such as planters, benches, trees etc

**Question 4: Please tell us about your approach to project management. (250 words)**

**Landscaping between Empire Road and Kingsway:**

This will require a stretch of land to be dug up, drainage installed, tarmacked and landscaped providing access for wheelchair users. There is potential for approximately 15 car parking bays away from the high street.



### **Risks/mitigation:**

- The stretch of land is currently unclaimed and an owner could come forward. However, the intended work would be improving the area.
- The cost for the works go over the budget due to contamination etc..

### **Plan**

- Desk top feasibility and potential costings for the works – March 2024
- Start tender process – March/April 2024
- Commission works – June 2024

### **Public realm improvements**

**Queen Victoria Statue:** To remove overgrown hedging and make improvements to the cliff side landscaping. Working with Assets and Public Realm at TDC who have scoped this work previously.

**Public realm and pocket spaces:** Provide planters, baskets, trees, benches etc. to complement future works. Utilise the landscaping plans provided by ECC for Kingsway and adapt for the high street. Widen areas of paving where required.

### **Risks/mitigation:**

- This would require permission from ECC Highways for anything to be put on the pavements. Working in partnership with ECC colleagues will ensure that we meet their expectations.
- The cliffs at the seafront are unstable in places so specialist advice would be required as to what can be removed and what can be planted. TDC's Asset team have a large amount of experience with this areas and will be able to advice us.

### **Plan**

- Liaise with ECC regarding specifications and detailed design – March/April 2024
- Procure the supplier – May 2024
- Arrange installation – June/July 2024

**Question 5: Please tell us your plans after the funding period has ended. How will you ensure your green space is maintained in the medium to long term? (250 words)**

Majority of the upkeep required will be supported by local community groups, volunteers, the Partnership and TDC.

The new hard standing from Empire Road to Kingsway will not require any major support as low maintenance landscaping. This will require light touch maintenance to ensure it is clean, tidy and not in disrepair.

With regards to the public realm, we are currently working with the Community Volunteer Service Team (CVST) who have offices in the high street. The organisation currently has a number of volunteers who provide gardening services to various areas around Dovercourt and they are will to add the water and maintenance to the planters to their current task. We would provide any tools they require.

With regards to hanging baskets we intend to provide free baskets to shops who are willing to maintain them and will ask them to sign a SLA as a show of commitment.

Benches and trees should be self-sufficient but they will be monitored in case of graffiti or in need of attention.

Improvements to the top of the cliffs will be maintained by TDC's Public Realm team through their BAU. This team also has volunteers who can support this activity.

### Section 3 – Eligible Expenditure Schedule

**Please provide a breakdown of forecast grant expenditure, to the level of detail currently known.**

Item of Expenditure	CDEL (in £) forecast expenditure	RDEL (in £) forecast expenditure
Providing landscaping and hard surface between Empire Road and Kingsway	£50,000	
High Street public realm including planters and baskets	£40,000	£10,000
Horticultural scheme to create green space	£30,000	£30,000
Pocket spaces including a footway build-out, paving, trees, benches etc.	£80,000	£10,000
Access from Cliff Park to the town centre including paving and landscaping	£250,000	
<b>Total:</b>	<b>£450,000</b>	<b>£50,000</b>

## CABINET

24 MAY 2024

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### A.4 CONSIDERATION AND ADOPTION OF A REASONABLE ADJUSTMENTS POLICY, VULNERABILITY POLICY AND UNACCEPTABLE CUSTOMER BEHAVIOUR POLICY

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To present to Cabinet the following housing policies for approval and adoption:

- Reasonable Adjustments Policy
- Vulnerability Policy
- Unacceptable Customer Behaviour Policy

###### EXECUTIVE SUMMARY

This report presents three housing policies for approval. These policies formalise the work that is already undertaken in the Housing and Environmental Directorate.

The Reasonable Adjustments Policy defines what a reasonable adjustment is and provides an overview of the types of adjustments we will consider together with details of how customers can request a reasonable adjustment.

The Vulnerability Policy sets out our commitment to assisting vulnerable customers to ensure they can access our services and to vulnerable tenants to ensure they receive assistance to sustain their tenancy. The Policy sets out how we will support tenants who are vulnerable and explains how we will define, assess and record vulnerabilities.

Communicating with our housing customers is usually a straightforward process and our customers have the right to express their views and ask questions about our housing services and their comments and suggestions are important in helping us shape and improve the services we deliver. However, in a minority of cases, some customers may choose to behave in a manner towards our staff, contractors or others providing housing services on our behalf and/or place demands on our services that are unacceptable. The Unacceptable Customer Behaviour Policy defines what behaviour will be classed as unreasonable and how we will respond to this.

All of these policies meet the Regulator of Social Housing's revised Consumer Standards that came into effect from 1 April 2024 and the expectations and recommendations of the Housing Ombudsman.

###### RECOMMENDATION(S)

**That Cabinet:**

- 1) Considers and agrees to adopt the Reasonable Adjustments Policy, Vulnerability Policy and Unacceptable Customer Behaviour Policy;**
- 2) Authorises their direct implementation; and**

**3) Delegates authority to the Corporate Director for Operations and Delivery to make future updates or amendments to the policies in consultation with the Portfolio Holder responsible 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, and to evidence compliance with regulatory standards.

**ALTERNATIVE OPTIONS CONSIDERED**

The only alternative option considered was to not implement these policies.

The policies are designed to assist the Council in meeting the Regulator of Social Housing's revised Consumer Standards which came into effect on 1 April 2024 as well as the requirements and recommendations of the Housing Ombudsman.

Failure to meet the Consumer Standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.

The absence of suitable policies also makes the day to day operation of the service more difficult with the potential for inconsistencies in approach and increases the likelihood of complaints.

**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 been undertaken with members of the Council's Tenants Panel.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>Yes</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<input checked="" type="checkbox"/> <b>Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be</b>	27 March 2024



		<b>28 days at the latest prior to the meeting date)</b>	
<p>The Social Housing Regulation Act 2023 builds upon the existing regulatory framework for housing and introduces revised standards that come into force on 1 April 2024. These standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.</p> <p>The Equality Act 2010 provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all. The Act sets out the duties the Council has 'to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it'. It also sets out the circumstances when the Council has a legal duty to make adjustments to their services.</p>			
<b>x</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		
No comments received.			
<b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b>			
<p>There are no significant financial implications associated with the adoption of these policies as they formalise existing arrangements which are currently funded via existing budgets in the Housing Revenue Account</p> <p>However, it is anticipated that the implementation of the revised Consumer Regulations and the actions required to meet these will have a financial impact in the longer term.</p>			
<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		
<p>As highlighted within earlier reports relating to the HRA budgets and business plan, the new era of social housing regulation merging from the Social Housing (Regulation) Act 2023 will have a major impact on the overall financial position of the HRA in future years. It is recognised that the impact will likely be due to the aggregation of a number of emerging requirements such as those set out in this report, rather than perhaps any single item.</p> <p>Although the importance of such regulation is acknowledged and reflects the Council's stated commitment and priority to provide good quality housing, the resulting costs involved either directly or through demand for the necessary additional capacity, were not reflected within the self-financing reforms implemented by the Government in 2012. Such costs therefore represent additional financial pressures that will have to be balanced against the broader challenge of delivering a long term financially sustainable HRA in future years.</p>			
<b>USE OF RESOURCES AND VALUE FOR MONEY</b>			
The following are submitted in respect of the indicated use of resources and value for money indicators:			
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	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.		

<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The Council has an adopted Financial Strategy.</p>
<p><b>MILESTONES AND DELIVERY</b></p>	
<p>If Cabinet agrees to the adoption of these policies, they will come into immediate effect, subject to call-in.</p> <p>The review of the policies will be carried out periodically as indicated with a delegation to the Corporate Director – Operations and Delivery to make future changes and updates to the policy in consultation with the Portfolio Holder for Housing and Planning.</p>	
<p><b>ASSOCIATED RISKS AND MITIGATION</b></p>	
<p>The policies are designed to assist the Council in meeting the Regulator of Social Housing’s revised Consumer Standards with came into effect on 1 April 2024 and the requirements of the Housing Ombudsman’s revised Complaints Handling Code.</p> <p>Failure to meet these standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.</p> <p>The adoption and implementation of the policies is aimed at minimising the risks of non-compliance.</p>	
<p><b>EQUALITY IMPLICATIONS</b></p>	
<p>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.</p> <p>An Equality Impact Assessment has been carried out in connection with each of these policies.</p>	
<p><b>SOCIAL VALUE CONSIDERATIONS</b></p>	
<p>Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower tenants.</p>	
<p><b>IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030</b></p>	
<p>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, wherever relevant, in the implementation of these policies.</p>	
<p><b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b></p>	
<p><b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b></p>	
<p><b>Crime and Disorder</b></p>	<p>The Unacceptable Customer Behaviour Policy sets out our approach to managing housing customers whose behaviour is unacceptable and define what we consider to be unreasonable and / or unacceptable behaviour and the action</p>

	that will be taken in connection with this.
<b>Health Inequalities</b>	The Vulnerability Policy and Reasonable Adjustments Policy will ensure that the Council responds consistently to identified needs and will provide clear information for customers.
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b>	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
<b>Area or Ward affected</b>	All

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.

The Social Housing (Regulation) Act 2023 aimed to lay the foundations for changes to how social housing is managed. It includes increased regulation of social landlords and new rules for protecting tenants from serious hazards in their homes.

Many of the provisions in the Act are responses to the tragedies of the 2017 Grenfell Tower fire and death of two-year old Awaab Ishak, who died in 2020 from exposure to serious mould.

The Act allows the Regulator of Social Housing to take action against social landlords before people are at risk and hold landlords to account with regular inspections. It introduces new social housing consumer standards and gives the Secretary of State power to require social landlords to investigate and rectify serious health hazards.

The Consumer Standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve. These standards came into force on 1 April 2024.

One of these Consumer Standards – Transparency, Influence and Accountability sets out required outcomes that registered providers must achieve in relation to diverse needs and these are:

Registered providers must use relevant information and data to:

- a) understand the diverse needs of tenants, including those arising from protected characteristics, language barriers, and additional support needs; and
- b) assess whether their housing and landlord services deliver fair and equitable outcomes for tenants.

Registered providers must ensure that communication with and information for tenants is clear, accessible, relevant, timely and appropriate to the diverse needs of tenants.

Registered providers must ensure that landlord services are accessible, and that the accessibility is publicised to tenants. This includes supporting tenants and prospective tenants to use online landlord services if required.

Registered providers must allow tenants and prospective tenants to be supported by a representative or advocate in interactions about landlord services.

To hold housing providers accountable, the Regulator of Social Housing will inspect larger landlords (those with more than 1,000 properties) regularly, scrutinise tenant satisfaction data and use enforcement powers when necessary. The goal is to drive continuous improvement in social housing and ensure tenants receive the best possible service.

In addition, the Housing Ombudsman's Complaints Handling Code, first introduced in 2020, became statutory from 1st April 2024 and provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient. A legal duty is also placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord.

The Housing Ombudsman also issues guidance based on its learning from the complaints investigated and this includes Spotlight Reports that concentrate on an area of service provision where they see a high amount of failure in through their casework. These reports examine the issues and set out recommendations.

Earlier this year, the Housing Ombudsman published a Spotlight report on Attitude, Respect and Rights and this highlighted the need for landlords to create human-centric policies, to adapt to meet the needs of all their residents and ensure the most vulnerable residents are not left behind. Key themes within this report include vulnerability, reasonable adjustments and contact restrictions and these policies are designed to address their recommendations.

#### **CURRENT POSTION**

The proposed new policies are attached.

The purpose of the Reasonable Adjustments Policy is to:

- confirm our commitment to improving access to our housing services
- set out how we define a 'reasonable adjustment'
- set out how a request for a 'reasonable adjustment' can be made
- set out the factors we will consider when dealing with requests for reasonable adjustments
- provide clear information about how we can adapt our services to meet the needs of customers
- ensure that we adopt a consistent approach in our response to any requests for reasonable adjustments to make sure that we provide equal access to our services
- improve customer understanding and satisfaction with our services
- set out how our performance will be monitored and reviewed
- set out how we will meet all statutory and regulatory requirements

The purpose of the Vulnerability Policy is to:

- set out how we define vulnerability
- set out how we will identify vulnerable adults and record their needs

- provide clear information about how we can adapt our services to meet the needs of vulnerable customers
- ensure that we adopt a consistent approach to responding to any resident who is experiencing vulnerability to make sure that they have equal access to our services
- improve customer understanding and satisfaction with our services
- set out how our performance will be monitored and reviewed
- ensure that we meet all statutory and regulatory requirements

The purpose of the Unacceptable Customer Behaviour Policy is to

- set out our approach to managing housing customers whose behaviour is unacceptable;
- define what we consider to be unreasonable and / or unacceptable behaviour;
- identify the steps that may be taken when dealing with unreasonably persistent communicators and unacceptable customer behaviour so that everyone knows what to expect;
- set out what is expected of staff when confronted by such behaviour and what options may be applied to manage this; and
- identify who can authorise the application of this policy.

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

**APPENDICES**

- Appendix A – Reasonable Adjustments Policy**
- Appendix B – Vulnerability Policy**
- Appendix C – Unacceptable Customer Behaviour**

**REPORT CONTACT OFFICER(S)**

<b>Name</b>	Emma Norton
<b>Job Title</b>	Senior Housing Manager
<b>Email/Telephone</b>	enorton@tendringdc.gov.uk

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*Tendring*  
District Council

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## REASONABLE ADJUSTMENTS POLICY

May 2024

### A.4 APPENDIX A

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## **Reasonable Adjustments Policy**

### **Introduction**

We are committed to ensuring all our customers have equal access to our services whatever their circumstances and one of the ways we do this is through reasonable adjustments to remove barriers or reduce any disadvantage.

This policy has been written in accordance with the Equality Act 2010 as well as the Housing Ombudsman Service's Complaints Handling Code and the Regulator of Social Housing's revised Consumer Standards.

### **Purpose of this policy**

The purpose of this policy is to:

- confirm our commitment to improving access to our housing services
- set out how we define a 'reasonable adjustment'
- set out how a request for a 'reasonable adjustment' can be made
- set out the factors we will consider when dealing with requests for reasonable adjustments
- provide clear information about how we can adapt our services to meet the needs of customers
- ensure that we adopt a consistent approach in our response to any requests for reasonable adjustments to make sure that we provide equal access to our services
- improve customer understanding and satisfaction with our services
- set out how our performance will be monitored and reviewed
- set out how we will meet all statutory and regulatory requirements

This policy does not aim to explain how we will approach every circumstance where a reasonable adjustment is requested. It is a general statement of our commitment to ensure customers with disabilities are not at a disadvantage when accessing our services

Many of the adjustments we offer to our services can also be made available to our customers without disabilities.

### **Legal and Regulatory Context**

#### ➤ The Equality Act 2010

Under the Equality Act 2010 (The Act) a person is considered as having a disability if they have a physical or mental impairment that has a 'substantial' and 'long term' negative effect on their ability to carry out normal day-to-day activities.

The Act provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all.



Under the Act, we have a legal duty to make adjustments in the following three circumstances:

- Where there is a provision, criterion or practice which puts a person with a disability at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled;
- Where a physical feature puts a person with a disability at a substantial disadvantage in comparison with persons who are not disabled; and/or
- Where a person with a disability would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.

➤ Regulation of Social Housing

In accordance with the Regulator of Social Housing's Transparency, Influence and Accountability Standard, registered providers must take action to deliver fair and equitable outcomes for tenants and, where relevant prospective tenants in relation to the housing and landlord services they provide.

➤ Housing Ombudsman Complaint Handling Code

The Housing Ombudsman's Complaint Handling Code states that landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords are also required to keep a record of any reasonable adjustments that are agreed as well as a record of any disabilities a resident has disclosed.

### **What is a reasonable adjustment?**

A 'reasonable adjustment' is a legal term defined by the Equality Act 2010 and it refers to any change it is reasonable for us to make so that people with disabilities are not disadvantaged when it comes to accessing or using our services

An individual will be classed as disabled if they have a physical or mental impairment and the impairment has a substantial and long-term effect on their ability to carry out normal day-to-day activities.

The term disability includes hidden disabilities, which are disabilities with no physical signs and include learning difficulties and mental health conditions

A reasonable adjustment may be a physical alteration to one of our premises, for example, fitting a lift, wide doors or a ramp.

It may also be a change to one of our policies, procedures or services, for example, a comfort or rest break in a meeting or an extension of time limits (where lawful to do so).

It also includes adjusting how we communicate with our customers in order to meet their specific needs. For example, providing information in alternative formats or a sign language interpreter at workshops and events.

In all circumstances, the reasonable adjustment is being made to ensure all of our services can be equally accessed by customers with disabilities, as well as those who do not.

## **How can a tenant request a reasonable adjustment?**

A reasonable adjustment can be requested from us in the following ways:

- In writing, explaining what the adjustment is and why it is needed. This can be done by letter or email;
- By telephoning us, explaining what the adjustment is and why it is needed;
- By referral from a local authority or other relevant agency;
- By a family member when we have been given permission for them to do so; and/or
- A member of staff may suggest for one to be made, when they are aware it will support the customer's needs.

We will make sure that our tenants know that we can make reasonable adjustments to our services and how these can be requested. We will do this by:

- Including a paragraph in written communications such as letters
- Asking you whether you might need a reasonable adjustment
- Including a note on our published documents to say that we can provide the document in an alternative format
- Publishing this policy on our website

In most cases we will be able to agree and deliver the required reasonable adjustment with a minimum of delay. However, in some cases it may be necessary for us to consider in more detail how best to overcome the difficulty a customer with disabilities is experiencing and/or seek advice from expert disability organisations that can assist with signposting and other forms of support.

We may also need medical evidence, for example to identify the effect or disadvantage that we will need to tackle or to confirm that a particular adjustment would be effective

We will treat all conversations with sensitivity, confidentiality and on a case-by-case basis. We will listen to a customer's needs and make every effort to meet requests for adjustments when it's reasonable to do so. Where we are unable to meet a request, we will explain why.

## **How do we define 'reasonable'?**

The Equality Act does not define what is 'reasonable' but guidance from the Equality and Human Rights Commission suggests the following should be taken into account when we decide whether an adjustment is 'reasonable' or not:

- How effective the adjustment(s) will be in assisting a customer with a disability and in preventing or reducing the possibility of them being at a disadvantage;
- The practicality of making the adjustment(s);
- The cost of the adjustment(s) and whether this is possible within resources; and

- Any disruption to the service that making the adjustment(s) may cause.

What is reasonable will depend on a number of factors which include but are not limited to the following:

- The disadvantage caused
- The difference the adjustment would make
- If the adjustment is what is needed to make the difference or if it is more than is necessary
- What will put the resident the same position as others using the service
- The cost of the adjustment

In practice, some reasonable adjustments involve little or no cost or additional resourcing requirements and are easy to implement. However, in circumstances where we are unable to make a reasonable adjustment due to cost or resources, we will work with the customer to identify the most appropriate alternative solution for them.

In relation to changing policies or procedures, we are not required to change the basic nature of the service we offer but are expected to learn any lessons about how we can strengthen our approach to equality diversity and inclusion, wherever possible.

### **Types of reasonable adjustments we can offer**

There is not a definitive or exhaustive list of reasonable adjustments as these will depend on an individual's needs. We will discuss the requirements with the person concerned and will seek to reach an agreement on what may be reasonable in the circumstances. We will not make assumptions about whether a disabled person requires any reasonable adjustments, or about what they should be, and will instead have sensitive and confidential discussions when required.

Examples of adjustments we can make include:

- Providing information in alternative formats, for example in large print, braille or on coloured paper
- Giving you more time to do something (if this is allowed by law)
- Communicating with you by email or phone instead of letter
- Dealing with a family member, friend or representative (if you have given us permission to do so)
- Providing breaks in meetings
- Carrying out small repairs that would ordinarily be a tenant's responsibility but may be challenging for them to undertaken due to their circumstances.

However, what is reasonable in one situation might not be reasonable in another. If we cannot make a reasonable adjustment due to cost or resources, we will work with you to find the most appropriate alternative solution

In some circumstances, we may provide reasonable adjustments for tenants who are not disabled but may have a special need. These include but are not limited to:

- Providing translation services or interpreters for customers whose first language is not English
- Providing extra support for customers with literacy problems

If a tenant is dissatisfied with the arrangements or decisions we have made regarding a reasonable adjustment, we will respond in accordance with our Complaints Policy.

### **Keeping a record of a customer's needs**

At the beginning of their tenancy, we will ask our tenants whether they have any support needs and/or any communication preferences.

These will be recorded onto our internal systems and will be used in order to meet their specific needs throughout the duration of their tenancy.

We will proactively check that we have the appropriate information recorded on our systems and will amend this where information is missing or requires updating.

Any agreed reasonable adjustments will be kept under active review.

We are committed to ensuring that individuals' privacy is protected and will only collect, use and store their personal data in line with the Data Protection Act 2018 and General Data Protection Regulations 2018. If we need to use their personal data for an unrelated purpose, we will notify them, and we will explain the legal basis which allows us to do so.

### **Reasonable adjustments to our complaints process**

We will make reasonable adjustments to our complaints service where necessary, ensuring tenants with a disability are not at a disadvantage when accessing the service.

Examples of the reasonable adjustments we will make are:

- Using the customer's communication preference throughout the duration of the complaint;
- We will not request a complaint to be made in writing where this presents a barrier or disadvantage to the customer due to their disability or additional needs;
- Extension of any time limits (where it is lawful to do so); and
- Provide information in alternative formats eg. Braille, large print or on coloured paper.

In the circumstance where we are unable to make a reasonable adjustment due to cost or resources, we will work together with the tenant to find the most appropriate alternative solution for them.

## **Training**

We will ensure that all housing staff have training to raise their awareness of what reasonable adjustments can be made and how these can be requested

This will include:

- Induction and refresher training will be provided for all staff to raise ~~and~~ awareness of, and create a good understanding of, reasonable adjustments
- Ensuring that all staff are aware of this policy and have the skills and knowledge to comply with it and its associated procedures

## **Guidance**

As a general rule, we ask all our staff to follow the guidelines below:

Ask – don't assume. Remember that many disabilities or special needs are not necessarily visible or obvious. Therefore, we should ask our customers routinely whether they need additional support. We don't need to be intrusive –we should explain how we would normally deal with an issue the person has raised and then ask: "Do you need any additional support, for example because of a disability or other special circumstance?" That leaves the way open for the person to tell you as much or as little as he or she chooses about the circumstance whilst still requesting the support they need.

Listen. Most customers with disabilities or special needs will know what support they need and will tell you how you can help them. Try to meet their request where it is reasonable to do so.

Be flexible. Customers in similar sets of circumstances may have different needs or requests – just because people have a similar disability, it does not mean that they will require the same support.

## **Website**

We want as many people as possible to be able to use our website. For example, that means you should be able to:

- Change colours, contrast levels and fonts
- Zoom in up to 300% without the text spilling off the screen
- Navigate most of the website using just a keyboard
- Navigate most of the website using speech recognition software
- Listen to most of the website using a screen reader (including the most recent versions of JAWS, NVDA and VoiceOver)

We have also made the website text as simple as possible to understand.

On most of our web pages you will see a 'Listen' link underneath the title of the page. This service will read out the text of the web page. This can help many people, including people with visual impairments, people with dyslexia, low literacy, or people whose first language is not English.

## **Equality Impact Assessments**

We will complete an equality impact assessment each time we develop or review a policy, procedure or service. The assessment is to help us make sure our decision making is fair and does not present any barriers or disadvantage to customers from any protected group (including disability) under the Equality Act 2010.

## **Appeals**

If a customer is dissatisfied with the arrangements or decisions we have made regarding a reasonable adjustment, we will respond in accordance with our Complaints Policy.

If necessary when reviewing our decision, we will seek advice from specific expert disability groups.

## **Review of this policy**

The policy will be reviewed every three years in consultation with tenant representatives, staff, and other stakeholders, including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier.



*Tendring*  
District Council

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## **VULNERABILITY POLICY**

May 2024

### **A.4 APPENDIX B**

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## **VULNERABILITY POLICY**

### **INTRODUCTION**

We want to assist vulnerable customers to access our services and to help our vulnerable tenants to maintain their tenancies. This policy sets out the steps we will take to achieve this.

This policy has been written in accordance with the Equality Act 2010 as well as the Housing Ombudsman Service's Complaints Handling Code and the Regulator of Social Housing's revised Consumer Standards.

#### **Purpose of this policy**

The purpose of this policy is to:

- set out how we define vulnerability
- set out how we will identify vulnerable adults and record their needs
- provide clear information about how we can adapt our services to meet the needs of vulnerable customers
- ensure that we adopt a consistent approach to responding to any resident who is experiencing vulnerability to make sure that they have equal access to our services
- improve customer understanding and satisfaction with our services
- set out how our performance will be monitored and reviewed
- ensure that we meet all statutory and regulatory requirements

This policy does not aim to explain how we will approach every circumstance where a reasonable adjustment is requested. It is a general statement of our commitment to ensure any customer with disabilities are not at a disadvantage when accessing our services

#### **Scope of policy**

This policy applies to our tenants, prospective tenants and leaseholders.

#### **Legal and regulatory context**

- Equality Act 2010

This sets out the duties the Council has 'to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it'.

- Housing Health and Safety Rating System (HHSRS)

This is a risk-based assessment procedure used to identify potential risks or hazards to occupants in their homes. In carrying out the assessment, consideration has to be given to those who fall within the defined extra risk or vulnerable group.



➤ Care Act

This sets out the responsibilities of local authorities regarding assessing and meeting individuals' care needs. A fundamental component of the Care Act is the 'suitability of accommodation' in meeting the home care and support needs of older and vulnerable people. The Act is clear that the provision of suitable accommodation can be a fundamental part of the care and support given to vulnerable adults.

➤ Social Housing Regulation Act 2023

The Regulator of Social Housing's Transparency, Influence and Accountability Standard requires registered providers to 'treat all tenants with fairness and respect' and demonstrate that they understand the different needs of tenants, including in relation to the equality strands and tenants with additional support needs'. This is accompanied by a specific expectation that providers will 'demonstrate how they will respond to those needs in the way they provide services and communicate with tenants'.

➤ Housing Ombudsman Complaints Handling Code

This states that landlords should 'comply with the Equality Act 2010 and may need to adapt normal policies, procedures or processes to accommodate an individual's needs. Landlords shall have a reasonable adjustments policy in place to address this'.

### **Defining Vulnerability**

For the purpose of this policy, vulnerability refers to any individual who is or may be in need of help or support due to mental health difficulties, disability, age, illness or frailty and who are or may be unable to look after their home or their own wellbeing or protect themselves from harm or exploitation from others. It also includes those who may experience an exceptional life event and who find themselves temporarily unable to manage without additional support.

This definition reflects our understanding that 'vulnerability' can be a changeable state influenced by multiple factors and experiences such as age, disability, bereavement, mental health, domestic violence and poverty.

We recognise that, at times during our lives, we can all experience moments of vulnerability. Therefore, for the purpose of this policy, we class vulnerability as anyone who experiences difficulties with everyday living to the extent that they require additional support to sustain their tenancy or access our services, so that they are not disadvantaged.

Examples of tenants who may have specific requirements include but are not limited to those who:

- Have sensory impairments, such as visual or hearing impairment
- Do not have English as a first language
- Are socially isolated or lonely
- Have disabilities that limit their physical mobility
- Have learning disabilities
- Have mental health problems

- Are frail or elderly
- Have alcohol or substance misuse problems
- Are experiencing domestic abuse or harassment
- Lack capacity to make decisions (under the Mental Capacity Act 2005)

A person may be classed as vulnerable because of a single temporary incident, for example an incident of domestic abuse, or at different times, for example due to a recurring mental health problem. There are certain groups of people who may also find it more difficult to access our services due to a key characteristic such as those where English is not their first language.

Some of these factors are a constant and some can be a life event such as bereavement or domestic violence that does not necessarily remain a permanent state. It is the interaction of these factors that will determine how vulnerable a person is at any point in time and how much additional assistance they may require to sustain their tenancy.

### **Signs of vulnerability**

There are a number of signs that someone may be vulnerable. These may include, but are not limited to the following:

- Falling into rent arrears or other debt problems
- Issues with maintaining their tenancy
- Being the victim or perpetrator of anti-social behaviour or harassment
- Disputes with neighbours
- Damage to their home
- Detrimental change in a person's physical appearance
- Failure to respond to correspondence or to answer the door when visited
- Self neglect, hoarding or other behaviour which results in the person's home and / or garden becoming damaged, neglected or otherwise unfit
- Erratic rent payment history and falling into arrears when the tenant previously had a good payment record

### **Identifying vulnerability**

When a tenant contacts us, we have an opportunity to identify whether they are vulnerable. However, it is important that the identification of vulnerabilities is not just at first contact but is reviewed throughout a tenancy and whenever contact is made.

A resident's vulnerability may be also be identified by:

- Reviewing any support needs or vulnerabilities identified in a Housing Register application form

- At the time a new tenant signs their tenancy agreement
- During home visits
- Reports from relatives or care givers
- Reports via a support agency or another external agency, such as the Police
- Local knowledge gathered or observed through day to day housing management activities

We expect all of our staff to be aware of the possibility that a resident may be vulnerable either from information they receive or their own observations during routine work such as home visits.

### **Recording Vulnerability**

We will record any known vulnerability, particular communication or access needs on a tenant's record as well as whether there is anyone with delegated authority to speak to us on the tenants behalf, such as a care or support worker. This will make sure our staff will have advance knowledge of any additional factors to consider when delivering services.

We will proactively check that we have the correct information recorded on our systems and will update this where information is missing or has changed.

Any safeguarding concerns will be raised in accordance with the Council's Safeguarding Policy which sets out how we identify and support vulnerable adults and children at risk, and ensure statutory agencies are involved immediately we have a concern.

### **Provision of services**

#### **Signposting and referrals**

When a member of staff identifies a tenant as being vulnerable, they will seek to signpost or refer the person to appropriate support if it is needed. Some of the services signposted or referred to may include:

- GPs and other health services
- Mental health services
- Adult Social Services (for care and support services or safeguarding)
- Occupational Health
- Substance misuse services
- Domestic abuse services
- Debt advice and welfare benefit services
- Advocacy services

Those who are caring for vulnerable people in a voluntary capacity, such as a partner or relative, may also need support and we will signpost carers to sources of support or advice whenever it is appropriate to do so.

### **Communication**

We will advertise and communicate about our services in a variety of ways and will aim to engage with our tenants in a way which meets their needs. This includes our website, emails, text messages and more traditional methods including hard copy print letters, leaflets and newsletters. We will provide translations, interpreters or documents in alternative formats to meet identified needs as appropriate.

We will ensure that our website is as accessible and user-friendly as possible. Our accessibility features include the ability to change the language displayed.

Tenants can also ask us to send correspondence to someone who will act on their behalf.

### **Access to Housing**

All of our properties are allocated in accordance with our Housing Allocations Policy.

Before giving any additional priority on the Housing Register due to vulnerability we will require confirmation of the circumstances from a medical professional or other relevant support agency

When making an offer of accommodation, we will review any information we receive or hold on vulnerability to make sure that the offer of the accommodation is suitable for the individual and their family. This will assist with our long term aim of tenancy sustainment.

In deciding whether to enter into a tenancy agreement, any prospective tenant must be able to understand:

- Their obligation to pay rent as a tenant and to occupy and maintain the interior of the flat
- The landlord's obligations, e.g. to maintain the property
- That failure to keep to the terms of the tenancy agreement could mean they are evicted

When they sign their tenancy agreement, new tenants will be asked to confirm whether they have any support needs and/or any communication preferences or needs. This ensures that we can communicate with them in a way that is tailored to their individual needs. These needs and preferences will be recorded onto our internal systems and will be used in order to meet the tenant's specific needs throughout the duration of their tenancy. We will also regularly check that the information we hold is up-to-date.

We will help vulnerable tenants who are registered for a mutual exchange to search for homes on the Homeswapper website if they are unable to use this due to their vulnerability, for example older people without access to a computer or smartphone.

## **Income Recovery**

All tenants must pay their rent on time and we will advise and support those who are struggling to make these payments. Vulnerable tenants may well have other money problems and experience difficulties with budgeting. We will help those who approach us or who fall in to arrears to maximise their income and will support them in managing their budgets. We will also agree a realistic plan to help them pay their rent and any arrears.

When taking action to recover rent arrears, vulnerability risk assessments are completed early in the process and these are reviewed at a management level prior to any decisions to proceed with eviction proceedings.

## **Repairs & Maintenance**

Tenants are responsible for carrying out minor repairs and maintenance in their homes and these responsibilities are set out in their tenancy agreement.

Vulnerable tenants may find it more difficult to cope if something goes wrong in their home and they need a repair. When a tenant contacts us to request a repair, we will confirm if there are any disabilities or support needs that we need to take into account. This will then be recorded on the tenant's record so that the service we deliver can be tailored to their needs.

When a repair, which is the responsibility of the tenant, is outstanding and is urgent, we may complete the repair and recharge the tenant the amount it cost us to do this. However, we recognise that some tenants may not be able to fulfil their repair responsibilities due to their vulnerability. When deciding whether to recharge a tenant, we will take into consideration their age, disability and any other vulnerability which may prohibit them from fulfilling these responsibilities. Further details are set out in our Rechargeable Works Policy for Council Tenants and Leaseholders.

We will pay for any repairs resulting from damage caused to a tenant's home during an incident of domestic abuse. We will also cover the costs of lock changes or additional security required to improve the security of the home of a victim of domestic abuse. Where appropriate a resident may ask for a security code word to be used to gain access to their home. If given, this will be available to the member of staff or representative to give added security to residents that feel especially vulnerable.

We will support the provision of aids and adaptations that help residents enjoy independence, privacy and dignity by accessing aids and adaptation funding.

## **Fire Safety**

We recognise that some of our residents have complex needs that may put them at risk of fire or injury in their homes. Residents who smoke in their homes, those who are hoarders and those with limited mobility would be at greater risk of fire.

When we identify a tenant who falls into this category, we will work with them to ensure that they can live safely in their home and that any mitigation is put in place to enable this.

## **Tenancy Sustainment**

We employ a Tenancy Sustainment Officer whose role is to provide short-term, intensive support to help a tenant sustain their tenancy.

Where they are supporting a new tenant, it will be about supporting them with what they need to do to settle into or remain in their home ensuring they have adequate furniture, providing assistance for them to apply for benefits and provide guidance and advice on how to manage their income so that they can maintain their tenancy.

If an individual does not have the mental capacity to make decisions for themselves, we will work with carers, advocates and legal representatives of vulnerable residents and customers to ensure they are able to access the services they need in line with the Mental Capacity Act 2005.

### **Dealing with Anti-Social Behaviour**

We acknowledge that anti-social behaviour or harassment may be directed towards a vulnerable individual or household because of prejudices held by a perpetrator. Such prejudices may be targeted at, for example, people living with physical disabilities, learning disabilities or mental health issues. We also recognise that, in some instances, vulnerable residents may be reluctant to report incidents to us and may be less able to cope with what may traditionally be regarded as low-level anti-social behaviour.

We will be alert to these types of incidents and encourage people to report them to us.

Our Tenancy Management and Tenant Engagement Officers have a regular presence on estates and are encouraged to report and / or respond to any victimisation which they may witness.

We take a victim centred approach to all reports of anti-social behaviour and carry out a victim vulnerability risk assessment in all cases. This tool helps us measure any additional risks to the vulnerable victims.

Some tenants may act in an anti-social way due to behaviours related to their vulnerability. If this happens, we will try to engage them as well as any relevant support services and carers to see if we can improve the situation before we take any enforcement action against their tenancy.

However, we do have to balance the safety and well-being of neighbouring residents with the well-being of any vulnerable perpetrator in considering the most appropriate response.

Further information can be obtained from our Anti-Social Behaviour Policy.

Prior to taking possession action, we will use the Pre Court Action Protocol and carry out an Equality Impact Assessment to ensure our actions are fair, reasonable and proportionate,

### **Protected characteristics**

In the exercise of our functions and in accordance with the Equality Act 2010, we must have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;"

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

While we do not necessarily define all people with a protected characteristic as ‘vulnerable’ for the purposes of this policy, we will give due consideration to any protected characteristics in deciding any enforcement action under the terms of a tenancy or lease to avoid any inadvertent discrimination.

In the delivery of our services, we will consider whether our decision would have an unfair or disproportionate impact on the tenant compared with another tenant who does not have a protected characteristic.

### **Training**

We will ensure that all relevant staff have training to raise their awareness of vulnerability issues, their impact on tenants and the assistance we can offer

This will include:

- Induction and refresher training for all staff involved in the delivery of housing services in customer service and vulnerability issues, such as dementia awareness, so that they are equipped to deliver a quality housing service
- Ensuring that all staff are aware of this policy and have the skills and knowledge to implement it and its associated procedures

### **Monitoring**

Compliance with this policy will be monitored by periodic reviews of case records by the relevant team manager.

In addition, any tenant who receives support from our Tenancy Sustainment Officer will have their cases reviewed regularly.

### **Complaints Procedure**

The Council's Housing Complaints Policy is available to any tenant or prospective tenant who is dissatisfied with any aspect of the housing services we provide.

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

## **Equalities Statement**

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

We want all our tenants to have the opportunity to be involved, regardless of age, disability, ethnicity, gender, sexual orientation, marital status or civil partnership, pregnancy or maternity status. Discrimination on the basis of any of these grounds 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

## **Review of policy**

The policy will be reviewed every three years in consultation with tenant representatives, staff, other stakeholders, including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory which necessitate a review prior to this.





*Tendring*  
District Council

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# UNACCEPTABLE CUSTOMER BEHAVIOUR POLICY

May 2024

A.4 APPENDIX C

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## **Introduction**

Tendring District Council's Housing Service is committed to dealing with all customers fairly, impartially and in a timely manner.

Communicating with our housing customers is usually a straightforward process and we do not limit the contact between us and the public. Our customers have the right to express their views and ask questions about our housing services and their comments and suggestions are important in helping us shape and improve the services we deliver. We also accept that, in times of trouble or distress, people may act out of character when they approach us and we will not automatically view behaviour as unacceptable simply because someone is reasonably forceful or determined in their approach.

In a minority of cases, some customers may choose to behave in a manner towards our staff, contractors or others providing housing services on our behalf and/or place demands on our services that are unacceptable. The health, safety and wellbeing of our staff is of paramount importance and we also have a responsibility to make best use of public resources. Unacceptable or unreasonable behavior can have a negative impact on the handling of their request and a significant impact on our resources and our ability to provide services to other customers.

## **Purpose of this policy**

This policy aims to:

- Set out our approach to managing housing customers whose behavior is unacceptable;
- Define what we consider to be unreasonable and / or unacceptable behaviour;
- Identify the steps that may be taken when dealing with unreasonably persistent communicators and unacceptable customer behaviour so that everyone knows what to expect;
- Set out what is expected of staff when confronted by such behaviour and what options may be applied to manage this; and
- Identify who can authorise the application of this policy.

## **Scope of policy**

Housing Services definition of a customer is 'if you contact us for any reason or you are affected by anything we do, you are one of our customers'

This policy applies to behaviour towards staff, contractors and any other agencies, organisations or individuals providing housing services on our behalf.

We will take action to protect staff and other customers from behaviour that is considered to be unreasonable and / or unacceptable. If a customer behaves in a way that is considered unreasonable and / or unacceptable we will follow this policy.

## **Definition of unacceptable behaviour**

We understand that people can act out of character in times of stress or when they are upset or unhappy with a situation or decision, particularly when this relates to their housing situation.

It is also important that, even in difficult circumstances, we try to offer the best service possible as it is likely that our housing customers will have an ongoing relationship with us.

However, there are times when customers are angry, demanding or persistent and this can result in unreasonable demands being placed on a service or unacceptable behaviour towards our staff. This policy is designed to manage these types of situations.

A customer should always be given an opportunity to rectify his or her behaviour and, in the first instance, our staff should explain that they find someone's behaviour or language unacceptable and allow the customer to remedy, moderate or change their behaviour.

We also recognise that a person's actions may be affected by disability, including mental health issues, substance misuse or other factors. All of these factors and any other relevant matters will be taken into account in the implementation of this policy.

### **Abusive or offensive behaviour**

Staff delivering housing services have the right not to suffer abusive, offensive or threatening behaviour even when a customer is under stress.

Some examples of unacceptable behaviour might include but are not limited to:

- Abusive or offensive language; remarks of a sexual nature; racist language; homophobic or other discriminatory remarks;
- Shouting;
- Offensive gestures;
- Verbal or physical threats;
- Damage to Council property;
- Punching, kicking, head butting, spitting;
- Bullying or intimidating behaviour;
- Attempting to assault someone;
- Using, brandishing or throwing weapons or objects aiming to inflict harm;
- Stalking or other forms of harassment;
- Publishing unacceptable information on social media, websites, newspapers, etc; and
- Making defamatory / false or inflammatory claims about the Council and / or staff which are not based on any valid evidence

### **Unacceptable demands on services**

Some customers may make unacceptable demands on our housing services due to the amount of information they ask for, the nature and scale of service they expect and the number of approaches they make in relation to an issue(s). In some cases, this may be unintentional and what amounts to unacceptable demands will depend on the circumstances surrounding the particular issue(s) and the customer's behaviour.

Examples of unacceptable demands might include but are not limited to:

- Demanding responses within an unreasonable timescale;
- Insisting on seeing or speaking to a particular member of staff;
- Sending the same or similar request to several members of staff;
- Refusing to end a telephone call – and/or insisting on speaking to someone who is either not available or not the appropriate person (e.g. the Chief Executive); and

- Requiring responses to correspondence where the content is malicious.

We may view these and other types of contact to be unacceptable if it impacts significantly upon workloads and/or the capacity to deliver an effective service, for example, taking an excessive amount of staff time to the disadvantage of other customers.

### **Unacceptable persistent contact**

We recognise that some of our housing customers will not or cannot accept that we are unable to help them further or provide a level of service other than that already provided. Customers may persist in disagreeing with the action or decision taken in relation to their concerns or they may contact us persistently about the same issue(s).

Examples of unacceptable persistent contact might include but are not limited to:

- Persistent refusal to accept a decision that has been made in relation to their issue or service request;
- Persistent refusal to accept explanations relating to what we can or cannot do;
- Persistent refusal to follow the proper procedures explained to them in order to pursue their issue/concern;
- Making an excessive number of telephone calls or visits to Council offices;
- Sending an excessive number of emails or letters;
- Continuing to contact us on the same issue(s) without presenting any new information; and
- Use of other names by the customer to try and access our staff to raise the same issues

It is not necessarily the manner in which these customers communicate with us, but their persistence in doing so that goes beyond them being reasonably forceful or demanding.

In certain instances, continuously contacting an individual member of staff or the Council with telephone calls, texts, emails etc. or other unacceptable persistent behaviour may be considered to be harassment.

### **Reasonable Adjustments**

We understand that some of our customers may have disabilities that may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. We also recognise that some disabilities can make it difficult for customers to assess the impact that their behaviour might have on other people.

We will always consider making reasonable adjustments for a disabled customer if we are asked to do so and our Reasonable Adjustment Policy sets out how and when we will do this. For example, we could consider using different methods of communication, or agree to give clear warnings when we feel that a customer's behaviour is unacceptable so that they have the opportunity to change it.

However, we would not consider it to be reasonable to expect our staff or contractors to accept being subjected to aggressive, offensive or abusive actions, language or behaviour. Even if a customer has a disability, we may still use this policy if there are actions or behaviours which are having a negative effect on our staff or our work.

Where a customer needs to be represented by a third party (for example a family member or support worker), such provisions will be accepted with written consent from the customer. The same provisions contained within this policy relating to acceptable behaviour will also apply to the advocate.

### **Application of this policy**

This policy may be applied when the 'business as usual' management of behaviour has not been effective and it is deemed necessary by the relevant Assistant Director or Service Manager to formally manage and/ or restrict contact or communication.

### **Face to face contact**

All staff involved in the delivery of housing services are empowered to ask a customer to leave the Council's premises if they feel the customer is being aggressive, abusive or offensive. The person dealing with the customer has the right to make this decision. In most cases, the person dealing with the customer will advise them that their behaviour is unacceptable and ask them to leave if it does not stop. If it is necessary, this will be enforced by the Council's security company or the Police.

### **Telephone calls**

The use of abusive and offensive language towards our staff and contractors will not be tolerated. Telephone calls will be ended if the caller is being aggressive, intimidating, abusive or offensive. The person taking the call is empowered to make this decision. The caller will be advised that their behaviour and/or language are unacceptable and that the call will be ended if it continues. The call may also be ended if the customer refuses to conclude the conversation and persists in staying on the line. There may be rare occasions when the person involved is unable to give a warning that the call will be ended if the customer's unacceptable behaviour/language continues, in which case they are empowered to end the call immediately.

### **Correspondence**

We will not process any written correspondence (email or letter) that is abusive. If communications of this nature are received, we will tell the customer that their communication is considered to be inappropriate and offensive. The customer will be asked to stop corresponding in this way and told that, if they do not stop, we will not respond to any further communication from them. We may also consider requiring all future contact to be made through a designated third party.

### **Exceptions**

Where a customer's behaviour is so extreme that it threatens the immediate safety and welfare of our staff, contractors or the public, we will consider other options. These may include, for example, reporting the matter to the Police or taking legal action. In such cases we may not give the customer prior warning of that action.

### **Restricting Customer Access**

Where there is a concern about the behaviour of a customer that falls within the scope of this policy, our member of staff that has been dealing with them or any contractor acting on our behalf will, in the first instance, ask the customer either verbally or in writing to modify their behaviour.

If a customer's behaviour continues to cause concern after being given an initial warning then we may look to restrict their access to us.

In cases where it is decided that someone's behaviour is unacceptable or unreasonable in accordance with this policy, we will write to them to detail why this decision has been made. We will also explain the restricted contact arrangements (see below) required to manage the situation and tell them how long these restrictions will be in place. This will be done whether the decision was made at the time of a particular incident or following further consideration by a senior manager. In some cases it may be necessary to apply several restrictions at one time.

Where a customer's behaviour is so extreme that it poses an immediate threat to the health, safety or wellbeing of staff or other service users, the customer may not receive prior warning that access to our housing services may be restricted. We will, however, provide written confirmation of our decision to the customer, where possible.

Sometimes a customer's behaviour can cause significant alarm, distress or concern that a criminal act may have taken, or be about to take place. When such situations arise, we will consider reporting the matter to the Police or other relevant authorities. Each decision will be based on an assessment of risk. The underlying principle will be the need to protect our staff and others from harm or the threat of harm.

If we do decide to restrict a customer's access, we may decide to apply one or more of the following actions (or any other action deemed appropriate):

- Request the customer to only send communication to a dedicated Council email address and/or only use a dedicated Council telephone number;
- Place time limits on telephone calls and/or personal contacts;
- Require that any personal contact takes place in the presence of a witness (including telephone calls);
- Record all telephone calls and/or personal contacts;
- Arrange for a named member of staff to deal with all calls or correspondence from the customer;
- Require the customer to make an appointment to see a named employee before visiting Council premises;
- Limit communication to written only;
- Inform the customer that their correspondence will only be read (to ensure no new issues have been raised), acknowledged and filed;
- Closing communication with the customer on a specific issue where a complaint has been closed or unreasonable demands or persistence on a specific matter continue
- Inform the customer that all contact must be through a designated third party;
- Apply a "warning flag" on the service user's electronic record to classify them as using unacceptable behaviour;
- Block or redirect the customer's telephone number or email address; or
- Ban the customer from entering council premises for a defined period
- Use of legal remedies to tackle anti-social, threatening or abusive behaviour towards staff or Council property.

#### **Single Point of Contact (SPOC):**

The use of a Single Point of Contact (SPOC) will be instructed by a senior manager or Assistant Director. A specific point of contact is intended to help manage the impacts of a customer's behavior when all other efforts have failed.

The SPOC will be a single named contact who will take receipt of / record and monitor all further contact from the customer & / or their representative. The appropriate SPOC for each case will be agreed by a senior manager or Assistant Director.

Prior to a decision being taken to restrict contact to a SPOC, we will write to the customer with an initial 'warning letter' explaining why their conduct is causing a problem and explaining the restrictions that may be applied if that behaviour persists.

If the customer's conduct persists or in cases of overt aggression / violence or other unacceptable conduct, a 'notification letter' will be sent immediately to restrict the customer's interactions with us to a SPOC. This letter will give the name and contact details of the SPOC, give full reasons for the arrangement, the duration that the restriction's will apply and or a timescale for the arrangements to be reviewed.

Customers who are restricted to a SPOC will be given the name of a second named person who they may contact if their SPOC is unavailable.

Cases where this restriction is applied will be reviewed every 6 months.

Where the customer continues to behave in a way which is unacceptable or unreasonable, the Corporate Director or an Assistant Director may decide to refuse all contact with the customer and (where applicable and not in contravention of legal requirements) stop services.

All decisions will be taken in full consideration of the merits of the customer/s enquiries or service requests, their individual circumstances, whether the behaviour displayed is proportionate to their experience, the customer's responsiveness and cooperation alongside any jurisdictional or statutory issues that may dictate the way the relationship that they have with the local authority.

### **Appealing a decision to restrict access**

A customer has the right to appeal against a decision to restrict contact and this will be responded to in accordance with our Housing Complaints Policy.

### **Equality and diversity**

To ensure the Council complies with its Public Sector Equality Duty, consideration will be given as part of the restricting customer access process to the potential impact in relation to any known protected characteristic(s) pertaining to the customer, before the decision is made.

The Council will always refer to the Mental Capacity Act when applying this policy.

### **How we record and review a decision of Unacceptable or Unreasonable Behaviour**

We will record all incidents of unacceptable / unreasonable actions which have resulted in contact being restricted. This log will be held centrally and will detail:

- Who - the name and address of the customer whose behavior is treated as unreasonable or unreasonably persistent;
- What - what the restrictions are; and
- When- the restriction came into force and when it ends (or will be reviewed).

A decision to restrict contact will be shared with other council services to ensure it is enforced consistently.

All decisions to restrict contact will be reviewed every six months by the relevant Senior Housing Manager in consultation with the Assistant Director. We will always write to the customer to let them know the outcome of a review. However, the process of restricting contact may be revisited if this then restarts a cycle of correspondence.

The decision to lift any actions taken may be appropriate where a customer subsequently demonstrates a more reasonable approach or following a successful appeal via the Complaints Policy.

If a decision is made to remove, reduce or extend any restrictions the customer will be notified in writing. If the decision is made to keep in place any actions/restrictions the customer will be provided with an explanation as to why this decision has been made and when the next review will take place.

### **New enquiries or service requests from customers who have been treated as displaying unacceptable or unreasonable behaviour**

New queries or service requests submitted from people who have come under effect of this policy will be treated on their individual merits. The relevant service manager, in consultation with the Assistant Director will decide whether any restrictions that have been applied before are still appropriate or necessary. However, we do not have a blanket policy of ignoring genuine service requests or other enquiries.

### **Support services for staff**

In addition to support provided by line managers to ensure the safety and welfare of the staff member, support services are available for employees within the Council via the Employee Assistance Programme. Assistance may also be available through a trade union.

### **Review of this policy**

The policy will be reviewed every three years in consultation with tenant representatives, staff, other stakeholders, and including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier.



## CABINET

24 MAY 2024

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### A.5 ANNUAL HOUSING COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT INCLUDING SELF-ASSESSMENT AGAINST THE HOUSING OMBUDSMAN'S COMPLAINT HANDLING CODE

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To present to Cabinet an Annual Complaints Performance and Service Improvement report for scrutiny and challenge, which includes a self-assessment carried out against the Housing Ombudsman's Complaint Handling Code for 2023/24 prior to publication and submission.

###### EXECUTIVE SUMMARY

In July 2020, the Housing Ombudsman published a new Complaint Handling Code ("the Code") that provided a framework for high-quality complaint handling and greater consistency across landlord's complaint procedures. Its aim was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements.

This Code was revised in 2022 to make it explicit about what was mandatory and where it was appropriate for landlords to use their discretion to achieve best practice in complaint handling.

Prior to the implementation of these revisions, complaints against the Council, as a landlord, were dealt with under the Corporate Complaints Policy. However, the revision of the Code and self-assessment at the time resulted in a stand-alone procedure being developed for handling complaints received regarding the Council in its capacity as a landlord to ensure that it meets all of the requirements of the code.

Following the implementation of the Social Housing (Regulation Act) 2023, the Housing Ombudsman's Complaint Handling Code became statutory on 1 April 2024. This was accompanied by a further revision of the Code and the Council's Housing Complaints Policy has been amended to take account of these changes.

The Complaint Handling Code 2024 requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge and this information should be presented to the landlord's governing body. As part of this, landlords are required to look beyond the circumstances of individual complaints and consider whether any service improvements can be made as a result of learning from complaints and these are outlined in Appendix A.

The annual complaints performance and service improvement report also includes a self-assessment against the Code and this information and this needs to be published.

The Social Housing (Regulation) Act 2023 also places a duty on the Housing Ombudsman to monitor compliance with its statutory Complaint Handling Code and to assist with this, all landlords are required to submit their self-assessment to the Housing Ombudsman by 30 June each year, commencing in 2024.

It is also worth noting that the Local Government and Social Care Ombudsman and the Housing Ombudsman have been working closely to harmonise the respective Codes for Complaint Handling. In late 2023 the two Ombudsman services consulted on a single code across both of their areas of responsibilities. In recognition of the different legal powers the organisations hold, the conclusion reached was to produce two closely aligned Codes for complaint handling. In view of this, it is timely to look at the harmonisation of the Corporate and Housing Complaints procedures to deliver the expectations of the closely aligned Ombudsman Codes. This review will be programmed within 2024/25.

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

**That Cabinet:**

- (a) endorses the Portfolio for Housing and Planning performing the role of Member Responsible for Complaints for the purposes of the Housing Ombudsman Complaint Handling Code and associated guidance;**
- (b) in accordance with the Housing Ombudsman's Complaint Handling Code and in compliance with Cabinet's scrutiny and oversight requirements, receives the Councils Annual Complaints Performance and Service Improvement Report, which includes the Annual Self-assessment against the Code, as set out in Appendices A and B.**
- (c) subject to (b) formally provides its response to the Annual Complaints Performance and Service Improvement report, for publication;**
- (d) authorises officers to publish both the Report and the Cabinet's response on the Council's website within the section relating to complaints and to submit the self-assessment to the Housing Ombudsman by 30 June;**  
**and**
- (e) notes that there is to be a review in 2024/25 of the Council's Corporate and Housing Complaints procedures to deliver the expectations of the now closely aligned Local Government & Social Care and Housing Ombudsmen Codes.**

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

To approve the self- assessment carried out before its submission to the Housing Ombudsman.

#### **ALTERNATIVE OPTIONS CONSIDERED**

The Council's Complaints self-assessment sets out how we comply with the Housing Ombudsman's Complaint Handling Code and the evidence to support this position. The only alternative option would be to not complete this assessment.

The Social Housing (Regulation) Act 2023 places a duty on the Housing Ombudsman to monitor compliance with its statutory Complaint Handling Code. This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the Code for complaint handling. To assist with this, all landlords are required to submit their self-assessment to the Housing Ombudsman by 30 June each year, commencing this year.

If this was to not be completed or submitted, the Council would risk non-compliance with the Complaints Handling Code

Where the Housing Ombudsman identifies any concerns with a landlord's compliance with the Code, they will engage with them to bring them back into compliance promptly. If there is evidence of ongoing failures in compliance, the Ombudsman will consider using their wider powers including Complaint Handling Failure Orders (CHFO). The

Ombudsman Self-assessment Guidance states a landlord's failure to provide their submission may be issued with a Type 3 CHFO (non-compliance with the statutory Complaint Handling Code).

## PART 2 – IMPLICATIONS OF THE DECISION

<b>DELIVERING PRIORITIES</b>			
The operation of an effective complaints policy and procedure contributes to the Corporate Plan 2024-28 themes of pride in our area and services to residents and of financial sustainability and openness.			
<b>OUTCOME OF CONSULTATION AND ENGAGEMENT</b>			
Consultation and engagement has been undertaken with members of the Council's Tenants Panel regarding the revised Housing Complaints Policy and the self-assessment and performance report will be presented to its next meeting.			
We will continue to regularly engage with our Tenants Panel to review performance statistics relating to complaints.			
<b>LEGAL REQUIREMENTS (including legislation &amp; constitutional powers)</b>			
Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	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)	27 March 2024
<p>The Social Housing (Regulation) Act 2023 placed a duty on the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code ("the Code"). This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the Code for complaint handling, regardless of their size and operating model.</p> <p>The legal duty placed on the Ombudsman to monitor compliance with the Code, is regardless of whether it receives individual complaints from residents about a landlord. Landlords must assess against the Code and assure policies and practices comply with the Code at least annually. For the first time, this means landlords need to submit their self-assessment annually to the Ombudsman. The self-assessment must form part of the Council's Annual Complaint Performance and Service Improvement Report. Landlords may wish to include wider scrutiny arrangements such as using a tenant panel to review its self-assessment or complaints policy to satisfy itself that its complaints function is operating with the Code.</p> <p>The timing of the annual submission to the Ombudsman has been aligned with the Regulator of Social Housing's requirements for the publication and submission of Tenant Satisfaction Measures (TSM) outcomes. For landlords with over 1,000 homes</p>			

this will be 30<sup>th</sup> June 2024. The self-assessment must also be published on the Council's website so that residents are able to easily access it.

The Housing Ombudsman Service has provided Self-assessment guidance. The self-assessment must be provided to the Housing Ombudsman using the dedicated electronic form, which asks landlords to provide electronic links to key information and documentation required to support their submission, these include:

- The self-assessment as published on the website
- The annual complaints performance and service improvement report
- The governing bodies response to the report
- The complaints policy

For the purposes of complying with the self-assessment process Cabinet is the governing body and is required to provide a response to the report.

Failure to comply with the Code may result in Type 3 Complaint Handling Failure Orders (CHFOs) being issued. A Type 3a may be issued where a landlord fails to provide their annual submission form to demonstrate compliance in scrutiny and oversight of the complaints handling process. A Type 3b CHFO may be issued where the Ombudsman has found that there is non-compliance with the Complaint Handling Code with respect to policy or in handling complaints in practice.

The Code Compliance Framework ("the Framework") sets out how the Ombudsman will assess whether a landlord has effectively scrutinised itself, whether its complaints policy complies with the Code, and whether it complies with the Code in practice.

The Framework states that the Ombudsman will assess compliance with the Code in three areas, and the requirements in all three areas must be met:

- Compliance in Scrutiny and Oversight
- Compliance in Policy
- Compliance in Practice

Under the area of Compliance in Scrutiny and Oversight, the landlord must have:

- a) Produced an Annual Complaints Performance and Service Improvement Report, for submission to the governing body, which must include:
  - the annual self-assessment against the Code to ensure their complaint handling policy remains in line with its requirements;
  - a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;
  - any findings of non-compliance with the Code by the Ombudsman;
  - the service improvements made as a result of the learning from complaints;
  - its actions following any annual report about the landlord's performance from the Ombudsman; and
  - its actions following any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.
- b) That the annual complaints performance and service improvement report has been reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.

These are Code provisions 8.1 and 8.2.

Under the area of Compliance in Policy, the landlord's complaints policy must meet the expectations of the Code contained in all other provisions.

Under the area of Compliance in Practice, the landlord's complaints handling must meet the expectations of the Code in practice. This assessment is based on an assessment of the landlord's own reported performance, data and insights from the Ombudsman's casework and information from external data sources.

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

The Monitoring Officer has assisted with the production of the Cabinet report and provided the text within the Legal Requirements section above. The Self-Assessment Guidance states Landlords should consider the completion of the self-assessment as an opportunity to reflect on their approach, and to make any necessary changes to policy, process, or practice to ensure effective complaint handling.

In preparation for completing the self-assessment, landlords should ensure they are fully aware of the provisions and requirements for handling complaints effectively and fairly

Completion of the self-assessment will typically require landlords to:

- review current practices to identify any gaps or actions required to comply
- take any necessary action to ensure that Code requirements are met
- gather and document evidence to support the assessment of compliance
- scrutinise and challenge the assessment, to provide assurance
- publish the self-assessment and wider documentation
- communicate and embed changes made through the self-assessment

The above is not an exhaustive list of the actions needed to complete the self-assessment; landlords should utilise their own governance and scrutiny channels to assure the governing body, and their residents that they comply with the Code.

When completing the self-assessment landlords should continually ask themselves if it is a true reflection of their complaint handling service, and how they have assured that this is the case. The Complaint Handling Code requires one member of the governing body (i.e. Cabinet) to have lead responsibility for housing complaints. The role is responsible for ensuring the Cabinet receives regular information on complaints that provides insight and learning on the landlord's complaint handling performance.

The Housing Ombudsman Service has previously provided Best Practice Guidance for Landlords for the Effective Involvement of Governing Bodies in relation to its 2022 revision of the code and this is included as Appendix C to this report.

The Member Responsible for Complaints (MRC) should be responsible for ensuring that the self-assessment is scrutinised and challenged. The expectation is that the MRC is responsible for ensuring that complaint handling drives service improvement for residents and learning and business improvement for the organisation. This accords with the Report to Cabinet being in the name of the Portfolio for Housing and Planning, who should be confirmed as the MRC in this context. This forms part of their role in embedding a positive complaint handling culture across housing services.

An MRC in presenting the assessment should consider:

- examining the evidence referred to and ensuring that this is complete and accessible to readers including staff and residents
- scrutinising any data and performance information included to ensure the governing body is satisfied that it is accurate, reliable, and repeatable
- challenging any commentary or context, to ensure that it is a fair and reasonable assessment

Both the self- assessment and performance report have been presented to the MRC and the MRC will have an ongoing monitoring role with complaints information being presented and reviewed on a quarterly basis from 1 April 2024. This will ensure that data is scrutinised and challenged and will provide assurance that the service is handling complaints effectively and using the insights gained from these to drive service improvement.

Cabinet as the governing body is required to provide scrutiny and challenge to the Annual Report and the self-assessment, provide a response prior to publication and submission by 30<sup>th</sup> June 2024.

The purpose of publishing the governing body’s response to the self-assessment is to provide assurance that the self-assessment is a true reflection of the landlord’s complaint handling. The response should set out how the MRC has scrutinised and challenged the self-assessment and how any risks identified as part of the review have been addressed. Landlords should also include any lessons learned through the self-assessment process and actions taken as a result. The response can also highlight areas of achievement and any challenges that the landlord has faced during the reporting year. When doing so, landlords are encouraged to take an open and transparent approach to demonstrate accountability to their residents and other stakeholders.

The Housing Ombudsman expects the role of the MRC to champion a positive complaint handling culture and build effective relationships with complaints teams, residents, its audit and risk committees as well wider teams and the Housing Ombudsman Service. The Council should therefore utilise the Audit Committee in year to provide additional assurance.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

There are no significant financial implications associated with this self-assessment and performance report as it confirms existing arrangements which are currently funded via existing budgets in the Housing Revenue Account

However, it is anticipated that the implementation of the revised Complaints Handling Code and the actions required to meet these will have a financial impact in the longer term.

<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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As highlighted within earlier reports relating to the HRA budgets and business plan, the new era of social housing regulation merging from the Social Housing (Regulation) Act 2023 will have a major impact on the overall financial position of the HRA in future years. It is recognised that the impact will likely be due to the aggregation of a number of emerging requirements such as those set out in this report, rather than perhaps any single item. Although the importance of such regulation is acknowledged and reflects the Council’s stated commitment and priority to provide good quality housing, the resulting costs involved either directly or through demand for the necessary additional capacity, were not reflected within the self-financing reforms implemented by the Government in 2012. Such costs therefore represent additional financial pressures that will have to be balanced against the broader challenge of delivering a long term financially sustainable HRA in future years.

**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.
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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 agrees to the self- assessment, noting any comments it wishes to make in connection with this, it will then be submitted to the Housing Ombudsman by 30 June 2024 and published on the Council’s website. The stated review in 2024/25 of the Council’s Corporate and Housing Complaints procedures to deliver the expectations of the now closely aligned Local Government & Social Care and Housing Ombudsmen Codes is intended to be completed by 31 March 2025.

**ASSOCIATED RISKS AND MITIGATION**

The Housing Ombudsman believes that all members should comply with all provisions in the Code as this represents best practice in complaint handling. The Social Housing (Regulation) Act also placed a duty on the Ombudsman to monitor compliance with their code.

Where a landlord does not meet the requirements of the Code in any areas and does not move into compliance within a reasonable timescale, the Ombudsman will issue a Complaint Handling Failure Order and publish this.

There are three types of Complaint Handling Failure Orders:

Type 1: A CHFO may be issued in relation to failings in an individual case where the Ombudsman has taken reasonable steps to seek engagement from a landlord, but the resident remains unable to progress a complaint through the landlord’s process

Type 2: A CHFO may also be issued on an individual case where the landlord has failed to provide information, either at the outset of the investigation or to confirm compliance with our orders, to the Ombudsman as requested.

Type 3: A CHFO may be issued where a landlord fails to comply with its membership obligations under paragraph 9 of the Scheme.

In addition to this, the Housing Ombudsman has powers to carry out wider investigation where there is evidence of a ‘systemic failing’ and where this the case, it will be referred to the Regulator of Social Housing. This could trigger the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.

**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.

<b>SOCIAL VALUE CONSIDERATIONS</b>	
Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower tenants.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
The operation of the Housing Complaints Policy and associated self-assessment 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, wherever relevant, in the implementation of its policies.	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b>	
<b>Crime and Disorder</b>	The Housing Complaints Self-Assessment does not directly relate to crime and disorder considerations.
<b>Health Inequalities</b>	The Housing Complaints Policy, upon which the self-assessment is based, ensures equal access to the Council's housing complaints service.
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b>	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
<b>Area or Ward affected</b>	All
<b>PART 3 – SUPPORTING INFORMATION</b>	
<b>BACKGROUND</b>	
<p>The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.</p> <p>In July 2020, the Housing Ombudsman published a new Complaint Handling Code providing a framework for high-quality complaint handling and greater consistency across landlord's procedures. Its aim was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements</p> <p>This was followed in November 2020 by the Social Housing White Paper which committed to improve the national regulatory system for social housing to make landlords more accountable and to improve the formal national ombudsman complaint system.</p> <p>This White Paper also included a 'Charter for Social Housing Tenants' and this contains seven commitments that social housing tenants should expect from their landlord, one of which was to have their complaints dealt with promptly and fairly.</p> <p>The subsequent Social Housing (Regulation) Act 2023 introduces new social housing consumer standards that contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.</p>	



In relation to complaints, the Transparency, Influence and Accountability Standard states that:

- Registered providers must ensure their approach to handling complaints is simple, accessible and publicised.
- Registered providers must provide accessible information to tenants about:
  - a) how tenants can make a complaint about their registered provider;
  - b) the registered provider's complaints policy and complaints handling process;
  - c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled; and
  - d) the type of complaints received and how they have learnt from complaints to continuously improve services

The Housing Ombudsman Service provides redress for individual tenant complaints. However, its Complaints Handling Code became statutory from 1st April 2024 and provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient. A legal duty is also placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord.

Following consultation, a further revision of the Housing Ombudsman's Code came into force on 1 April 2024 and our Housing Complaints Policy has been amended to take account of these changes.

The revised Complaint Handling Code requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge, which includes a self-assessment against the Code.

We welcome complaints and actively encourage tenants and customers to express their dissatisfaction to us. All expressions of dissatisfaction represent a positive opportunity to gather intelligence and insight that will help us to improve our service delivery.

Since the implementation of the Housing Ombudsman's Complaint Handling Code, there has been a significant increase in the number of housing complaints being recorded with these increasing from 36 in 2021/22 to 124 complaints in 2023/24.

This is partly attributable to the adoption of the Housing Ombudsman's definition of a complaint and it being made easier for residents to complain by providing different channels through which complaints can be made. There has also been a national publicity campaign to raise awareness amongst social housing tenants about how to make a complaint if they are dissatisfied with the service being provided by their landlord.

The analysis of complaints enables us to understand where things have gone wrong and to identify what we can do to stop this happening again. The service takes a positive approach to learning from both individual complaints as well as any trends in the type of complaints being received. For example, it was identified that systems need to be put in place to ensure that tenants are kept informed about the progress of repair items and that outstanding actions are tracked. This role is now being carried out by the Technical Officers team in Building Services who chase outstanding and overdue repairs and keep tenants informed of progress and delays.

From 1 April 2024, the Housing Portfolio Holder will receive a quarterly report on the volume, outcomes and trends of complaints being received and will also overview performance at the monthly meetings held with housing managers. This more formalised approach to reviewing issues, risks and trends is being implemented to support our revised complaint handling arrangements.

We will also publicise the improvements we have made as a direct result of this feedback, so tenants and customers can see how their feedback has improved standards of service. We also recognise the broader role of the Housing Ombudsman Service and will implement recommendations resulting from their investigations.

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None.

#### **APPENDICES**

**Appendix A – Housing Complaints Performance Report for 2023/24**

**Appendix B - Self assessment against the Housing Ombudsman's Complaint Handling Code**

**Appendix C - Housing Ombudsman Service Best Practice Guidance for Landlords for the Effective Involvement of Governing Bodies 2022**

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

<b>Name</b>	<b>Emma Norton</b>
<b>Job Title</b>	<b>Senior Housing Manager</b>
<b>Email/Telephone</b>	<b>enorton@tendringdc.gov.uk</b>

## **A5: Appendix A - Housing Complaints Review: 2023 - 2024**

This report outlines the complaints received in relation to housing services during the financial year 1 April 2023 to 31 March 2024 and covers the following;

- Number of complaints recorded;
- Number of complaints handled at each stage of the process;
- Complaints by type/service area;
- Complaints performance.

### **Background**

The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.

In July 2020, the Housing Ombudsman published a new Complaint Handling Code providing a framework for high-quality complaint handling and greater consistency across landlord's procedures. Its aim was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements

This code was revised in 2022 to make it explicit about what was mandatory and where it was appropriate for landlords to use their discretion to achieve best practice in complaint handling.

Prior to the implementation of these revisions, complaints against the Council, as a landlord, were dealt with under the Corporate Complaints Policy. However, the revision of the Code and subsequent self-assessment resulted in a stand-alone procedure being developed for handling complaints received regarding the Council in its capacity as a landlord to ensure that it meets all of the requirements of the code.

The Social Housing (Regulation) Act 2023 introduces new social housing consumer standards that contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.

In relation to complaints, the Transparency, Influence and Accountability Standard states that,

Registered providers must ensure their approach to handling complaints is simple, accessible and publicised.

Registered providers must provide accessible information to tenants about:

- a) how tenants can make a complaint about their registered provider;
- b) the registered provider's complaints policy and complaints handling process;
- c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled; and
- d) the type of complaints received and how they have learnt from complaints to continuously improve services.

The Housing Ombudsman Service provides redress for individual tenant complaints. However, its Complaints Handling Code became statutory from 1st April 2024 and provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient. A legal duty is also placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord.

The revised Complaint Handling Code requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge which includes a self-assessment against the Code as well information regarding complaints received.

### Complaints received

Complaints received	Number
Total number of complaints received: April 2023 to March 2024	124
Total number of complaints received: April 2022 to March 2023	74
Total number of complaints received: April 2021 to March 2022	36

There has been significant increase in the complaints recorded since the introduction and adoption of the Housing Ombudsman's definition of a complaint which is:

*'An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff or those acting on its behalf, affecting an individual resident or group of residents'.*

Complaints are accepted in a variety of ways and the complainant does not have to use the word complaint in order for it to be treated as such.

Although the Housing Ombudsman's revised Complaint Handling Code is only applicable to the Council's role as a landlord and those complaints which have an escalation route to the Housing Ombudsman's remit, our Housing Complaints Policy has been applied more broadly to include complaints regarding Housing Register applications and homelessness approaches. This ensures that all tenants, potential tenants and applicants receive the same standard of service in terms of response times and standard of response.

However, complaints that have an escalation route to the Local Government and Social Care Ombudsman are investigated and responded to at Stage 2 by the Council's Leadership Support team. Whether these complaints are included or excluded from the figures given on the following pages will be specifically stated.

### Complaints received by stage

	Under the HO remit	Under the LGSCO remit
Stage 1	65	39
Stage 2	13	7 *
Total	78	46

\* Includes 5 complaints referred to Leadership Support for investigation and response.

## Complaints received by type / service area

Service area	Stage 1	Stage 2
Responsive repairs	31	4
Planned maintenance	4	1
Rents and arrears	2	0
Tenancy matters	20	5
Neighbourhood issues	6	2
Homelessness application	18	4
Housing Register applications	21	3
Housing transfers	2	1
<b>Total</b>	<b>104</b>	<b>20*</b>

\* Includes 5 complaints referred to Leadership Support for investigation and response.

## Outcome of complaints

### Stage 1

	Upheld	Partially upheld	Not upheld
Responsive repairs	21	7	2
Planned maintenance	1	3	0
Rents and arrears	2	0	0
Tenancy matters	8	2	10
Neighbourhood issues	2	2	2
Homelessness application	3	2	15
Housing Register applications	0	2	19
Transfers / mutual exchanges	1	1	0
<b>Total</b>	<b>38</b>	<b>17</b>	<b>48</b>

One Stage 1 complaint remained under investigation as at 31 March 2024.

## Stage 2

	Upheld	Partially upheld	Not upheld
Responsive repairs	3	1	0
Planned maintenance	0	0	0
Rents and arrears	0	0	0
Tenancy matters	0	0	5
Neighbourhood issues	1	1	0
Homelessness application	0	0	2
Housing Register applications	0	0	0
Transfers / mutual exchanges	1	0	0
<b>Total</b>	<b>5</b>	<b>2</b>	<b>7</b>

One Stage 2 complaint remained under investigation as at 31 March 2024

The totals given above also excludes the outcomes of the five Stage 2 complaints investigated and responded to by Leadership Services.

In accordance with the revised Complaint Handling Code, from 1 April 2024, a complaint will no longer be able to be recorded as partially upheld. If an organisation has got something wrong, it must record the complaint as being upheld, even if there are elements of the complaint it has not upheld.

### Complaints response times

	2023
Acknowledgement (or full response) sent in 5 working days (Stage 1 & 2)	98.5%
Response to Stage 1 Complaint – 10 working days	76%
Response to Stage 2 Complaint – 20 working days	73.4% *

\* Excludes complaints referred to Leadership Support for investigation and response.

### Tenant Satisfaction Measures

From 1 April 2023, all social housing providers have been required to start collecting data for tenant satisfaction measures on areas such as repairs, safety checks and complaints.

The measures are aimed at helping improve standards for people living in social housing, by:

- Providing visibility, letting tenants see how well their landlord is doing. And enabling tenants to hold their landlords to account
- Giving the Regulator insight into which landlords might need to improve things for their tenants

There are 22 Tenant Satisfaction Measures and, in relation to complaints, the relevant measures are:

- Satisfaction with the landlord's approach to handling of complaints (measured by tenant perception survey)
- Complaints relative to the size of the landlord (measured by landlord's management information)
- Complaints responded to within Complaint Handling Code timescales (measured by landlord's management information)

These measures only relate to complaints that fall within the remit of the Housing Ombudsman Service and its Complaints Handling Code. For 2023, this covered 67 Stage 1 complaints and 13 Stage 2 complaints regarding the Council in its capacity as a landlord.

A report on the Council's performance in relation to all of the Tenant Satisfaction Measures will be presented to the Council's Cabinet in June 2024.

### **Any findings of non-compliance the Housing Ombudsman's Code**

The Social Housing (Regulation) Act 2023 places a duty on the Housing Ombudsman to monitor compliance with its statutory Complaint Handling Code. This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the Code for complaint handling. To assist with this, all landlords are required to submit their self-assessment by 30 June each year, commencing in 2024.

Should the Housing Ombudsman identify any concerns with a landlord's compliance with the Code, they will engage with them to bring them back into compliance promptly. If there is evidence of ongoing failures in compliance, the Ombudsman will consider using their wider powers including Complaint Handling Failure Orders.

However, our Housing Complaints Policy has been reviewed and revised to ensure that it meets the requirements of the Complaints Handling Code.

### **Learning from complaints**

It was identified that systems need to be put in place to ensure that tenants are kept informed about the progress of repair items and that outstanding actions are tracked. This role is now being carried out by the Technical Officers team in Building Services who chase outstanding and overdue repairs and keep tenants informed of progress and delays.

The form used by Surveyors inspecting properties has been revised to ensure that this captures as much information as possible to enable the efficient and accurate raising of repair orders.

All Investigating Officers to be reminded of the requirement to inform the complainant about any extensions required to the specified response times and to provide the Housing Ombudsman's contact details should additional or advice be required.

Our Damp, Mould and Compensation Policy and procedures has been developed and influenced with the benefit of learning from complaints

We have developed the following policies in response to the requirements of the revised Code and the Housing Ombudsman's recommendations in the Spotlight report on Attitudes, Respect and Rights:

- Reasonable Adjustments Policy
- Vulnerability Policy
- Unacceptable Customer Behaviour Policy

### **Planned improvements**

We intend to:

Include details about how to complain and the Housing Ombudsman service in our annual service charge statements to leaseholders

Produce guidance for those provided with temporary accommodation under homelessness legislation to improve their understanding of their rights and responsibilities

Produce an annual newsletter for those on the Housing Register to manager their expectations about the supply and availability of Council housing in the district.

Introduce a new repairs reporting form on our website to enable tenants to more accurately describe the repair that is required in their property.

Publish an online Repairs Handbook to assist tenants with the accurate reporting of the repairs required in their homes.



Regularly include information about how to complain and the role of the Housing Ombudsman in our tenants' newsletter and on our website.



In future, this report will also include any annual reports about our performance that have been received from the Housing Ombudsman as well as any relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.



**A5: Appendix B: Self-assessment against the Housing Ombudsman’s Complaints Handling Code**


**Section 1: Definition of a complaint**


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	<p>A complaint must be defined as:</p> <p><i>‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’</i></p>		Housing Complaints Policy	The Council’s Housing Complaints Policy adopts the Housing Ombudsman’s definition of a complaint.
1.3	<p>A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.</p>		Housing Complaints Policy	<p>Our Housing Complaints Policy explains what an “expression of dissatisfaction” means and confirms that the complainant does not have to use the word “complaint” when expressing dissatisfaction.</p> <p>The policy also explains that a third party i.e. someone acting on behalf of a person or organisation receiving or seeking to receive a service from the Council (e.g. Councillor, MP, next of kin), may use the complaints process.</p> <p>Information is also provided about organisations that may assist a person in making a complaint and staff will signpost to these where applicable.</p>


1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.		Housing Complaints Policy	<p>Our Complaints Policy explains that a first time request for a service or for information from the Council is not viewed as a complaint. This would be classed as a service request.</p> <p>However, a repeated request or if further enquiries are needed to resolve the matter, or if the resident requests it, the issue will then be logged as a complaint</p>
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.		Housing Complaints Policy	Our Policy states that, if a resident expresses dissatisfaction with our response to their service request, this would be classed as a complaint even if we are still handling their request.
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider		Housing Complaints Policy Response letter to transactional surveys	We often ask residents to complete surveys – for example, after major maintenance or improvement works have been carried out. Any dissatisfaction expressed through these surveys would not be defined as a complaint although we will make respondents aware of how they can pursue a complaint. A revision has been made to our processes so that any



	feedback about their services, they also must provide details of how residents can complain.			<p>tenant expressing dissatisfaction via a transactional survey is advised of how to submit a formal complaints.</p> <p>Regular articles will also be included in tenants newsletters explaining how to complain and will also be included in any articles giving feedback on broader consultations, for example the TSM responses.</p>
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## Section 2: Exclusions


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits.		Housing Complaints Policy	<p>All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure - see para 2.2 below.</p> <p>Each complaint is considered on its individual merits and, if not accepted, the resident will be advised of the reason for this.</p>





<p>2.2</p>	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> <li>• The issue giving rise to the complaint occurred over twelve months ago.</li> <li>• Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.</li> <li>• Matters that have previously been considered under the complaints policy.</li> </ul>		<p>Housing Complaints Policy</p>	<p>Our Housing Complaints Policy sets out the circumstances when a complaint will not be accepted and these include:</p> <ul style="list-style-type: none"> <li>➤ requests for a service</li> <li>➤ complaints about the actions of a third party (for example, a noisy neighbour);</li> <li>➤ matters where there is a separate means of resolution (for example, a Tribunal or appeals route);</li> <li>➤ matters dealt with under the Council's Employment Procedures;</li> <li>➤ insurance claims against the Council;</li> <li>➤ requests for information;</li> <li>➤ corporate complaints (complaints about any other Council service – these are dealt with under the Corporate Complaints Procedure);</li> <li>➤ complaints that have already been investigated under this or another of the Council's complaints procedures;</li> </ul>

				<ul style="list-style-type: none"> <li>➤ complaints that have been investigated by the Housing or Local Government Ombudsman;</li> <li>➤ complaints made twelve months after the date the resident learned that something went wrong (unless there are exceptional circumstances why the complaint has not been made sooner);</li> <li>➤ complaints relating to Freedom of Information and Environmental Information Requests;</li> <li>➤ complaints about Councillors;</li> <li>➤ complaints outside of the Council's jurisdiction (for example, complaints about utilities companies);</li> <li>➤ complaints subject to legal proceedings;</li> <li>➤ complaints about the level of rent or service charge or the amount of the rent or service charge increase; or</li> <li>➤ complaints from contractors about their commercial or contractual relationships with the Council.</li> </ul>
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside		Housing Complaints Policy	Our Housing Complaints Policy has been revised to confirm that we now accept complaints referred to us within 12 months of the issue occurring or the resident becoming aware of this. This time limit was previously six months. It also confirm that we have the discretion to accept complaints outside of this



	this time limit where there are good reasons to do so.			timeframe where there are good reasons for doing to.
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.		Housing Complaints Policy	<p>All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure (see para 2.2).</p> <p>In these circumstances, an explanation will be provide to the resident setting out why the matter is not being accepted as a complaint.</p> <p>The resident will also be informed of the right to take that decision to the Housing Ombudsman and provided with their contact details.</p>
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.		Housing Complaints Policy	<p>All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure - see para 2.2 above.</p> <p>Each complaint is considered on its individual merits and, if not accepted the resident will be advised of the reason for this.</p> <p>There is not a blanket approach taken to excluding complaints.</p>

Section 3: Accessibility and Awareness


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.		Housing Complaints Policy Website Tendring Reports Reasonable Adjustments Policy	<p>Our Policy sets out the various ways that a complaint can be made to us and these include</p> <ul style="list-style-type: none"> <li>➤ by filling in our Complaints form, which is available on our website and on request from any member of staff;</li> <li>➤ by raising it with any member of our staff</li> <li>➤ by emailing <a href="mailto:councilhousingcomplaints@tendringdc.gov.uk">councilhousingcomplaints@tendringdc.gov.uk</a></li> <li>➤ by phoning 01255 686868 or the direct number of the team you have been dealing with; or</li> <li>➤ by visiting our Reception at Pier Avenue in Clacton, which is open Monday, Tuesday and Wednesday from 10am to 1pm</li> </ul> <p>We will regularly publish details about our complaints handling process and also publish information regarding the advice and support that can be provided by the Housing Ombudsman.</p> <p>A separate Reasonable Adjustments Policy has been developed which specifically includes a section on complaint handling.</p>



3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.		Training delivered by EELGA Emails to staff Staff newsletter articles	All staff have been and continue to be made aware of the complaints procedure This is included in the training delivered to all new staff and included in team members one to ones.
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.		Quarterly quantitative reports to Portfolio Holder responsible for Housing  Tenant Satisfaction Measures	High volumes of complaints will not be seen as a negative. The volume of complaints received has increased significantly since the introduction of our Housing Complaints Policy and the adoption of the Housing Ombudsman's complaint definition. The volume of complaints received will be reviewed following the publication of the TSM data
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.		Housing Complaints Policy Website Tending Reports	The Complaints Procedure is published on the Council's website and this details the two stage process and timescales. Hard copies of this Policy are available on request and information is included in our tenant's newsletter, Tending Reports.
3.5	The policy must explain how the landlord will publicise		Housing Complaints Policy Website	We will regularly publish details about our complaints handling process and policy. We also publish information





	details of the complaints policy, including information about the Ombudsman and this Code.			regarding the advice and support that can be provided by the Housing Ombudsman. Our Policy is published on our website.
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.		Housing Complaints Policy	This is included in the Policy together with details of organisations who may be able to provide assistance, such as Citizens Advice Bureau.
3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.		Housing Complaints Policy Website Tending Reports Posters	Each complaint acknowledgement and response advises that support and advice can be obtained from the Housing Ombudsman <del>letters</del> and provides contact details. The Ombudsman service is also publicised via posters in the Council's offices, via its website and tenants newsletters.





Section 4: Complaint Handling Staff



Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.		Housing Complaints Policy Job descriptions	<p>The Head of Democratic Services and Elections is the Council’s Corporate Complaints Officer and has overall responsibility for the Corporate Complaints and for being the point of liaison with both the Local Government and Social Care Ombudsman service and the Housing Ombudsman. The Corporate Director (Operations and Delivery) is responsible for the effective operation of the complaints procedure within their area of responsibility. Following the revision of the Housing Ombudsman’s Code in 2022, a stand- alone Housing Complaints Policy was introduced and the Senior Housing Manager is responsible for ensuring that complaints are dealt with in accordance with the Complaints Procedure.</p> <p>Complaints are received and logged by the Business Support Officer and are then allocated to officers as follows:</p> <ul style="list-style-type: none"> <li>• Stage 1 complaints – the complaint is allocated to the relevant service Manager.</li> <li>• Stage 2 complaints – the complaint is allocated to the Assistant Director responsible for the function that is the subject of the complaint. The complaint will not be investigated by the same person who investigated the Stage 1 complaint.</li> </ul>



				Reminders are sent in relation to Stage 1 and Stage 2 complaints to ensure resolution within to stated timeframes
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.		Housing Complaints Policy Job descriptions	The officer responsible for recording complaints has access to staff at all levels. However, the resolution of complaints and response rests with service managers and / or the relevant Assistant Director.
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively		Housing Complaints Policy Job descriptions Emails / training for staff	We ensure that all relevant staff are aware of this policy and have the skills and knowledge to implement it and its associated procedures. Key messages regarding the prioritisation of complaint handling are disseminated to staff via team meetings and individual meetings.

### Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.		Housing Complaints Policy	A Housing Complaints Policy is in place and residents are not treated differently if they complain
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such		Housing Complaints Policy	Our Housing Complaints Policy states that the Council will try to resolve complaints informally wherever possible. Circumstances may warrant an informal complaint to proceed to Stage 1 of

	as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.			the formal complaints process. Where a review of a Stage 1 decision is requested, reconsideration of the decision is carried out at Stage 2 of the complaints process. The Complaints Procedure states that the complaint must be acknowledged within 5 working days of receipt by the Council.
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.		Housing Complaints Policy	The Housing Complaints Policy comprises of only two stages.
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.		Housing Complaints Policy Standard practice	In the majority of cases, our complaint response – even if relating to a contractor – will be handled by the Council. Residents would not be expected to go via two separate complaints processes.
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.		Housing Complaints Policy Standard practice	See above comment in 5.4
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.		Housing Complaints Policy Standard practice	The acknowledgement sent at stages 1 and 2 sets out the Council's understanding of the complaint and the outcomes the resident is seeking – also known as the complaint definition.

				If any aspect of the complaint is unclear, the resident will be asked for clarification by the investigating officer.
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.		Housing Complaints Policy Response letters sent	If any aspects of the complaint do not fall within the landlord responsibility, this will be clearly set out in the acknowledgement response sent and the complainant will be advised who this element of their complaint this matter should be referred to.
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> <li>a. deal with complaints on their merits, act independently, and have an open mind;</li> <li>b. give the resident a fair chance to set out their position;</li> <li>c. take measures to address any actual or perceived conflict of interest; and</li> <li>d. consider all relevant information and evidence carefully.</li> </ul>		Housing Complaints Policy	Our Housing Complaints Policy includes the following complaint handling principles <ul style="list-style-type: none"> <li>➤ Conduct the investigation in an impartial manner</li> <li>➤ Deal with the complaint on its individual merits</li> <li>➤ Aim to resolve complaints at the earliest stage possible</li> <li>➤ Act independently and have an open mind</li> <li>➤ Take measures to address any actual or perceived conflict of interest</li> <li>➤ Consider all information and evidence carefully</li> <li>➤ Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter</li> <li>➤ Give the complainant and anyone who is subject to a complaint a fair chance to set out their position</li> <li>➤ Not generally identify individual members of staff or contractors</li> </ul>



				<ul style="list-style-type: none"> <li>➤ Keep the complainant updated about the progress of the investigation</li> <li>➤ Send a response when the answer to the complaint is known and not when outstanding actions to address the issue are completed.</li> <li>➤ Advise the complainant of their right to seek advice from the Housing Ombudsman Service throughout the complaints process</li> <li>➤ Advise the complainant of their right to escalate a complaint and not unreasonably refuse to escalate a complaint</li> <li>➤ Keep a record of all complaints and the outcomes at each stage</li> </ul>
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.		Housing Complaints Policy Email reminders to staff	All investigating officers are aware of the requirement to agree any time extensions required with the complainant and to provide the Housing Ombudsman’s contact details.
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.		Housing Complaints Policy Reasonable Adjustments Policy	A separate Reasonable Adjustments Policy has been developed and this confirms that a record will be kept of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Reasonable adjustments will be kept under active review.

5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.		Housing Complaints Policy	The Council will not refuse to escalate any compliant unless it has valid reasons to do so.
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.		Housing Complaints Policy Housing complaints database and supporting folders	All records relating to individual complaints are retained, in line with the Council's Retention Policy. This includes the original complaint, all subsequent correspondence with the resident, correspondence with other parties and any relevant supporting documentation.
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.		Housing Complaints Policy	Our Housing Complaints Policy aims to ensure that complaints are resolved at the earliest stage possible using available remedies, as appropriate.
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.		Housing Complaints Policy Unacceptable Customer Behaviour Policy	A separate Unacceptable Customer Behaviour Policy has been developed and implemented. This sets out what is defined as unacceptable behaviour and the action the Council can take in response to this, as well as the review mechanisms in place.
5.15	Any restrictions placed on contact due to unacceptable behaviour must be		Housing Complaints Policy Unacceptable Customer Behaviour Policy	This has been taken into account in the Unacceptable Customer Behaviour policy.






	proportionate and demonstrate regard for the provisions of the Equality Act 2010.			
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## Section 6: Complaints Stages

### Stage 1


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.		Housing Complaints Policy Complaint records	Our Housing Complaints Policy aims to ensure that complaints are resolved at the earliest stage possible using available remedies, as appropriate. Most complaints are able to be resolved at Stage 1.  A separate Vulnerability Policy has also been developed.
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <b><u>within five working days of the complaint being received.</u></b>		Housing Complaints Policy Complaints database and records Vulnerability Policy	Complaints are logged and acknowledged within five working days of the complaint being received. A complaints database records the complaints received, together with a summary of the complaint and applicable timescales. The acknowledgement will identify who will be responsible for investigating the complaint and the target date for response. The acknowledgement will also set out our understanding of the complaint and the outcome the resident is expecting.











6.3	Landlords must issue a full response to stage 1 complaints <b>within 10 working days</b> of the complaint being acknowledged.		Housing Complaints Policy Complaint database and records	Our Housing Complaints Policy has been amended to reflect this change in response times.
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.		Housing Complaints Policy Complaint database and records	The investigating officer will be responsible for deciding whether an extension to the applicable timescale for response is required and for informing the complainant. Any extension will not exceed 10 working days unless there is a good reason for this and the reason(s) is clearly explained to the resident.
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.		Housing Complaints Policy  Individual complaint responses	This information is included in the correspondence informing the resident of the deadline extension.  This information is also included in the acknowledgement of the complaint.
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.		Housing Complaints Policy Complaints records	The complaint response letter is sent as soon as the answer to the complaint is known. The Investigating Officer or someone nominated on their behalf is responsible for ensuring that outstanding actions are tracked and that updates are provided to the complainant
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.		Housing Complaints Policy Complaints records	The Investigating Officer is responsible for ensuring that all points raised in the complaint definition are addressed and for providing clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.



6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.		Housing Complaints Policy Complaint correspondence	This information is included in the Policy to ensure that complainants know how additional issues raised will be dealt with. This will also be confirmed in correspondence to the complainant.
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: <ul style="list-style-type: none"> <li>a. the complaint stage;</li> <li>b. the complaint definition;</li> <li>c. the decision on the complaint;</li> <li>d. the reasons for any decisions made;</li> <li>e. the details of any remedy offered to put things right;</li> <li>f. details of any outstanding actions; and</li> <li>g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.</li> </ul>		Housing Complaints Policy Complaints correspondence	The specified requirements for Stage 1 responses are confirmed in the Policy.

### Stage 2


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's		Housing Complaints Policy Complaint correspondence	Our Policy states that, if a complainant is unhappy with the initial response received to their complaint, they should contact us and ask for their complaint to be escalated to Stage Two.


	procedure. Stage 2 is the landlord's final response.			<p>They do not have to explain or give a reason for requesting that a complaint is escalated to Stage 2.</p> <p>We will only refuse to escalate a complaint to Stage 2 if we have a valid reason for doing so and, if this is the case, we will always provide an explanation.</p>
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.		Housing Complaints Policy Complaint database and records	Complaints are logged and acknowledged within five working days of the complaint being received. A complaints database records the complaints received, together with a summary of the complaint and applicable timescales. The acknowledgement will identify who will be responsible for investigating the complaint and the target date for response. The acknowledgement will also set out our understanding of the complaint and the outcome the resident is expecting.
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.		Housing Complaints Policy Complaint correspondence	Our Policy states that, if a complainant is unhappy with the initial response received to their complaint, they should contact us and ask for their complaint to be escalated to Stage Two. They do not have to explain or give a reason for requesting that a complaint is escalated to Stage 2.
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.		Housing Complaints Policy Complaint correspondence	Stage 2 complaints will be investigated by an Assistant Director responsible for the service in question or their nominated representative. Stage 2 complaints will not be investigated by



				the same person that considered the complaint at Stage 1.
6.14	Landlords must issue a final response to the stage 2 <b>within 20 working days</b> of the complaint being acknowledged.		Housing Complaints Policy Complaint correspondence	Our Housing Complaints Policy has been amended to reflect this change in response times
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.		Housing Complaints Policy Complaint correspondence	The investigating officer will be responsible for deciding whether an extension to the applicable timescale for response is required and for informing the complainant. Any extension will not exceed 20 working days unless there is a good reason for this and the reason(s) is clearly explained to the resident
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.		Housing Complaints Policy Complaint correspondence	This information is included in the correspondence informing the resident of the deadline extension.  This information is also included in the acknowledgement of the complaint.
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.		Housing Complaint Policy Complaints correspondence	The complaint response letter is sent as soon as the answer to the complaint is known. The Investigating Officer or someone nominated on their behalf is responsible for ensuring that outstanding actions are tracked and that updates are provided to the complainant
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.		Housing Complaint Policy Complaint correspondence	The Investigating Officer is responsible for ensuring that all points raised in the complaint definition are addressed and for providing clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.		Housing Complaints Policy Complaint correspondence	The specified requirements for Stage 2 responses are confirmed in the Policy.
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.		Housing Complaint Policy Complaint correspondence	Our Housing Complaints Policy is a two stage process.

### Section 7: Putting things right



Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include: <ul style="list-style-type: none"> <li>Apologising;</li> <li>Acknowledging where things have gone wrong;</li> </ul>		Housing Complaints Policy Complaint correspondence	Our Policy includes a section on Putting things right and this states: Where something has gone wrong, we will acknowledge this and set out the actions we have already taken or intend to take to put things right. These can include:

	<ul style="list-style-type: none"> <li>• Providing an explanation, assistance or reasons;</li> <li>• Taking action if there has been delay;</li> <li>• Reconsidering or changing a decision;</li> <li>• Amending a record or adding a correction or addendum;</li> <li>• Providing a financial remedy;</li> <li>• Changing policies, procedures or practices.</li> </ul>			<ul style="list-style-type: none"> <li>➤ Acknowledging where things have gone wrong</li> <li>➤ Providing an explanation, assistance or reasons</li> <li>➤ Taking action if there has been a delay</li> <li>➤ Reconsidering or changing a decision</li> <li>➤ Amending a record or adding a correction or addendum</li> <li>➤ Providing a financial remedy</li> <li>➤ Changing policies, procedures or practice.</li> </ul> <p>Complaints can be resolved at any stage of our complaints policy.</p> <p>If we uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose one or more of the above actions. The aim of these actions is to put you back in the position you were in before the problem occurred and make amends for any loss you may have suffered as a result. Although we will consider each complaint on its merits we will try to ensure we offer similar remedies for similar situations.</p> <p>Remedies may include a review of our practices and procedures to ensure that the same thing does not happen again, or we may take a specific action.</p>
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.		Housing Complaints Policy Complaints handling practice	In considering appropriate remedies, the Investigating Officer will consider




				<ul style="list-style-type: none"> <li>• What outcome does the complainant want to achieve by complaining? What has gone wrong?</li> <li>• Can action be taken to put the person affected back in the position they would have been in if nothing had gone wrong?</li> <li>• Is there an actual quantifiable financial loss, such as costs incurred or payments not received?</li> <li>• How severe was any other impact in terms of distress, harm or risk?</li> <li>• Overall, is the remedy proportionate, appropriate and reasonable?</li> </ul>
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.		Housing Complaints Policy Complaint correspondence	The complaint response letter will clearly set out any remedial actions and the timescales for these. The Investigating officer will then be responsible for ensuring that the proposed remedy is followed through to completion. A record of the remedy will be recorded on the complaints database.
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.		Complaint handling practice	This guidance is taken into account when deciding on remedies.

### Section 8: Putting things right


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
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<p>8.1</p>	<ol style="list-style-type: none"> <li>1. Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</li> <li>2. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.</li> <li>3. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;</li> <li>4. any findings of non-compliance with this Code by the Ombudsman;</li> <li>5. the service improvements made as a result of the learning from complaints;</li> <li>6. any annual report about the landlord's performance from the Ombudsman; and</li> <li>7. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</li> </ol>		<p>Housing Complaints Policy Cabinet report Complaints self-assessment Complaint performance report</p>	<p>A self-assessment will be carried out April each year to ensure that our complaints handling policy remains in line with the requirements of the Housing Ombudsman's Complain Handling Code</p> <p>An annual report will also be prepared and presented to the Council's Cabinet no later than the end of June covering these requirements to ensure transparency and enable scrutiny and challenge</p>
<p>8.2</p>	<p>The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing</p>		<p>Housing Complaints Policy Cabinet report Complaints self-assessment Complaint performance report</p>	<p>This report will be presented to the Council's Cabinet no later than the end of June each year and will be published on the Council's website, together with any comments made by Cabinet.</p>






	body's response to the report must be published alongside this.			
8.3	Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.		Housing Complaints Policy Complaints self-assessment	A self-assessment will be carried out following any significant restructure, merger and / or change in procedures
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.		Ombudsman investigation Complaints self-assessment	If required to do so, this will be carried out.
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. Landlords must provide a timescale for returning to compliance with the Code.		Housing Complaints Policy	This is included in our Complaints Policy and will be actioned, if and when applicable.

### Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.		Housing Complaints Policy Quarterly performance reports Annual complaint performance report Service meetings	From 1 April 2024, the Portfolio Holder responsible for Housing will receive quarterly updates on complaint performance including whether any service improvements can be made as a result of any learning from complaints. This will also be included in the annual complaint report presented to the Council's Cabinet. Complaint handling will also be included as a standard agenda item on the regular meetings that the Portfolio Holder responsible for Housing has with housing managers, commencing in April 2024

9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.		Housing Complaints Policy Quarterly performance reports Annual complaint performance report Service meetings	From 1 April 2024, the Portfolio Holder responsible for Housing will receive quarterly updates on complaint performance including whether any service improvements can be made as a result of any learning from complaints. Complaint handling will also be included as a standard agenda item on the regular meetings that the Portfolio Holder responsible for Housing has with housing managers, commencing in April 2024
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.		Website Trending Reports Tenant Panel meeting minutes	Updates on the Council's performance in handling housing complaints will be included on the Council's website and in its tenant newsletters. Regular items will also be included on the agenda for the Tenants Panel.
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.		Complaint performance reports Service meetings	This role has been allocated to the Senior Housing Manager who will assess any themes or trends to identify potential systemic issues, serious risks or policies and procedures that require revision.
9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').		Housing Complaints Policy Service meetings	The Portfolio Holder responsible for Housing is the Member Responsible for Complaints (MRC) and has lead responsibility to support a positive complaint handling culture. The MRC will receive quarterly quantitative and quantitative reports and will discuss issues relating to complaints performance at monthly meetings with housing managers.

9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.		Housing Complaints Policy Quarterly performance reports Annual complaint performance report Service meetings	An annual report will be presented will be presented by the MRC to the Council's Cabinet to provide insight on our complaint handling performance
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and d. annual complaints performance and service improvement report.		Housing Complaints Policy Annual complaint performance report	An annual report will be presented to the Council's Cabinet no later than the end of June covering these requirements to ensure transparency and enable scrutiny and challenge
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to: a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments; b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and		Housing Complaints Policy	These objectives are included in our Housing Complaints Policy and reinforced to staff via various methods of internal communications.

	c. act within the professional standards for engaging with complaints as set by any relevant professional body.			
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**Effective Involvement of  
Governing Bodies:  
Best Practice Guidance for  
Landlords**

**Published March 2022**

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## Introduction

The Housing Ombudsman improves residents' lives and landlords' services through housing complaints, by resolving disputes and promoting learning. We:

- set standards for complaint handling in the social housing sector and for our voluntary members,
- provide independent, impartial, and fair dispute resolution,
- proactively investigate potential systemic issues either within a landlord or across the sector, and
- seek to support landlords to improve their complaint handling through a range of sector development tools.

Housing complaints should perform a strategic role providing an essential source of intelligence on evolving risks and performance. They have the potential to identify issues which are not being identified elsewhere and provide insight and learning to help improve resident services.

Board members and councillors have a critical role in making this happen and ensuring a positive complaints culture within their organisation. We know many board members and councillors are already doing this, thereby strengthening their organisation's relationship with residents.

In this guidance we share some best practice and outline our expectations of governing bodies and how complaints information can support them to improve service delivery.

## Housing Ombudsman's powers

The Ombudsman has a dual role – to resolve disputes and support dispute resolution by others. Our decisions are binding, and landlords are obliged to comply with our orders.

Our revised Scheme came into effect on 1 September 2020, strengthening our powers to promote accountability, transparency, and fairness. This includes increasing awareness of resident rights, accessibility to redress and complaint resolution speed. We can now be proactive when we identify systemic issues and can notify or refer cases to the Regulator of Social Housing where we identify issues such as repeated complaint handling failure, potential systemic failure, and severe maladministration findings.

The revised Scheme also enables the Ombudsman to report any significant concerns or findings to a landlord's governing body.

## Complaint Handling Code

Published in March 2022, the Complaint Handling Code sets standards for complaint handling in the social housing sector and for voluntary members. It is a

condition of membership that landlords comply with the Code and landlords are required to self-assess against it, reporting the outcome to their governing body or councillors before publishing it.

The Code is designed to assist governing bodies in the fulfilment of their duties in relation to resident services and resolution of disputes: delivering its mission and values, devising its strategy, and delivering its plans. The Housing Ombudsman supports the four principles of good governance promoted by National Housing Federation (NHF) and believes complaints and their resolution have an important part to play in best practice governance. We also support the advice to councillors set out in the Local Government Association's workbook on complaints.

## Complaints as a barometer

Complaints can help governing bodies effect change. They can help manage risks, enrich resident insight and engagement, reduce the cost of failure and evidence compliance. Effective handling can also support a landlord's environmental, social and governance credentials.

- Mission – the governing body leads the organisation in pursuing its social purpose and values. Complaints can provide an unfiltered source of insight to councillors and board members on how well the landlord is meeting its purpose.
- Resident Focus – complaints provide insight into what is important to residents and can inform how an organisation responds to its residents.
- Equality, Diversity, and Inclusion – complaint themes can give specific insight. Are any of your policies resulting in unfair outcomes for groups of residents? Are there any groups of residents who are not accessing the complaint process, and if so, why not?
- Risk Management - ensuring key risk areas particularly regulatory, financial, and reputational are properly managed and mitigations are put in place.

## Positive complaints culture

Governing bodies have a powerful role to promote a positive complaints culture within their organisations. Achieving this is essential to fulfilling the landlord's social purpose and strengthening the resident and landlord relationship. They have an important role seeking assurance that their organisation has a learning culture which manages risk, that there are robust learning processes in place and that service improvements are being implemented. For housing associations, this has been reinforced by the NHF Code of Governance.

In organisations delivering high quality services complaints are valued as an opportunity to learn, an early warning of flawed processes, policies, or behaviours, and to identify areas for improvement.

The Ombudsman's Complaint Handling Code promotes accessibility to the complaint process and high numbers of complaints should not necessarily be viewed as negative.



Governing bodies can support learning from complaints by:

### **Compliance**

- Ensuring their organisation is compliant with membership obligations under the Housing Ombudsman Scheme and meets the standards set out in the Complaint Handling Code through continuous self-assessment and implementation of adjustments. This self-assessment process can also be an opportunity for resident involvement and scrutiny, something we have seen many landlords successfully do.
- Ensuring their organisation complies with Complaint Handling Failure Orders and orders made where maladministration has been found.
- Cooperating with Ombudsman investigations when they are referred to the governing body.

### **Awareness**

- Tasking the organisation to raise awareness of the complaint process, making sure it is accessible and effective to build confidence in complaint handling among residents as a core part of a positive resident and landlord relationship.
- Ensuring every employee supports effective complaint handling, ensuring complaint handlers have the authority within the organisation to help put things right when they go wrong.
- Ensuring openness and transparency with residents about complaints.

### **Learning**

- Encouraging cross-organisational learning and sourcing learning from other organisations.
- Using intelligence provided by the Ombudsman to develop and improve services, ensuring recommendations are actioned and, where necessary, reviewing policies, procedures and approach following Ombudsman reports.
- Reviewing the Ombudsman's annual landlord complaint performance report and considering performance against peers.
- Demonstrating learning from complaints through the commentary in the annual Financial Statements.

## **Governance Reporting**

The Complaint Handling Code requires one member of the governing body to have lead responsibility for complaints. This role is responsible for ensuring the governing body receives regular information on complaints that provides insight and learning on the landlord's complaint handling performance. As a minimum, the governing body should receive:

- Regular updates on the volume, categories, and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders.
- Regular reviews of issues and trends arising from complaint handling.

- The annual performance report produced by the Ombudsman, where applicable.
- Individual complaint outcomes where necessary, including where the ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales.
- The annual self-assessment against the Complaint Handling Code for scrutiny and challenge.

Other information that is helpful for governing bodies is:

- Resident feedback – to enable discussion of key themes or concerns for residents, recognise success and identify further actions that may be required.
- Horizon scanning – this should include key changes in the social housing sector that will impact on residents and the delivery of housing services. This will include legislation and regulation.

Member landlords will govern their services differently and the Housing Ombudsman has a diverse membership. Where information on complaints is reported will vary, whether to the main board or cabinet or delegated to a committee, and how the main governing body seeks assurance is a matter for individual landlords.

## Good questions to ask

In supporting, challenging, and seeking assurance from executive teams, board members and councillors can enable high quality debate and reflection by asking critical questions such as:

- How are we raising awareness of our complaint procedure?
- How would we know if particular groups within our residents were finding it hard to complain, or to achieve a satisfactory resolution of their complaint?
- What assurance do we have that we comply with the Ombudsman's Complaint Handling Code?
- Why did we receive a Complaint Handling Failure Order and what have we done to avoid a recurrence?
- How does our complaint performance compare to other similar landlords?
- How do we use the Ombudsman's thematic reports and determinations to improve our own services?
- How do we triangulate our complaint information, other sources of customer feedback and service quality indicators by geography and other characteristics to inform our strategies?
- What does the annual self-assessment tell us? What actions need to be taken?
- What did we learn from complaints last year/quarter?
- How is this learning being disseminated to staff? And to residents?

## Tools for governing bodies

The Ombudsman provides several tools to support board members and councillors.

- **Landlord performance reports** – these online reports provide data, information, and insight on complaint handling performance
- **Complaint Handling Failure Orders** – we publish the total number of failure orders issued, the names of the landlords and the reasons for the orders.
- **Spotlight reports** – thematic reports on issues identified through complaints the Ombudsman has investigated and resolved such as heating and hot water, leaseholders, and shared ownership.
- **Annual complaint performance report** – this will provide an overview of complaints handling performance in the sector, with analysis and insight. These reports are usually published in the autumn and cover the previous financial year.
- **Governing bodies webinars** – these webinars focus on the role of governing bodies in delivering effective complaint handling services.
- **Insight reports** – these provide insight into the Ombudsman’s casebook and contain information on complaint handling data and trends.
- **Published decisions** – we publish our investigation decisions every two weeks.
- **E-newsletter** – we have a regular e-newsletter that you can subscribe to.

## Useful links

Sign up to our e-newsletter [to keep up to date with Housing Ombudsman activity](https://public.govdelivery.com/accounts/UKHOS/subscriber/new?qsp=CODE_RED)

Follow us on Twitter [@HousingOmbuds](#)

Follow us on LinkedIn [@Housing Ombudsman](#)

Complaint Handling Code – to see the Code in detail

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

Spotlight reports such as heating and hot water, cladding and damp and mould

<https://www.housing-ombudsman.org.uk/useful-tools/>

Other publications such as: quarterly reports on complaint handling failure orders, insight reports and reports on severe maladministration findings

<https://www.housing-ombudsman.org.uk/useful-tools/>

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## CABINET

24 MAY 2024

### JOINT REPORT OF THE PORTFOLIO HOLDER FOR HOUSING & PLANNING & MONITORING OFFICER

#### A.6 Further Update on Spendells House and Review of Budget and Reference under Section 5 of the Local Government and Housing Act 1989

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

- To update Cabinet on progress with Spendells House being retained and reconfigured for the provision of temporary housing accommodation.
- To seek continued support for the project in the light of the options available and the ongoing need for the accommodation.
- To seek additional funding for additional work to address matters that were not within the specification and were brought to light in the course of the project.
- To inform Members of a breach of the Council's Financial Procedure Rules and legal decision making requirements with regard to variation of a contract without sufficient approvals in place and the actions taken in response.

##### EXECUTIVE SUMMARY

The Monitoring Officer is a co-author of the Report, only in so far as complying with the Section 5A of the Local Government and Housing Act 1989 obligations.

##### **Background to bringing in new temporary accommodation to support the District's homelessness challenge**

Spendells House is a 1960s constructed sheltered housing scheme with shared washing facilities and limited living space by modern standards.

By 2017 the scheme was under occupied, hard to let and suffering from a number of repair and maintenance difficulties.

At the same time the Council was (and still is) experiencing high and increasing demand to provide temporary housing for homeless people. At national level it is reported that homelessness has increased by around 13%. That demand has substantially exceeded the available accommodation in the stock and results in the block booking of hotel rooms.

Hotel rooms are costly and are unsuited to decent family accommodation for daily life. Cooking and laundry facilities are rare and hotel occupancy policies are not well suited to family life.

On 10 November 2017 Cabinet received the report of the then Housing Portfolio Holder and approved formal consultation on the future of two Sheltered Housing Schemes including Spendells House.

On 15 January 2018 Cabinet agreed waiver normal processes for allocating secure tenancies to enable the displaced and transferred tenants of Spendells House, Walton to be granted secure tenancies at alternative addresses

On 15 January 2018 the Service Development and Delivery Committee considered the future of the Honeycroft and Spendells sheltered schemes and supported the principle of closure of the schemes, subject to some supplementary recommendations.

On 26 January 2018 Reference from Service Development and Delivery Committee - Honeycroft and Spendells

On 16 February 2018 Cabinet considered a reference from the Service Development and Delivery Committee on the consideration of the future of the Honeycroft and Spendells Sheltered Housing Schemes. Cabinet noted the recommendations and welcomed the Committee's support.

On 23 March 2018 Cabinet received the report of the then Housing Portfolio Holder and decided on the Closure of two Sheltered Housing Schemes.

On 26 June 2020 Cabinet decided to bring Spendells House back into use as temporary accommodation - A.5 – minute no. 25

Officers arranged for the site to be stripped internally of all asbestos and a specification and a formal procurement process were completed.

The procurement process was completed, in accordance with the Council's Rules of Procedure and the lowest tender returned was in the sum of: £1.25m.

On 23 September 2022, a further decision by the then Cabinet was proposed in order to consider a report on the review of budget position and award of contract and agreed to Spendells House.

On 16 December 2022, the then Cabinet considered a report on the review of budget position and award of contract and agreed to continue to support the project subject to decision of the full Council to allocate revised budget ref: 10504

On 14 February 2023, the Full Council decided to allocate additional funding for the project as part of the HRA budget setting process

### **The project faced cost increases before commencement on site due to national construction inflation**

On 03 March 2023, a proposal for further decision on the future use of Spendells House, Walton-on-the-Naze - Approval of financial business case was published.

On 13 June 2023, the Housing & Planning Portfolio Holder, Leader of the Council and Corporate Finance & Governance Portfolio Holder considered an update on Spendells House and Review of Budget. The Leader and Portfolio Holder noted the increased costs, to be financed through capital receipts, noted the updated business case and confirmed support for the project. ref: 11505

Renewed engagement with the lowest tenderer highlighted that since the submission of tenders costs had increased through inflation and that an additional £0.077m would be needed if the scheme were to be progressed.

On 21 July 2023, the Housing & Planning Portfolio Holder, Leader of the Council and Corporate Finance & Governance Portfolio Holder considered a further update on Spendells House and further review of budget and agreed to continue with the project proposing to finance additional costs by reallocating money from within the HRA capital programme ref: 11622

On 01 August 2023, the Corporate Director, in consultation with the Portfolio Holder with responsibility for Housing decided to appoint ARC to complete the work and to authorise the Head of Legal Services to enter into the construction contract.

Work on site started on 16 October 2023.

**Additional works were required beyond the original specification and implementing them also caused delays, both of which further increased costs**

During construction the need for additional work on a number of matters including:

1) Fire compartmentation was incomplete above ceiling level and additional partitioning is required in order to limit potential fire spread in the roof void.	Issue discovered after the start of the works when the contractor accessed the loft space.
2) The electrical supply was found to be inadequate for the new electrical heating system and it was necessary to seek advice and quotation from the utility company which took some time to secure.	Specific analysis carried out by the electrical contractor followed by advice from the utility company on their infrastructure capacity.
3) Water supply pipework was found to have a number of dead legs and sizing issues in relation to the new sprinkler system. Water heating to the laundry and shower areas had to be added to the works.	Partly caused by updated regulations but also erroneously not included in the outgoing specification.
4) Drainage at the site was discovered to be broken and defective in some locations and in need of repair works.	Issues discovered once the areas were opened up by the contractor.
5) Flat entrance doors and their fanlights and side screens were identified as not being fire rated.	An issue not recognised in the design stages.
6) Flushing in of wiring and ground floor suspended ceilings were added in order to reduce long term risk of damage to services that would otherwise have been surface mounted.	Late change by the project team aimed at reducing long term costs.
7) A balcony area at the rear of the building was found to have a defective roof covering and it was proposed to replace the area with a section of sloping roof to match the remainder of the building.	Late change by the project team aimed at reducing long term costs.

These additional works were not included within the original specification, for the various reasons identified above and therefore not priced for as part of the successful tender. Accordingly instructions for various additional works have been issued at a total estimated cost in the order of £0.525m. The financial effect of delays to the contract building up as a result of the additional work itself and awaiting the conclusions of the utility provider amounts to an estimated £0.175.

The breakdown of these extra costs is included in the Current Position section of this report. It is estimated that the final cost of the main contract will now amount to £2.1m, representing an increase in the contract sum of £0.77m, together with the previous expenditure of £0.149m and the inflationary effect on the contract before acceptance of £0.077m, amounts to a total cost of £2.25m. Additionally the estimate for the revenue cost of furniture and equipment has risen from £60k to £70k owing to the passage of time and inflation. Changes to contract costs are further expanded in the Current Position section.

The financial effect of these instructions issued is to increase the cost of the project beyond the authority granted and the budget established.

### **The Council has to take a value for money decision on the project now**

Simultaneously the cost of temporary housing provision has also escalated.

The Council has a choice of whether to continue with the contract, increasing funding and confirming the additional works identified or negotiating and end to the contract and then either discontinue the project or seek a further contractor to complete the project. These options are expanded in the Other Options Considered section of the report. It is the view of officers that a negotiated termination of the contract would be costly, a cheaper completion of remaining work cannot be predicted and design and procurement timescales would incur property holding costs and an opportunity cost in terms of delayed opening of the accommodation and the cost savings that it is intended to deliver.

The primary purpose of the scheme is to provide accommodation for homeless people and families. The financial cost of hotel provision to meet these needs is unaffordable in the long term. There is also a social value to better local provision: keeping local people in their area, with their schools, jobs, support networks and family support.

Having got to this point the best value option from here is to continue with the project and the current contract.

- It is proposed that Cabinet continues to support the Spendells House site being retained and reconfigured for the provision of temporary housing accommodation
- It is proposed that an additional £0.850m capital and £0.01m revenue is allocated from reserves to facilitate the completion of the project.

### **Some of the additional project costs were incurred without proper authorisation.**

The Council's financial procedure rules were not followed by project team by the seeking of funding for variations before commitments were made to the contractor. Accordingly, instructions have been given for which there is no authority and no budget.



This is a report issued under Section 5 of the Local Government and Housing Act 1989 to inform Members that Tendring District Council, has through contract management, varied the contract works beyond the scope of the approvals in place, through previous decision making and sufficient budget provision. The Council is required by law to consider this report and decide what action (if any) to take in response.

The Chief Executive and the Assistant Director (Finance & IT) & Section 151 Officer have both been consulted on this report, as required by the legislation.

The Portfolio Holder and the Management Team, in particular the Monitoring and s151 Officers, have raised significant concerns with the project team. The project team acknowledges that in order to limit the stalling of the project officers gave instructions to the contractor to proceed with works which will lead to the final cost substantially exceeding the contract sum and the approved budget without the relevant approvals in place.

**As a result the Council has reviewed its implementation of financial controls**

The Internal Audit Team has been asked to look at the Council's arrangements for project management including any learning that should be embedded in relation to the Spendells conversion. The Audit team's report will be completed in the future. Notwithstanding, there are some interim measures that officers propose to implement directly:

- Take a more measured and realistic approach to internal resources: Seek consultancy leadership in the delivery of major projects and factor those costs in from the start.
- Implement project review points in the development stages to ensure scope is not stretched and that financial review forms part of change processes.
- Ensure that realistic contingencies are included in all contracts and that realistic timelines are established at the early stages.
- Implement short term in-house development for staff in contract and project management.
- Identify appropriate staff to take part in formal project management training and potentially qualification.
- Include the importance of budgetary control and governance in one to one reviews.
- Hold monthly finance meetings between service and finance staff and formalise project review into monthly Portfolio Holder meeting agendas.

The costs and timeline of this project have increased substantially. There are a number of areas of learning to be drawn out of events. However, the fundamental reasons for commencing remain valid:

- Accommodating homeless people in more suitable facilities
- Reusing a redundant building
- Revenue cost saving

**RECOMMENDATION(S)**

**It is recommended that Cabinet:**

- a) receives and considers the Monitoring Officer's report and in response, notes the update on progress, increased contractual costs and additional budgets required to complete the project;
- b) continues to support, acknowledging the risks highlighted, the principle of the Spendells house site being retained and reconfigured for the provision of temporary housing accommodation;
- c) noting the financial implications incurred but that the most cost effective route forward is to complete the scheme and the contract in place;
- d) allocates an additional £0.850m capital an £0.01m revenue from reserves to facilitate the completion of the project;
- e) subject to the above, authorises the additional contractual works to be undertaken and recorded through contract management, as set out in the report;
- f) acknowledges that managers have been reminded of the internal control arrangements in place and the need for these to be followed in order to ensure such contract instructions are not proceeded with in future without the necessary approvals in place; and
- g) requests that the Portfolio Holder for Housing and Planning provides corporate oversight of the completion of the project within the approvals in place.

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

To progress the provision of council owned and managed temporary housing accommodation. In order to formally receive the Section 5 report from the Council's Monitoring Officer and to consider its contents and Cabinet's response thereto.

Approval from Cabinet is required for the contractual instructions and budget allocation, as variation orders have already been issued for the additional works, which are necessary to complete the project. There is a reputational risk associated with this decision, as the Council has not followed its governance arrangements in this instance but operational measures and all managers have been formally written to reminding them of the seriousness of over-expenditure and committing to unfunded expenditure. Managers are reminded of the robust internal controls in place and the absolute need to follow them in order to ensure that this event does not occur again.

#### ALTERNATIVE OPTIONS CONSIDERED

Costs expressed below are indicative estimates of additional or avoided costs.

Option	Detail	Financial effect
1. Discontinue the project.	A termination of the existing building contract would be necessary. Such a termination would have to be negotiated and would include a compensatory payment to the contractor. The Council would be left with a part finished project and a redundant building which would generate additional revenue costs. The full costs of	To terminate the contract: £0.5m Holding costs for the vacant site: £0.1m pa. Ongoing hotel costs: £0.27m pa

	alternative temporary accommodation would continue. Due to the rising cost of providing external accommodation and other abortive and unproductive costs associated with it this option has been discounted.	Less furniture costs: -£0.06m
2. Terminate the current contract and seek to reprocur remaining works.	A termination of the existing building contract would be necessary. Such a termination would have to be negotiated and would include a compensatory payment to the contractor. The Council would have to carry out a further procurement process in order to complete the works which would generate additional revenue costs and incur additional delay. The full costs of alternative temporary accommodation would continue meanwhile. Due to the rising cost of providing external accommodation and other abortive and unproductive costs associated with it this option has been discounted.	To terminate the contract: £0.5m Reprocured contract: £0.8m Holding costs for the vacant site: £0.1m (one year). Ongoing hotel costs: £0.27m (one year) Additional furniture costs £0.01m
3. Allocate additional funds, confirm variation instructions to the contract authorising the additional works and complete the project.	Although additional work has been found to be necessary the revisiting of the business case has found that to continue with the project is financially advantageous. Additional funding can be allocated from HRA reserves. It is proposed to progress this option.	To complete the contract: £0.805m Additional furniture costs £0.01m

## PART 2 – IMPLICATIONS OF THE DECISION

<b>DELIVERING PRIORITIES</b>
<p>The Corporate Plan priorities include:</p> <p>Pride in our area and services to residents “We want to put residents’ first, by promoting clean and tidy communities, providing decent housing that everyone deserves...”</p> <p>Financial Sustainability and openness “... carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on...”</p>
<b>OUTCOME OF CONSULTATION AND ENGAGEMENT</b>
<p>The decision to cease the use of the site as a sheltered scheme was made following consultation with residents. Planning and governance decisions were all made through the Council’s formal processes and therefore facilitated consultation and feedback. The Council’s Tenants’ Panel considers the capital programme on an annual basis and forms the cornerstone of ongoing tenant consultation.</p>

## **LEGAL REQUIREMENTS (including legislation & constitutional powers)**

This is a report issued under Section 5A of the Local Government and Housing Act 1989, which states that a duty of a relevant authority's Monitoring Officer shall be to prepare a report, if it at any time appears to them that any proposal, decision or omission by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any joint committee on which the authority are represented constitutes, has given rise to or is likely to or would give rise to—

- (a) a contravention by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any such joint committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment; or
- (b) any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974 (Local Commissioners).

The contract is formed using a Joint Contracts Tribunal (JCT) Intermediate Building Contract. This is a construction industry standard contract which includes standard provisions on issuing of instructions to vary the work. Variation instructions are common in all building contracts. They allow the team to react to changes in regulations, for previously hidden issues to be resolved and for client requirements to shift over time and for projects to begin while some matters are yet to be determined. The scope for contracts to be varied is not limitless, the nature of the project in general cannot change say from one type of building to another or to be fundamentally different in scale.

In the current case the contract is to convert a redundant sheltered scheme into temporary accommodation for homeless people. This remains the fundamental nature of the project. However, variation instructions have been given to address some work that was not set out in the specification, some matters where regulatory requirements have changed since the drafting of the specification, some matters that have come to light during the work such as failed drainage and an inadequate electrical supply as well as some matters that are changes in client requirements such as the concealing of pipes and wire in order to reduce the likelihood of damage in the future. A more detailed list of changes is set out in the Current Position section of the report. These changes are facilitated by the nature of the JCT building contract. The changes are more numerous and significant than would be ideal but they do not necessitate a revision of the contract documents.

### **Modification of contracts during their term under Public Contract Regulations:**

Regulation 72 of the Public Contract Regulations 2015 describes a number of changes that can be made to awarded public contracts without triggering a requirement to conduct a fresh tender process:

The modification does not do any of the following:

- a) render the contract materially different in character;
- b) introduce conditions which, if part of the original procurement procedure, would have:
  - i) allowed for the admission of bidders other than those selected; or
  - ii) allowed for the acceptance of a tender other than that originally accepted; or
  - iii) attracted additional participants in the procurement procedure;

- c) change the economic balance of the agreement in favour of the contractor in a manner not provided for in the initial agreement;
- d) extend the scope of the agreement considerably; or
- e) result in a contractor replacing the contractor that was originally awarded the contract otherwise than provided for under ground 6 (below).

This ground effectively codifies the position from the leading case on material variations into the Regulations. If the modification falls foul of any of the limbs listed above, a contracting authority will not be able to rely on this ground. Care should be taken when applying these tests as an incorrect application could lead to legal challenge.

It is the view of the project team officers that all of the grounds for the application of this test are met:

- a. the contract began as the conversion of a specific building from one use to another and remains so,
- b. no conditions are varied or introduced,
- c. the economic balance is governed by the standard contract and remains so, fair payment for any additional works,
- d. the contract began as the conversion of a specific building from one use to another and remains so,
- e. the contracting parties are unchanged.

The regulation provides a further set of circumstances which have been considered:

For additional works, services or supplies by the original contractor that have become necessary and were not included in the original procurement where a change of contractor:

- a) cannot be made for economic or technical reasons; and
- b) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract.

This ground could prove useful in the case of necessary and unpredictable work, especially as it allows a substantial increase in the overall contract price. However, care should be taken when relying on it, particularly in determining and substantiating that change cannot be made for economic or technical reasons and that a change in contractor would cause significant inconvenience or substantial duplication of costs.

If a contracting authority wishes to rely on this ground it will need to publish a notice that it has done so, which will bring (potentially unwelcome) scrutiny to its decision to vary the contract without tendering. On a more positive note, this ground can be used repeatedly, and the 50% value test would be considered afresh each time the ground is validly applied.

The position considering this last ground, is that additional works that were not within the original specification are necessary or have become necessary.

- a. Instructions to the original contractor have been issued in line with the standard form of contract. If these instructions had not been issued the project would have been handed over partly complete and not compliant with current regulations.
- b. A further procurement exercise and contract to carry out additional work would have been necessary which would incur cost and delay to the authority.

The cost of variation instructions as listed elsewhere is below the 50% indicated although the function of the contract in terms of extension of time takes the overall budgetary change to greater than 50%. This latter point is a function of the contract rather than a variation of it.

Accordingly it is the view of the project team officers that the provisions of the last ground, could be applicable but the provisions of first ground considered are directly applicable to the circumstances and that the variation of the contract is compliant with Regulation 72.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 there is a requirement for executive decisions to be recorded and published whether the decision is made by Cabinet, Portfolio Holder or Officers acting under delegations. Variation to contracts, which are not covered by the scope of initial decision making, should be recorded and published providing an audit trail of the matters taken into consideration and the financial implications of doing so.

**Powers to carry out the scheme in general.**

Under Part VII of the 1996 Housing Act (as amended) the Council has a duty to provide temporary accommodation to households who are homeless and have an apparent 'priority need' for accommodation according to the legislation.

The Homelessness (Suitability of Accommodation) (England) Order 2003 states that it is unlawful for councils to accommodate families with children in Bed and Breakfast (or accommodation with shared facilities) for longer than six weeks. In 2018/19 we had 31 families who were placed for over six weeks in bed and breakfast type accommodation.

The Spendells scheme would not be regarded as Bed and Breakfast because the Order does not include accommodation which is owned or managed by the local authority, a registered social landlord, or a voluntary organisation.

Provisions within the Housing Act 1985, sections 9 and 56, allow for the Council to designate the building as a hostel for the provision of housing accommodation and therefore, accounted for within the HRA. This means that conversion works, repair and maintenance costs can be funding through the HRA and there is no requirement to appropriate the use of the land for alternative purposes.

<p><b>Is the recommendation a Key Decision (see the criteria stated here)</b></p>	<p><b>YES/NO</b></p>	<p><b>If Yes, indicate which by which criteria it is a Key Decision</b></p>	<p><input type="checkbox"/> <b>Significant effect on two or more wards</b>  <input checked="" type="checkbox"/> <b>Involves £100,000 expenditure/income</b>  <input type="checkbox"/> <b>Is otherwise significant for the service budget</b></p>
		<p><b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b></p>	<p>General urgency procedure has been followed in this case to allow a key decision to be made without delay in order to allow the project to continue rather than to be paused pending decision.</p>

<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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The Monitoring Officer is a co-author of the Report, only in so far as complying with the Section 5A of the Local Government and Housing Act 1989 obligations and has not been directly provided with information regarding the specification, contract and variations and requests Cabinet to rely on the assurances provided by the project team officers. The previous decisions have however, been reviewed.

In the previous decision section of this Cabinet report, the last decision made (recorded and published) in relation to the Spendells project was on 1<sup>st</sup> August 2023, to appoint the main contractor to complete the Refurbishment and Adaptation works, accept the revised tender of ARC Group London to carry out the works and to instruct the Head of Legal Services to enter into the contract with ARC Group London on behalf of the Council. The Tender Price was redacted but referred to in a previous decision of the Housing & Planning Portfolio Holder and the Leader of the Council and Corporate Finance & Governance Portfolio Holder on 13<sup>th</sup> June 2023, which referred to a contract price of £1.25million. A further decision by the Housing & Planning Portfolio Holder and the Leader of the Council and Corporate Finance & Governance Portfolio Holder on 21/07/2023 included the additional inflationary costs that had become apparent.

Whilst it is accepted that with JCT contracts, variations are permitted through contract management, the governance needs to be in place beforehand to ensure unauthorised spend is not committed. No further decisions have been made to authorise the variations to the contract to increase its cost, ensure the business case was still advantageous, value for money considerations and ensure the budget provision was in place. Any instructions issued seeking variations to the works are consequently unauthorised and this report is informing Cabinet that rectification is required.

Instructions were given by the project team to the contractor without following the Council's Financial Procedure Rules. The s151 officer will provide a further note detailing these rules and the breaches in advance of the meeting.

## **FINANCE AND OTHER RESOURCE IMPLICATIONS**

### **Finance and other resources**

The original estimate for the project was £0.600m as included in HRA capital programme for 2022/23. This was increased to £1.400m and it now appears that the final cost will be £2.250m.

The total budget within the 2023/4 financial year (excluding prior expenditure) is £1,327,170. Expenditure within that year was £1,084,337.99. A current interim application has been received which would bring total expenditure to £1,360,744.98, some £33,574.98 in excess of the budget.

A cost of £183,000 has been included in the financial predictions for works to fire doors. The extent and cost of these works is subject to ongoing review.

A cost of £175,750 has been included in the financial predictions for the financial effect of delays to the project. This is based on the projected revised completion date, which in turn is based on the delivery of the new power supply by the utility company.

Other works ordered (detailed in the Current Position section of the report) bring the total estimated cost to £2.25m, some £850,000 in excess of the approved budget, There is no authority or budget for this expenditure.

The increase can be partly attributed to inflationary pressures seen across the construction industry and is broadly consistent with higher-than-expected costs experienced with other high value construction projects the Council is involved with, as previously reported.

However, it is impossible not to have concerns about the management of the project at all stages. Recent cost increases (detailed elsewhere in the report) can be partly attributed to physical factors being uncovered during the course of the work but also partly due to items that should have been in the specification but were missed or design changes made by the team at a later stage.

The contingency sum included in the contract was inadequate given the nature of the work. The Council's financial procedure rules were not followed by the seeking of funding for variations before commitments were made to the contractor. Accordingly, instructions have been given for which there is no authority and no budget.

In addition to the additional works ordered there is a substantial cost generated by delay in the project related mainly to the identification of the inadequacy of the incoming electrical supply followed by the lead time to receive advice and pricing from the utility company and then consideration of options to resolve that situation. Under the contract the contractor is entitled to an extension of time and for payment for additional staffing, hire, security and other costs resulting.

The authority's Audit Team has been asked to review project management in general including considering lessons that may be learned from this project.

In light of this increase in costs, it is impossible to confirm that the financial appraisal / business case that was set out within the original report to Cabinet in June 2020 to determine if value for money can still be reasonably demonstrated owing to the potential for changing circumstances during an elongated pay-back period.

The options included later in this report include the termination of the contract, either then seeking a further contract or completely discontinuing the project. Although the business case as initially conceived can no longer be confirmed the Council has substantial commitment to the project already and from the current position the only course that can now be recommended is to allocate the additional funds from the HRA reserves and complete the project and the contract as quickly as it may now be achieved.

Allocation of funding from reserves affects the ability of the Council to respond to other issues.

### **Risk**

All construction project carry uncertainty risks in this case a large number and value of items. It is the manifestation of these risks that necessitates the allocation of additional resources to the project. The construction of the project is substantially under way and officers consider that it is unlikely that any further unknown issues will be uncovered.

There is a risk associated with increasing homelessness costs. Halting or further delaying the development of this project also delays the opportunity to reduce spending on temporary accommodation.



There is a reputational risk associated with this decision, as the Council has not followed its governance arrangements in this instance but operational measures and all managers have been formally written to reminding them of the seriousness of over-expenditure and committing to unfunded expenditure. Managers are reminded of the robust internal controls in place and the absolute need to follow them in order to ensure that this event does not occur again..

**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 has not been able to provide comment within the timeline allowed for this report. A further written update will be provided by him in advance of the meeting as a published addendum report considering the financial implications and other matters arising within their remit.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The authority carefully prioritises its expenditure and considers investment against outcomes through its decision-making processes. In this case the cost of the project has expanded but the position under the business case shows that it would be more advantageous to continue with the process through to completion than to abandon it.</p> <p>There have been a number of formal decisions on this project, listed elsewhere in this report. Although progress has been checked on site by events the decision-making process throughout, up to the realisation of the cumulative effects of the issues encountered in physical terms, the decision-making and governance procedures have been robust.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Refer to legal requirements</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>At the heart of the project lies the idea of reducing long-term temporary accommodation costs. These costs continue to increase and the review of the business case indicates that it is advantageous to continue with the project to completion.</p>

**MILESTONES AND DELIVERY**

Subject to Cabinet’s decision, anticipated opening for the scheme is 15<sup>th</sup> August 2024.

**ASSOCIATED RISKS AND MITIGATION**

All construction projects carry uncertainty risks in this case a large number and value of items came to light in the course of construction. It is the manifestation of these risks that necessitates the allocation of additional resources to the project. The construction of the project is

substantially under way and officers consider that it is unlikely that any further unknown issues will be uncovered.

There is a risk associated with increasing homelessness costs. Halting or further delaying the development of this project also delays the opportunity to reduce spending on temporary accommodation.

There is a reputational risk associated with this decision, as the Council has not followed its governance arrangements in this instance but operational measures and internal controls have been amended and increased to ensure that this event does not occur again.

The increased payback period associated with the increased costs gives rise to a risk that circumstances change: that there will be reduced homelessness or that the cost of other types of accommodation will reduce. If these risks manifest themselves the return on investment will be reduced and the pay-back period further elongated.

**EQUALITY IMPLICATIONS**

The proposal does not impact on the protected characteristics of any individuals. Within the scope of the project it has been decided that the passenger lift to the first floor (previously decommissioned to allow reuse of parts elsewhere) will not be renewed. It is unlikely that there will be sufficient demand for accessible accommodation that the capacity of the specialist provision and other ground floor accommodation will be exceeded. A detailed rationale on this point has been prepared for building control purposes and the lift shaft and services have been retained as a precaution against future potential circumstances.

**SOCIAL VALUE CONSIDERATIONS**

The contract was let taking into account social value considerations as part of the evaluation process in line with national requirements. Inherently the project is socially progressive in that the provision is intended to be more suited to domestic residential needs than much hotel and other accommodation that is currently in use.

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

The proposals include improved roof insulation, replacement windows and doors, new heating system and low energy lighting. Although the wall structure is not thermally efficient the project team has taken all practical and viable steps to minimise energy consumption in the finished building.

**OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

<b>Crime and Disorder</b>	The project is likely to be progressive in relation to health inequalities and crime and disorder because the provision is intended to be more suited to domestic residential needs than alternative options for temporary accommodation.
<b>Health Inequalities</b>	
<b>Area or Ward affected</b>	Walton

**PART 3 – SUPPORTING INFORMATION**

**BACKGROUND**

- Following earlier review and closure decisions on 26 June 2020 Cabinet decided to bring Spendells House back into use as temporary accommodation.
- Officers arranged for the site to be stripped internally of all asbestos together with some other facilitating works at a cost of £149,000. This work was arranged by way of quotations and call off from previously tendered term contracts and a specification and a formal procurement and governance processes were undertaken culminating in a lowest tender received of £1,252,300.
- A review of the business case took place and the project was found to remain advantageous, a revised budget of £1.4m was set.
- During the reassessment and review of the project the nation was experiencing a period of high inflation and the contractor advised that the project had been affected by costs that could not be wholly absorbed. After consideration the contract was let at a sum of £1,330,035.12.

Work on site began on 16 October 2023.

### CURRENT POSITION

During construction the need for additional work on a number of matters including fire compartmentation, electrical supply, water supply and drainage was identified that were not included in the specification and therefore not in the contract. Accordingly instructions for various additional works have been issued at a total estimated cost in the order of £0.525m. the financial effect of delays to the contract amounts to an estimated £0.175. It is estimated that the final cost of the main contract will now amount to £2.1m, together with the previous £0.149m amounts to a total cost of £2.25m.

Preparatory works costs	£149,000.00
Contract sum	£1,330,035.12
Less contingencies	£-75,000.00
Replacement flat and corridor doors throughout (to meet current fire safety standards)	£183,000 (price still under negotiation)
Upgrade water supply pipework to units (to meet water regulations and provide additional water heaters to communal facilities)	£145,000
Financial effect of extension of time (additional duration of preliminary costs such as security, scaffolding and management)	£175,750
Builders work for new electricity supply (new trench for underground services and enclosure for intake positions etc)	£59,000
Chase electrical services into walls and replaster locally (reduces the long term cost by placing services out of reach of vandals)	£39,000
Renewal of a further area of flat roof covering (roof in a redundant balcony to reduce future costs)	£36,200
Fire compartmentation in the loft void (infill openings in the compartmentation found in the roof void)	£32,000

Suspended ceiling throughout the ground floor (reduces the long-term cost by placing services out of reach of vandals)	£28,000
Additional drainage works (various issues discovered in the underground system)	£28,000
Renew Soffit board to roof verges (part of the roofing works not included in the original contract)	£23,000
Cumulative effect of a number of smaller changes (various smaller items of work from furniture removals to additional power outlets)	£70,000
Allowance for UKPN direct order and some forward contingency	£27,000
<b>Total</b>	<b>£2,249,985.12</b>

Additionally the estimate for the revenue cost of furniture and equipment has risen from £60k to £70k owing to the passage of time and inflation.

Simultaneously the cost of temporary housing provision has also escalated. Officers have reviewed the business case and propose that it remains financially advantageous to complete the project notwithstanding the increase in costs. A rate of return of 12% and pay-back of eight years are indicated.

The project team will continue to seek ways in which to reduce the overall expenditure, but delay on the part of the authority at this stage is costly both in terms of contract payments for delay and the delay in realising the cost savings that are the driver for the project overall. The result of these factors is that it is important to keep the project moving at the same time as seeking ways to manage the additional costs.

The project is currently scheduled to complete on 15 August 2024, subject to UKPN installing the new electricity supply on schedule.

it is proposed that Cabinet continues to support the Spendells House site being retained and reconfigured for the provision of temporary housing accommodation

#### **PREVIOUS RELEVANT DECISIONS**

<u>Spendells House - Appointment of Contractor ref: 11649</u>	01/08/2023
<u>Update on Spendells House and further review of budget ref: 11622</u>	21/07/2023
<u>Update on Spendells House and Review of Budget ref: 11505</u>	13/06/2023
<u>Future use of Spendells House, Walton-on-the-Naze - Approval of financial business case</u>	03/05/2023
<a href="#">Full Council allocated funding for the project as part of the HRA budget setting process</a>	14/02/23
<u>Cabinet Members' Items - Report of the Housing Portfolio Holder - A.4 - Update on Spendells House and review of budgetref: 10504</u>	16/12/2022
<u>Spendells House - Review of budget position and award of contract</u>	23/09/2022

<u>Future Use of Spendells House, Walton-on-the-Naze Cabinet - A.5 – minute no. 25</u>	26/06/ 2020
<u>Cabinet Members' Items - Report of the Housing Portfolio Holder - A.2 - The Closure of two Sheltered Housing Schemes</u>	23/03/2018
<u>Matters Referred to the Cabinet by a Committee - Reference from the Service Development and Delivery Committee - A.3 - Honeycroft and Spendells Sheltered Housing Schemes Review</u>	16/02/2018
<u>Reference from Service Development and Delivery Committee - Honeycroft and Spendells</u>	26/01/2018
<u>Waiver normal processes for allocating secure tenancies to enable the displaced and transferred tenants of Spendells House, Walton to be granted secure tenancies at alternative different addresses</u>	15/01/2018
<u>Cabinet Members' Items - Report of the Housing Portfolio Holder - A.16 - Formal Consultation on the future of two Sheltered Housing Schemes</u>	10/11/2017
<b>BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL</b>	
None	

<b>APPENDICES</b>
None

<b>REPORT CONTACT OFFICER(S)</b>	
<b>Name</b>	<b>Lisa Hastings Andy White</b>
<b>Job Title</b>	<b>Assistant Director, Governance and Monitoring Officer Assistant Director – Building &amp; Public Realm</b>
<b>Email/Telephone</b>	<b><a href="mailto:lhastings@tendringdc.gov.uk">lhastings@tendringdc.gov.uk</a> 01255 66561 <a href="mailto:awhite@tendringdc.gov.uk">awhite@tendringdc.gov.uk</a> 01255 686933</b>

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**NOTICE OF EXECUTIVE DECISION TO BE TAKEN UNDER THE GENERAL EXCEPTION PROCEDURE**  
**FURTHER UPDATE ON SPENDELLS HOUSE AND REVIEW OF BUDGET - REPORT ISSUED UNDER SECTION 5A OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989**

Date decision is due to be taken	Decision Maker	Proposed Decision	Reason(s) for using the General Exception Procedure	Alternative Options Considered	Conflicts of Interest Declared <small>(and Dispensations granted by the Monitoring Officer)</small>	Consultation with relevant Ward Member(s)  Yes/No	Will the Decision be Subject to Call-in once made?  Yes/No
24 May 2024  Page 247	Cabinet	<p>It is recommended that Cabinet:-</p> <p>a) receives and considers the Monitoring Officer's report and in response, notes the update on progress, increased contractual costs and additional budgets required to complete the project;</p> <p>b) continues to support, acknowledging the risks highlighted, the principle of the Spendells house site being retained and reconfigured for the provision of temporary housing accommodation;</p> <p>c) noting the financial implications incurred but that the most cost effective route forward is to complete the</p>	General urgency procedure has been followed in this case to allow a key decision to be made without delay in order to allow the project to continue rather than to be paused pending decision.	<p>Discontinue the project.</p> <p>Terminate the current contract and seek to reprocur remaining works.</p> <p>Allocate additional funds, vary the contract authorising the additional works and complete the project.</p>	None	No	Yes

- scheme and the contract in place;
- d) allocates an additional £0.850m capital and £0.01m revenue from reserves to facilitate the completion of the project;
  - e) subject to the above, authorises the additional contractual works to be undertaken and recorded through contract management, as set out in the report;
  - f) acknowledges that managers have been reminded of the internal control arrangements in place and the need for these to be followed in order to ensure such contract instructions are not proceeded with in future without the necessary approvals in place; and
  - g) requests that the Portfolio Holder for Housing and Planning provides corporate oversight of the completion of the project within the approvals in place.

**LEAD OFFICER FOR THE PROPOSED DECISION:** ASSISTANT DIRECTOR (BUILDING & PUBLIC REALM)

**PORTFOLIO HOLDER FOR THE PROPOSED DECISION:** HOUSING & PLANNING PORTFOLIO HOLDER

**NOTIFICATION DECISION BEING TAKEN UNDER THE GENERAL EXCEPTION PROCEDURE:-**

Relevant Overview and Scrutiny Committee Chairman:-

Date Notified:-

Constitution Reference:-



Councillor P B Honeywood, Chairman of the Resources and Services Overview & Scrutiny Committee	Monday 13 <sup>th</sup> May 2024	Part 5.8 – Access to Information Procedure Rule 14 (General Exception)
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**Original copy to be retained by Service.**

**Electronic copy to be sent to Ian Ford, Keith Durran and Bethany Jones (in Committee Services) for publication online.**

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## CABINET

24 MAY 2024

### REPORT OF PORTFOLIO HOLDER FOR PARTNERSHIPS

#### A.7 Family Solutions Update

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To recommend an additional Family Solutions Officer Post (Harwich) for a fixed term period of 12 months based on a review of the value for money / benefits such as the post would deliver on behalf of the Council and District.

###### EXECUTIVE SUMMARY

The Tendring Family Solutions Service provides an intensive service until families are able to sustain positive progress, or for a maximum of 12 months where risks and needs suggest this is necessary.

The service helps families experiencing a wide range of sometime complex issues and disadvantages – ranging from domestic violence and truancy to unemployment and mental ill health. Families enter the service on a voluntary basis in order to identify what they would like to change about family life, and are then empowered to go about making a change, and crucially to sustain it. This sustainability of change in their circumstances is key to reducing the demand on higher levels of social care and other services. Tendring Family Solutions is part of Essex Social Care, which was found to be outstanding in a recent Ofsted report.

*“Between April 1st 2023 and March 31st 2024, Family Solutions worked with a total of 1664 families. Of the cases closed after intervention across the service in this period, 81.4% of these had successful outcomes. **In the same calendar period Tendring closed 197 cases, of the cases that Tendring closed after intervention in this period, 90.0% had successful outcomes.**”*

*The total numbers of families/cases Family Solutions worked with in 2023/24 decreased compared to the previous financial year, but the percentage of successful outcomes increased in the period:- Family Solutions worked with a total of 1,798 families in the 2022/23 year. Of the cases closed within the 2022/23 period, 79.0% of these were with successful outcomes (needs of families partially or completely met).”*

Source: Tendring Family Solutions

A Family Solutions Officer (District wide role) became employed by Tendring District Council on a permanent basis in September 2018, following a number of fixed term contracts since 2013. The role is seconded to work alongside Officers within Essex County Council as part of the Tendring Family Solutions Team. The role is matrix managed across ECC and TDC.

An additional full time Family Solutions Officer post, funded through health inequalities funding from the Integrated Care Board commenced in September in 2022, on a fixed term contract to work within Tendring Family Solutions with a focus on supporting families in the Harwich area.

It was agreed to extend this post for a further year to September 2024 (utilising health inequalities funding).

The Harwich post undertook to understand the needs of families in the area through a Community Asset Mapping exercise - (available on request), as well as holding a case load of up to five families at any one time. Key highlights/outcomes of the postholder (working with partners) include;

- Forming the now established Harwich Community Forum, as well as
- the launch of the weekly 'Heart' food bank at the Salvation Army, with a number of partners in place to support those attending, – Ref Appendix A
- working alongside The Lounge, and relevant partners to support families in attendance, and as a result of demand, launching an after school weekly open session for children & families
- holding a case load of up to 5 families at any one time.

In addition to the above, a further Family Solutions post was agreed following a bid to the ECC Local Levelling up Fund, to support an additional Family Solutions post (district wide) for a period of 12months. This post was agreed with match funding from the Council's Health Inequalities funding in 2023.

Following the resignation of the Family Solutions officer for Harwich and as there was a limited amount of contract time and funding left for the Harwich post it was agreed to put the proposed funding for the 12 month district wide post with health inequalities funding to provide a more viable employment offer. That post has now been filled.

Subsequent to this due and to the previous success of the officer in Harwich an additional sum of £48,750 was identified as part of the Q3 Financial Performance Report considered by Cabinet on 19 April 2024. As set out the associated report, this sum was set aside pending the consideration of the value for money / benefit to the Council and District that is subject of this report.

Appendix B – provides an analysis of the savings to wider public services as a result of the interventions of the Family Solutions Officer working with a family.

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

**It is recommended that Cabinet:**

- (a) approves the value for money / benefit review as set out in this report;**
- (b) following the earlier set aside of the associated funding, agrees to the establishment of an additional Family Solutions Officer Post in Harwich for a fixed term period of 12 months;**
- (c) requests that future funding of this fixed term post be included within the intended wider review of external grant funding; and**
- (d) requests future funding potentially being considered as part of the review of ongoing cost pressures within the long term financial forecast.**

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

Work of the Family Solutions Officers continues to have a significant impact on the families that

have been supported, showing both positive family outcomes and significant savings elsewhere in the public sector. (ref Appendix B). The work supports families for a maximum of 12 months and as outcomes are achieved, new families are allocated for support.

#### **ALTERNATIVE OPTIONS CONSIDERED**

Although the Council could choose not to fund these posts, this could have an impact on their continuation, which in turn may have an impact on the numbers of families that can be supported across the District.

### **PART 2 – IMPLICATIONS OF THE DECISION**

#### **DELIVERING PRIORITIES**

This post contributes to a number of priorities within the Corporate Plan including

- Working with Partners to Improve Quality of Life - in particular to promote safer, healthier, well connected and inclusive communities. The Family Solutions officer works with the most troubled families and for example helps provide access to mental health support to improve family's health and wellbeing, this can also support prevention of anti-social behaviour and help prevent individuals becoming victims of crime. The development of the Harwich Community Forum also supports better connections within the community and develops inclusivity. The Forum will also help support the achievement of the Corporate Priority for Pride in Our Area and Services to Residents by developing resilience and subsequently pride in the community.
- Raising Aspiration and Creating Opportunity - the Family Solutions role works with children in the family for example by reviewing educational health care plans, helping families to access specialist provision and if necessary supporting with children moving school so they return to full time attendance. This is particularly important in Harwich to make sure young people are supported to reach their potential in terms of future employment associated with renewable energy and Freeport.
- Pride in Our Area and Services to Residents – the Family Solutions role provides strong support for getting services right – in terms of how those services match to people's needs. As those who receive support from this role may live their life in chaos it can be difficult to access services and this role can make that connection. For example in terms of how they support around housing need and refer through to the housing team means that tenancies remain more sustainable or similarly their support around accessing benefits also means they can access the benefits services the Council offers more readily.

#### **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)

The Children's and Families Directorate (ECC) are strong supporters of this service being delivered.

The post also supports the work of the Tendring Education Strategic Board priority of improving school attendance, which remains a significant challenge for schools currently. If attendance improves then this will impact attainment levels, giving each child and young

person the opportunity to reach their full potential.

**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)	

Although there is no legal requirement for the Council to fund this post, it supports the Council's corporate priorities.

There are no subsidy control implications as the funding is provided to second an officer to Essex County Council.

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

It is noted that the legal powers for funding the post are not provided within the legal section, therefore it is assumed that the General Power of Competence is being relied upon under the Localism Act 2011. It should be highlighted that this report will authorise the post for 2024/25, and further decision are required for continuation beyond 31<sup>st</sup> March 2025 and these should be made in a timely manner, as part of the external funding review or budget process.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

As part of the Q3 Finance report to Cabinet (Appendix H of that report) it was agreed to allocate £48,750 for a Family Solutions Officer in Harwich for a year.

Further funding would need to be identified if it was determined that this post was required after the initial year's funding.

It is proposed that future funding of this fixed term post therefore be included within the intended wider review of external grant funding and potentially to be considered as part of the review of ongoing cost pressures within the long term financial forecast.

Even without further funding there is a level of sustainability built in by the presence of the Family Solutions Officer post as families move to a more sustainable existence with better benefits support, children accessing school etc. families can sustain improved outcomes.

X **The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

<p>There are no further comments over and above those set out elsewhere in this report.</p> <p>As highlighted above, such fixed term post will be reflected in the on-going review of cost pressures where consideration can be given to their continuation or otherwise based on further value for money / benefit analysis reviews.</p>	
<b>USE OF RESOURCES AND VALUE FOR MONEY</b>	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This role has been considered in relation to the Council's wider cost pressures for 2024/25 and funding allocated within the Q3 Finance report to Cabinet in April 2023.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Council continues to fund Family Solutions Officer post/s, and therefore understands the valuable contribution and impact. Reporting of work/activity is provided on a regular basis, as required.
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.	As well as a focus on outcomes, reporting includes review of cost savings achieved through work with families, e.g. the prevention of referrals into higher tier services such as social care.
<b>MILESTONES AND DELIVERY</b>	
Milestones and monitoring of the work is on a monthly basis, with joint meetings with the postholder, Executive Projects Manager and the Family Solutions Manager. Emerging trends and challenges with families are also discussed, this can also involve other Council and partner services/teams e.g. the Council's Housing team.	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
The Family Solutions post allow for the valuable work of the Family Solutions Officer to continue.	
<b>EQUALITY IMPLICATIONS</b>	
Both the Council and the ECC Family Solutions team work with an awareness of and commitment to equality, diversity and inclusive practices.	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
The social value implications, wider financial and non-financial value created by the actions include the wellbeing of individuals and communities, social capital and the environment, particularly how they can support the development of resilient communities. Families are able to access, benefit and contribute to the many assets in their community.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
No direct implications.	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
<b>Crime and Disorder</b>	All Family Solutions Officers/activities are

	carried out in line with the Council's Corporate plan, including safeguarding policies and procedures. As well as Essex County Council and the Children's Safeguarding Board practices. All Family Solutions Officers are subject to enhanced DBS checks.
<b>Health Inequalities</b>	<p>The Council recognises the significant benefits of the Family Solutions Officer roles in supporting families. The Tendring Family Solutions team work to improve the lives of children and families across the District. Without the interventions of the Family Solutions Officer these families are likely to experience greater instability and consequently greater health inequalities.</p> <p>The FS team empower families to make changes for the improvement of many aspects of their lives including health, housing, wellbeing, environment and education to enable them to have a positive future.</p>
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	N/A
<b>Area or Ward affected</b>	Wards across Harwich and Dovercourt

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

The benefits of the Family Solutions Officer post is clearly identified in Appendix B for example Family A was supported over a 5 month period with Family Solutions interventions which have helped result in correct diagnosis for autism, improving children's attendance at school and parents receiving further mental health support and being able to access Personal Independence Payment benefits. Cost benefits to the public purse are also identified in Appendix B.

This type of outcome is regularly repeated as Appendix B shows and demonstrates not just successful outcomes for those families facing the greatest challenges and health inequalities but also provides a saving to the public purse and so demonstrates effective use of resources. In particular the Family Solutions Officers work with those who are most hard to reach and with families who may not have engaged with services previously.

The Harwich post was a crucial addition to the existing Family Solutions offer as it provided wider outreach into one of the most deprived areas. In addition it allowed for building capacity in the local system by bringing a forum together of organisations who were not otherwise connected and can now share experiences and provide a joint offer to those most in need. In addition the Family Solutions Officer acted as a catalyst to bring organisations together so that



once relations had been formed those organisations would sustain the forum and take control of operation of the forum

Further work and benefits of these posts are identified below.

### **Family Solutions Officer (Harwich)**

Funded by Health Inequalities funding, an additional Family Solutions officer commenced in September 2022 to work in the Harwich area.

For the first three months, the Family Solutions Officer undertook a mapping exercise to understand the community organisations and current support/services available to the community. To date the officer has held meetings with over thirty local organisations as part of this work.

### **Harwich Community Forum**

Working alongside partners, the Officer has established the Harwich Community Forum, which brings together the Harwich community, allowing the opportunity for the Family Solutions Officer to build relationships, and ensuring partners understand the role of Family Solutions and the potential support that can be provided to vulnerable families.

“Harwich Community Forum” was set up for organisations that have been spoken to with regards to the mapping exercise. Meetings are held quarterly at the Salvation Army in Harwich. This meeting allows the opportunity to better understand the services each other offers, sharing information about current projects, and to understand challenges with a view to working more collaboratively. There is also the opportunity to promote their organisation with any events that they have coming up, or if they need any support with anything and promote how to refer into their service. This forum now has 23 organisations regularly attending. After each meeting the mapping exercise goes out for organisations to be updated.

### **The Lounge**

The Lounge is run at the Esplanade Hall in Harwich. It is a community well being hub which is also used by various organisations and groups that seek to enable people to experience better wellbeing whilst recognising that it's ok not to be ok. Organisations include HOMESTART, The Ark centre, Essex Family Wellbeing Service, Futures in Mind, ACL, Parkinson's support, domestic violence support and a kids club. They aim to be inclusive and non-judgemental place where everyone finds a friendly welcome. The role has enabled the Harwich Family Solutions officer to have a presence in the Lounge and build relationships with the community that attend.

### **HEART**

HEART is a food bank that runs on Friday mornings at the Salvation Army. This is a welcoming place for anybody to come to and they can either have a food bank parcel, coffee and cake and they can also chat to any of the professionals that attend such as Citizen's Advice, employment support, Peabody, health visitors and nurses. This is a very popular morning and on average they have up to 50 people attend. See Appendix A.

*“Working with A has been an absolute pleasure. She is friendly whilst retaining a professional manner. It has been really helpful to have her advice regarding families we are working with and to know that in any interactions they have with A they will be treated gently with dignity and integrity. The networking meetings she has set up have been really informative and will enable us to work better together with other agencies going forward. We look forward to continuing to*

*work alongside A to serve the people of Harwich. A has also started a conversation up between the Salvation Army and the Foodbank on how we can better work together and improve the systems of how food parcels are done”*

**Community Manager Harwich Salvation Army**

*“It has been really good to have made contact with Family Solutions, and to establish a link. A has been a valuable source of local information and contacts. The Community Forum she organised enabled myself and others, to share information and make new partnerships, which is key to what The Lounge, where I am project lead, has to offer. Working with local families and having A as a partner has been very helpful in helping people move forward. I look forward to working together more in the future and seeing where The Lounge can be a better resource for the community with A's input”*

**Dovercourt Central Church and Project Lead for The Lounge, Harwich.**

Regular attendance by the Family Solutions officer at key community group meetings e.g. The Lounge and Salvation Army is allowing her to provide support to some of the most vulnerable in the community.

In addition, the Family Solutions Officer also worked in partnership with Active Essex over the festive period to provide funding for families to visit the Electric Palace and Clacton Pier. (tickets and food provided). 28 family members attended which included 62 children:-

*“We just wanted to say thank you so much for this evening, the boys had the best time, all come home buzzing, including T. They couldn't wait and opened their presents, L's gone to sleep with his police stuff in bed with him (did you know how much he loves police?!) And his chalk board on his desk ready for the morning, while I did his bedtime A snuggled up in their bed and read 40 pages of Ratburger! T is playing his new game and loved all the presents too. Thankyou so much, they were absolutely perfect. Have a lovely evening and Christmas”*

*“Thank you so much. The kids have had a great time. They have been so excited all week. It's great they've had their dinner and they're exhausted from running around. They will go straight to bed when we get in. I never get to just sit and relax with the kids. I was feeling shy about talking to other people but everyone was so nice”*

*“We have had the best time, Thank you. I really wasn't sure about coming but I'm really glad I did. I came because the kids wanted to and they have had a lovely time. They made new friends and played so well. P was so excited when you said Santa had called you and he is very excited about his present, they all are. They can't wait to open them.”*

The Family Solutions Post provides value for money to the Council and its partners in relation to supporting those families most in need. If this work was not undertaken there would be extra costs accruing to the Council and its partners on an ongoing basis. Some of the costs are identified in Appendix B and although these often relate to partners they are equally relevant to the Council itself.

This includes for example support for children to obtain better educational outcomes which will have a long term effect on the Council's priorities as the Council seeks to support improved educational attainment and obtaining skills and employment as part of its approach around education via the Tendring Education Strategic Board.

Mental health support provided through referrals from the Family Solutions post will help

reduce conflict in family homes and in the community which will help reduce anti-social behaviour. Identifying where support can be provided by the Council to deliver adaptations to client's homes provides smoother access to Council services to ensure residents receive help when needed. This helps support wider partners outcomes helping to maintain health and wellbeing and reducing demand on acute services

A number of clients are also supported as they are referred to the Council's housing teams which ensures the Council can work with them before they reach crisis and put extra demand on the Council. The stability of a family's tenancy is crucial in terms of the demand they may put on the Council and wider partners both from a housing and wider service aspect. The Family Solutions officer works with those families in the most challenging circumstances and early identification of a deteriorating housing situation will not only allow the family to remain more stable but allows for lower levels of intervention from Council housing teams rather than a crisis response which may involve much more significant support.

Provision of support around increasing benefits for families also improves family stability which will reduce the demand on both Council and wider services as they would otherwise present in crisis and has wider outcomes in terms of independence as opposed to requiring service provision.

The delivery of the wider Harwich Community Forum also allows the community to build resilience and support itself so that issues do not present to the Council for resolution.

Although this post is proposed to be funded for one year currently it will be included as part of the review of grant funding and could be included as an ongoing cost pressure within the long term forecast is appropriate.

#### **PREVIOUS RELEVANT DECISIONS**

The Alliance provided £400, 000 for addressing inequality at place work within Tendring. This funding which is ring fenced to be spent on agreed initiatives, was accepted by Cabinet at the meeting held on 21<sup>st</sup> September 2021. The Cabinet report also outlined the agreed framework for spending the CCG funds and the associated governance arrangements – (reference the Memorandum of Understanding Appendix 3), which can be viewed (p89):

<https://tdcdemocracy.tendringdc.gov.uk/documents/g1838/Public%20reports%20pack%2017th-Sep-2021%2010.30%20Cabinet.pdf?T=10> .

The Alliance then provided an additional £200, 000 for addressing inequality at place work within Tendring resulting in a total of £600,000 available. This was accepted by Cabinet at its meeting on 17 March 2023.

[Report Template Part A \(tendringdc.gov.uk\)](#)

Officer decision (Dec 2023), to support fixed term peripatetic post utilising remaining Harwich post funding.

The Cabinet meeting on 19 April 2024 within the Q3 monitoring report considered the general fund adjustments (Appendix H) including for the Family Solutions Officer post (minutes yet to be published).

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

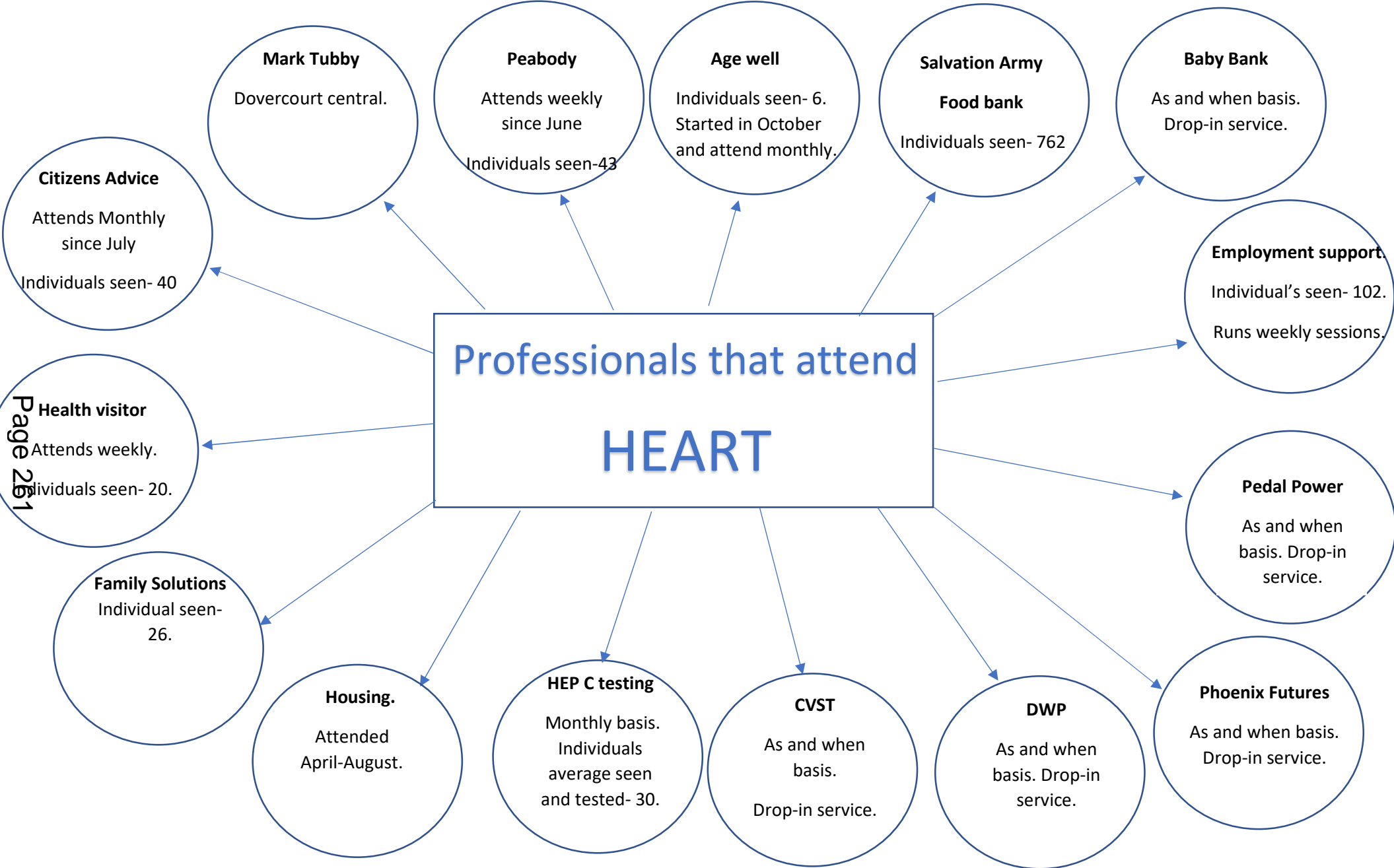
**APPENDICES**

**Appendix A – Partners to Salvation Army Community Hub**  
**Appendix B – Analysis of savings to public services of Family Solutions role**

**REPORT CONTACT OFFICER(S)**

<b>Name</b>	<b>Rebecca Morton</b>
<b>Job Title</b>	<b>Executive Projects Manager</b>
<b>Email</b>	<b>rmorton@tendringdc.gov.uk</b>

Professionals that attend  
**HEART**



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**Family A - Composition 1 Parent 1 Child (outcomes fully met)**



**Family Issues/Costs**

Child Disability Needs.



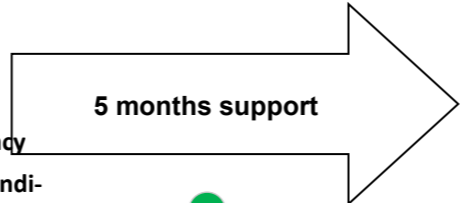
Child Education Needs. Child not attending school and behavioural issues. **Persistent truancy (missing at least five weeks of school per year), per individual per effective year. Total fiscal cost: £1,965**



Parental Mental Health: Average cost of service provision for people suffering from mental health disorders, per person per year, including dementia (all ages, including children, adolescents and adults). Total fiscal cost: **£4,905**



Finance and benefits issues.



Team Around The Family



**Family Outcomes/Savings**

Child received a diagnosis for Autism via Paediatrics.

Education Health Care Plan reviewed – Specialist provision agreed – Child moved school and attending full time with no behaviour concerns.

Parent now receiving Tier 2 Mental Health support.

Parent now in receipt of Personal Independence Payment Benefit.

**Family B - Composition 1 Parent 4 Children (outcomes fully met)**



**Family Issues/Costs**

Parenting Needs: Parenting Programme - median cost of delivering a group-based parenting programme (per participant): **£1,211**



Parental Mental Health: Average cost of service provision for people suffering from mental health disorders, per person per year, including dementia (all ages, including children, adolescents and adults). Total fiscal cost: **£4,905**

Child Mental Health: **Additional £4,905**



Substance Misuse: Drugs misuse - average annual savings resulting from reductions in drug-related offending and health and social care costs as a result of delivery of a structured, effective treatment programme: **£4,227**



Domestic Abuse (DA): Domestic violence - average cost per incident: **£2,968**



Team Around The Family



**Family Outcomes/Savings**

Reduced family conflict in the home.

Parents mental health needs reviewed and supported

Child now supported by CAMHS

Child supported by EYPDAS

Parent and children supported by Next Chapter DV agency

**Family C - Composition 2 Parents 2 Children (outcomes fully met)**

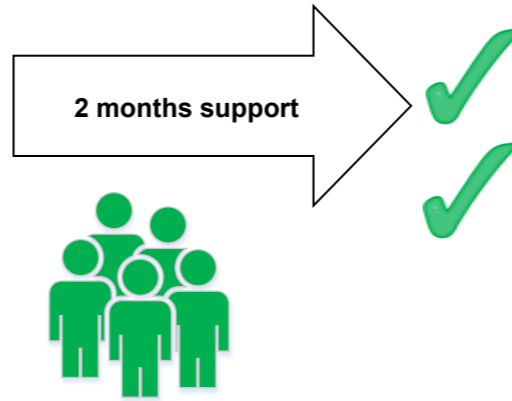
**Family Issues/Costs**



Family Conflict



Child Mental Health: Average cost of service provision for people suffering from mental health disorders, per person per year, including dementia (all ages, including children, adolescents and adults). Total fiscal cost: £4,905



Team Around The Family

**Family Outcomes/Savings**

Parents referred to Non Violent Resistance Programme

Child accessing counselling and referred to Sisters in Strength Youth project

**Family D - Composition 1 Parent with 3 Adult Children and 1 Child (outcomes fully met)**

**Family Issues/Costs**



Parental Mental Health: Average cost of service provision for people suffering from mental health disorders, per person per year, including dementia (all ages, including children, adolescents and adults). Total fiscal cost: £4,905



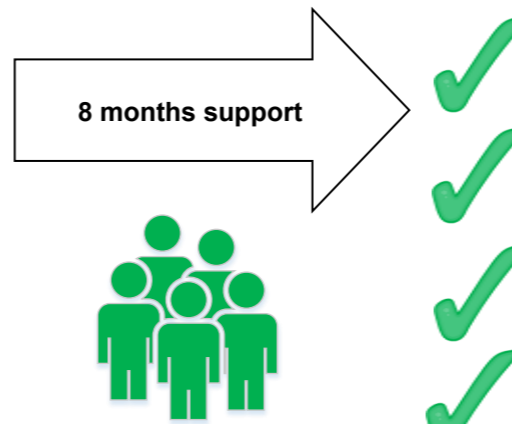
Child Physical Disability



Parenting Needs: Parenting Programme - median cost of delivering a group-based parenting programme (per participant): £1,211



Adult Disability



Team Around The Family

**Family Outcomes/Savings**

Parent needs assessed and accessing level 2 mental health services.







2 x Children under Paediatrics to explore additional needs

Support for Children with Additional Needs MAZE course referral / Extra support for Families referral


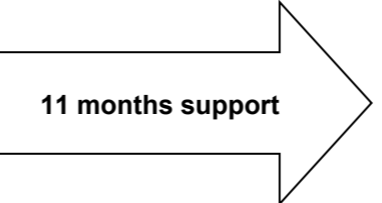




Parent Occupational Therapy needs assessed adaptations provided for home – Referred to Adult Social Care for continuation of support.



**Family E - Composition 1 Parent 1 Child (outcomes fully met)**

 <p>Housing Needs- Homeless: Temporary accommodation - average weekly cost of housing a homeless household in hostel accommodation: £132</p>	  <p>Team Around The Family</p>	 <p>Adult Mental Health: Average cost of service provision for people suffering from mental health disorders, per person per year, including dementia (all ages, including children, adolescents and adults). Total fiscal cost: £4,905</p>	 <p>Parenting Needs: Parenting Programme - median cost of delivering a group-based parenting programme (per participant): £1,211</p>	 <p>Domestic Abuse (DA): Domestic violence - average cost per incident: £2,968</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p><b>Family Outcomes/Savings</b></p> <p>Family moved into TDC rented accommodation</p> <p>Adult referred to MH services</p> <p>New mother can and has accessed parenting support groups via Essex Child and Family Wellbeing Service and is supported by Health Visitor</p> <p>Parent referred to Next Chapter Domestic Abuse Agency</p>
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**Family F - Composition 1 Parent 3 Children (outcomes fully met)**

 <p>Housing Needs- Homeless: Temporary accommodation - average weekly cost of housing a homeless household in hostel accommodation: £132</p>	  <p>Team Around The Family</p>	 <p>Education Needs- 2 x NEET Children.:Not in Employment Education or Training (NEET) Average cost per 18-24 year old NEET, (economic cost) £10,466. Persistent truancy - total fiscal cost of persistent truancy (missing at least five weeks of school</p>	 <p>Child Physical Health Needs x2</p>	 <p>Child Mental Health: Average cost of service provision for people suffering from mental health disorders, per person per year, including dementia (all ages, including children, adolescents and adults). Total fiscal cost: £4,905</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p><b>Family Outcomes/Savings</b></p> <p>Family moved into private rented accommodation</p> <p>Child 1 supported into and completed alternative Education Plan B then supported into college</p> <p>Child 2 supported back into a new mainstream school</p> <p>Child 1 epilepsy condition now being managed</p> <p>Child 2 referred to health professionals and pending required surgery</p> <p>Child referred to CAMHS for ongoing support</p>
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## CABINET

24 MAY 2024

### REPORT OF THE PORTFOLIO HOLDER FOR PARTNERSHIPS

#### A.8 Allocation of funding to the Mental Health Hub

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To seek approval to allocate £28,000 of funding to the Mental Health Hub run by Citizen's Advice Tendring (CAT) via use of an Addressing Health Inequality – Mental Health Subsidy Scheme to ensure the Council is compliant with the Subsidy Control Act 2022 by providing justification for direct funding to CAT should the funding fall under the legal definition of a subsidy.

###### EXECUTIVE SUMMARY

CAT provide a Mental Health Hub which has been operating for nine years. The Hub is a single point of access for a holistic assessment and intervention for vulnerable residents who have poor mental health. The Hub provides a broad range of support for those who attend including an opportunity for volunteering which may help to lead to employment.

The Hub developed following the significant mental health need in the area which partners wanted to respond to and which has become further exacerbated and in particular following Covid. The partners identified how the Hub could support their priorities for example around public health, community safety and helping residents in an area with particularly challenging mental health outcomes. The Hub therefore provides an essential service to residents and is located in one of the most deprived wards in the country in terms of mental health and so is ideally placed to provide this support.

The Hub is funded by Tendring District Council, Essex County Council, the Police, Fire and Crime Commissioner and the Integrated Care Board. The lead administrator role for the Service Level Agreement with CAT is held by the Integrated Care Board. The contribution from Tendring District Council is £28,000 per year.

Without the funding provided by the Council the Hub may not be able to continue as other partners may not be able to make up the shortfall.

Allocation of the funding will be via a subsidy control scheme which will be published on the Government website to ensure the Council is compliant with the Subsidy Control Act 2022 for any funding it allocates.

A subsidy is where a public authority provides support to an enterprise that gives them an economic advantage, meaning equivalent support could not have been obtained on commercial terms. Subsidies can give recipients an unfair advantage over their competitors or be an inefficient use of public money if they do not bring about net positive change.

It is the responsibility of public authorities to consider the effect of the funding they will award.

Subsidies should be given in the public interest to address a market failure or equity concern, and if awarded, should be done in a way that minimises any negative impact on competition and investment to help ensure public money is used in an effective and efficient way.

As part of a wider grant review currently being undertaken the Hub funding will form part of that review and this will include how services are commissioned in future.

### RECOMMENDATION(S)

It is recommended that Cabinet:

- a) approves the Subsidy Addressing Health Inequality – Mental Health Subsidy Scheme for 2024/25;
- b) subject to a) above, awards Citizen’s Advice Tendring direct grant funding of £28,000 as a contribution to the provision of a Mental Health Hub for 2024/25; and
- c) subject to b) the award is published on the Government website.

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

To ensure the Council is following its legal obligations under the Subsidy Control Act 2022 and statutory guidance.

To ensure funding is provided to deliver a Mental Health Hub to support people with poor mental health.

### ALTERNATIVE OPTIONS CONSIDERED

Although the funding could be stopped the Council is only one funder with three other co funders. If the Council stopped funding there is a possibility that other partners would not be able to make up the shortfall which would reduce the service for those with poor mental health locally.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

Provision of the Hub is in line with the priority of working with partners to improve quality of life to promote safer, healthier well connected and inclusive communities.

### 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)

None undertaken

### 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
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		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b>	<b>service budget</b>
<p>The funding last year was provided via a subsidy control scheme so as to be compliant with the Subsidy Control Act 2022.</p> <p>It is proposed to deliver the funding for the mental health hub through a subsidy scheme for a further year as the hub is funded by 4 different organisations and is therefore difficult to procure directly as it is part of a wider provision</p> <p>To meet the requirements of the Subsidy Control Act 2022 any allocation of funding via a scheme must meet seven principles.</p> <p>The Addressing Health Inequalities – Mental Health Subsidy Scheme Assessment (Appendix A) highlights how the Subsidy Scheme addresses the seven principles</p> <p>Principle A – Common Interest, the Subsidy Scheme meets the policy objective within the Corporate Plan to work with partners to improve quality of life and in particular safer, healthier, well connected and inclusive communities and in addition identifies the local need in terms of health inequality as Tendring is one of the 20% most deprived authorities in the country and there are high levels of anxiety and depression and severe mental health. The life expectancy for men is 10.7 years less and 6.5 years less for women than for those least deprived areas in the UK and 23% of households are workless which is much higher than the England and East average.</p> <p>Principle B – Proportionate and Necessary, the Subsidy Scheme identifies high levels of demand in terms of poor children’s mental health, self harm and suicide and so there is a requirement for a diverse range of mental health support for example around a Mental Health Hub.</p> <p>Principle C – Designed to change the economic behaviour of the beneficiary, the provision of the proposed services could not be undertaken at their current level, with an increasing demand, if the funding was not provided and the Mental Health Hub requires wider external funding to be able to ensure it can operate.</p> <p>Principle D – Costs that would have been funded anyway, The services would not be provided to the level required without provision of the subsidy and wider partner match funding has been obtained to make the service viable which demonstrates that these services would not have been funded anyway. Provision of this funding will be in line with wider requirements by the recipient to develop more sustainable funding streams and understand funding priorities</p>			

demonstrating that this service could not be provided without funding

Principle E – Least distortive means of meeting the policy objective, it is the most appropriate instrument to achieve the significant need in the area as the services cannot be delivered by the Council as it does not have the necessary skills and the provision needs to be highly accessible to residents and seen as free and impartial providing a mental health support services which residents already see as accessible

Principle F – Competition and investment in the UK, the scheme seeks to minimise negative effects on competition as there are specific requirements in terms of access for residents to see this as trusted, free and impartial provision providing a competent one stop shop approach to deal with multiple issues, directly located in the community.

Principle G – Beneficial effects should outweigh any negative effects, there is an increasing demand for the service in an area suffering considerable deprivation and the scheme seeks to provide mental health provision in a competent way using trained and audited staff who are accessible to residents and because of these specific requirements there are limited negative effects.

<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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The Monitoring Officer's comments made in the Report to Cabinet in July 2023 are repeated – *"This short-term solution, allows the continuation of direct grant funding to CAT however, it is recommended, that a review is undertaken to assess the options for future funding and consideration of using an open market bidding process.*

*It is acknowledged that to cease funding, would also have wider implications and due to the Council's Public Sector Equality Duty and consultation responsibilities under the Local Government Act 2003, the Subsidy Page 46 Scheme, at this stage is the reasonable and rational approach with the commitment for a wider review and full options appraisal and implications being fully assessed going forward."*

In addition reference is made within this report to a Service Level Agreement (SLA) with CAT, where the lead administrator role for the SLA is held by the Integrated Care Board. However, it is understood Tendring District Council is a party to the SLA, as all partners are required to sign the agreement directly with CAT. No information has been provided on the SLA which TDC is becoming a party to through the provision of this funding.

**At its meeting in April, Cabinet RESOLVED** (minute no. 118) that –

- (a) notes the contents of this report including the Allocation of Funding for 2023/24, as set out in Appendix 1 to the Portfolio Holder's report (A.4);
- (b) authorises the Portfolio Holder for Partnerships to continue with the requested review in order to determine what priorities the Council could support through external funding in the future;
- (c) agrees that such review will include engagement with Officers and the relevant Portfolio Holders, in order to understand existing schemes and determine proposals for the

future, taking into account service provision, subsidy control implications, the Council's financial position and delivering the Council's Corporate Plan;

- (d) requires that, following completion of the review, a further report will be presented to Cabinet in readiness for the budget process for 2025/26; and
- (e) in light of the revised approach for the review, recommends to the Community Leadership Overview and Scrutiny Committee that its work on reviewing grant schemes operated by the Council ceases in order to prevent a duplication of Council resources on this subject.

It is essential that this review is undertaken as requested by Cabinet.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

The Mental Health Hub grant from the Council is £28 000 and is subject to a service level agreement provided by the lead administrator which is the Integrated Care Board and is funded by three other parties as well.

The allocation of this funding will be via a subsidy control scheme under the Subsidy Control Act 2022.

**X The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

The funding highlighted above currently forms part of the Council's on-going 'base' budget and is therefore available to meet the commitment proposed.

It is worth highlighting that such funding arrangements are expected to form part of the wider external funding review that is currently underway and there may be opportunities to review how associated services are commissioned on behalf of residents in the longer term as part of the Council's commitment to providing value for money.

**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 funding for the Hub is via four providers which spreads the risk in terms of continued funding
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	CAT is audited on a periodic basis by National Citizens Advice to ensure it is managing risk and provision of services effectively
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.	Periodic audits by National Citizens Advice ensures that the organisation is efficient and effective

**MILESTONES AND DELIVERY**

CAT's performance is monitored by the lead administrator for the SLA which is the Integrated Care Board and they share any reporting provided.

**ASSOCIATED RISKS AND MITIGATION**

The risk that CAT fails to provide value for money for funding is mitigated by the monitoring

measures which are undertaken by the lead administrator which is the Integrated Care Board and via the quarterly audit by Citizens Advice National. Funding is provided by 4 different organisations and Tendring District Council's contribution is £28,000.

**EQUALITY IMPLICATIONS**

CAT's aims and principles set out that they value diversity, promote equality and challenge discrimination and practice impartiality. They have policies in place in terms of the applicable protected characteristics, as detailed in the Equality Act 2010, and equality, inclusion and diversity.

**SOCIAL VALUE**

Social value provided by the Hub and the wider CAT service include recruiting, developing and training volunteers and helps raise skills to access work and volunteering opportunities.

The Hub also promotes the support and wellbeing of people with mental health challenges and develops resilience. The programme also raises awareness of mental health issues.

The Hub supports ex-offenders to rebuild their lives, gain work skills and apply for work or volunteering opportunities.

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

None

**OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

<b>Crime and Disorder</b>	By supporting those with poor mental health and building resilience the Hub can help prevent clients either being the victims or perpetrators of crime.
<b>Health Inequalities</b>	The Hub supports those with poor mental health in an area of significant deprivation in terms of mental health and builds resilience and supports people into work and volunteering opportunities which directly addresses health inequalities.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	It is proposed to procure this service if approved although it will require an exemption from procurement rules as there is only one provider of a Mental Health Hub service in the area which is joint funded by three other partners.
<b>Area or Ward affected</b>	All, as anyone can be referred to the service although the predominant number of referrals will come from the local Clacton area and within Pier Ward.



## **PART 3 – SUPPORTING INFORMATION**

### **BACKGROUND**

CAT have operated the Mental Health Hub for nine years. The Hub is a single point of access to provide a mental health recovery programme using a holistic assessment and intervention for the vulnerable residents of Tendring who have ill mental health.

The Hub is funded each year by four different organisations Tendring District Council, Essex County Council, the Police, Fire and Crime Commissioner and the Integrated Care Board (formerly the Clinical Commissioning Group). The total contribution from all partners makes up the overall running costs.

When originally set up the partners came together recognising the significant mental health challenges facing residents in the area and in particular within Pier Ward which has particularly high levels of poor mental health.

The partners recognised the valuable contribution that a mental health hub could deliver both through providing mental health support directly but also through the opportunity of volunteering and potential employment which is an effective way of addressing poor mental health over an extended period.

The Hub helps to meet partner's priorities in terms of improving public health and assisting to address issues around crime and anti-social behaviour both from a potential perpetrator or victims perspective. In addition, it also supports improving clinical health and reduces the impact on services which are under intense pressure and therefore providing an early intervention approach.

Provision of the Hub is in line with the Council's priority of working with partners to improve quality of life to promote safer, healthier well-connected and inclusive communities. The Hub aligns with supporting communities to become healthier and by bringing people together helps to address social isolation. It also helps to meet aspirations around community safety.

Since originally set up residents mental health has been severely challenged as there has been a deterioration, which has been exacerbated by Covid.

During this time the Mental Health Hub provided by CAT has moved from Old Road to a more central location on the High Street within Clacton to make it more visible and more accessible to residents.

The Hub therefore provides an essential service to residents in relation to supporting and sustaining their mental health to prevent impact on wider services and is ideally located as is provided in one of the most deprived wards in the country in relation to mental health.

CAT are well placed to deliver this service as they are supported by four different organisations and have developed an accessible shop offer in the centre of Clacton so can provide both mental health support but a volunteering and employment opportunity. In addition the CAT brand is well known within the district and so will be accessible to residents and as CAT provide a wider advice and support service they have an opportunity to refer people into the Hub when accessing wider support services.

The lead administrator for the Hub is the Integrated Care Board who provide and hold the

Service Level Agreement for the Hub each year.

The Council's annual contribution to this is £28,000.

The allocation of funding is proposed to be via a subsidy control scheme in line with the seven principles under the Act.

The [UK subsidy control statutory guidance](#) provides a framework for designing and giving subsidies in a way that is consistent with the Subsidy Control Act 2022. In Chapter 3, the guidance advises that if a financial assistance measure meets the legislation definition of a subsidy, it will generally need to be assessed against the seven subsidy control principles. Subsidy schemes must be assessed against the subsidy control principles and cannot be made unless the public authority decides the scheme is consistent with the principles.

The programme has two types of service user, clients who are service users attending the Hub for assistance and advice and participants who are service users on the mental health recovery programme.

It is reported that those that attend the Hub have often lost touch with friends and family and may be extremely isolated. In addition clients often lack self-confidence and sometimes self-awareness and need support to rediscover themselves and build resilience.

Advice is also provided from the CAT main service to avoid escalation of issues clients may have.

Clients are supported with confidence and coping strategies so they do not become dependent on the service and can move on at the end of the programme.

Participants are also supported to incorporate physical activity into their weekly lives to help improve both mental and physical health. Encouragement is also given to help participants widen their social networks and improve their communication skills.

The overarching aim of the service is to improve the health and wellbeing of people with mental health challenges. The recipients of this service are Tendring residents aged 18 or older. The Hub addresses the wider determinants of mental ill health and as such seeks the following outcomes:

- Improve health and wellbeing and reduce dependence on primary health services.
- Reduce social isolation and increase confidence.
- Reduce anxiety due to unmanageable life difficulties.
- Reduce risk of reoffending or becoming a victim of crime
- Reduce the effects of domestic abuse on families.
- Train people in retail and shop skills
- Coach people to develop awareness of workplace expectations.
- Help people to access further workplace or training opportunities after exiting the programme.

People can self-refer or are referred into the programme by partner organisations, or by the main CAT advice service and the placement is for up to 12 months. Initially people have a trial shift in the shop for 2 hours to ensure it is suitable. They are then given a regular time slot and have an initial assessment where goals are discussed and set.

Each 3 months assessments occur via a one-to-one meeting to discuss progress and determine goals.

The goals discussions also includes the move on plan for when they leave the programme after the 12 months.

Half way through the programme planning occurs for either a job search, a volunteering placement or further training courses. Depending on the choice the client makes they are assisted with the job search, application forms, CVs, approaching potential volunteering organisations and researching college courses.

The statistics below are for the period 1<sup>st</sup> April 22 to 31st Mar 23:

<b>MH Programme Impact</b>	
<i>Number of participants through the training programme 22-23</i>	47
Home Starter Clients Supported	23 individuals and families
<b>Mental Health Advice Impact</b>	
<i>Number of Issues addressed</i>	1665 (approx. 5 issues per person)
<i>Top Issues</i>	Welfare Benefits Crisis Support (financial crisis)
<b>Staff Hours</b>	
<i>Advice Staff</i>	2496
<i>Hub Staff</i>	5798
<b>Volunteer Hours</b>	832

The provision of the Hub, in terms of the contribution the Council makes, provides value for money as it supports individuals with a wide number of issues which would otherwise present for Council and wider partner service provision. It is an essential service to continue for residents as it provides a useful support for low level and enduring mental health as part of the wider mental health offer in the area and in particular addresses one of the key areas in terms of providing long term solutions by supporting to allow people to access employment.

A wider funding review is currently being undertaken in relation to the allocation of grant funding and this review will include the allocation of funding in relation to the Hub and will reference how services are to be commissioned in future should the Council wish that it determines to fund them.

The provision of the funding via a subsidy scheme for this year will allow for allocation of the funds whilst this review is undertaken

#### **PREVIOUS RELEVANT DECISIONS**

[\(Public Pack\)Agenda Document for Cabinet, 21/07/2023 10:30](#) Page 37

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

**APPENDICES****Appendix A – Subsidy Scheme****REPORT CONTACT OFFICER(S)**

<b>Name</b>	<b>John Fox</b>
<b>Job Title</b>	<b>Head of Health and Community</b>
<b>Email/Telephone</b>	<a href="mailto:jfox@tendringdc.gov.uk">jfox@tendringdc.gov.uk</a> <b>01255 686746</b>

## CABINET

24 MAY 2024

### JOINT REPORT OF THE LEADER AND PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE AND THE PORTFOLIO HOLDER FOR PARTNERSHIPS

#### A.9 Part Funded Police Community Support Officer (PCSO) (Harwich & Dovercourt)

##### PART 1 – KEY INFORMATION

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

To seek approval to continue to part-fund a Police Community Support Officer (PCSO)\* in the Harwich & Dovercourt area for the period 1<sup>st</sup> April 2024 until 31<sup>st</sup> March 2025 (12 months), Harwich Town Council and Tendring District Council will each fund 50% of the role.

*\*This is an extension of the existing arrangements, and a postholder is currently in this role if; formally agreed, the Council will be invoiced for their contribution.*

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

Since 2019/20, Tendring District Council (TDC) and Harwich Town Council (HTC) have collaborated to fund a PCSO in the Harwich and Dovercourt area.

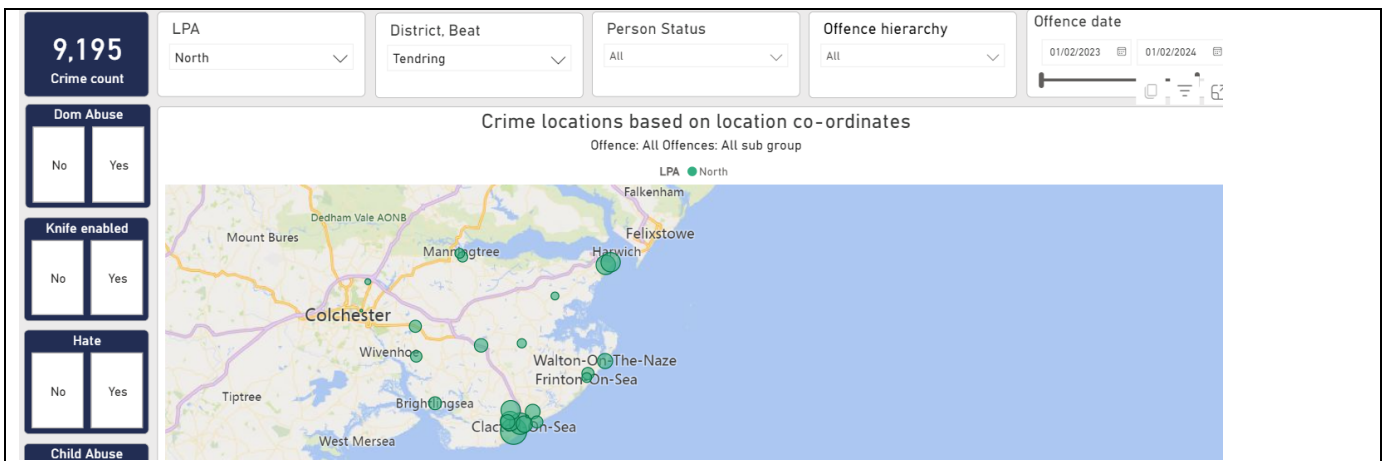
This is agreed on a year-by-year basis, and the funding is not part of the Council's base budget. The funding has been secured in previous years through separate decisions and transferring money from elsewhere in the Council overall budget.

The Police report that this arrangement has been hugely important and greatly appreciated by Essex Police. They believe that this has been a mutually beneficial arrangement and sincerely hope it can continue for the full period specified.

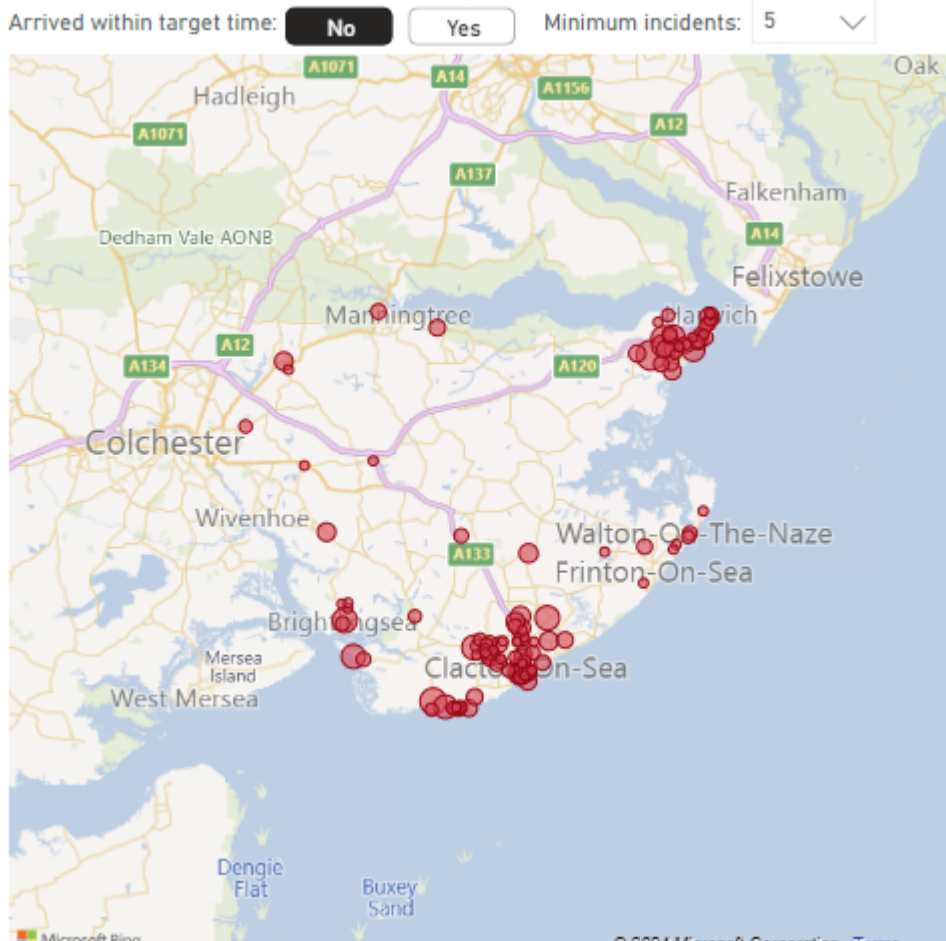
In line with our Community Safety Partnership arrangements, the Community Safety & Safeguarding Manager has met with the Community Policing Team Inspector to discuss implementing specific targets and key performance indicators for the role in conjunction with agreed priorities as outlined in the Community Safety Strategic Priorities and Delivery Plan.

The PCSO for the Harwich area submits a monthly report to both Tendring District Council and Harwich Town Council. The report provides information on the number of hours the PCSO spends patrolling each month, as well as the engagement events, calls, and incidents they attended. In addition to any further activity, such as joint patrols or problem-solving activities with Council ASB Officers or our Ambassadors.

The two heat maps below show the crimes and the incidents recorded in Harwich and the surrounding areas.



**Response by count of incidents according to location (Post Code)**



You can also see from the heat map that Clacton has the highest reported incidents, closely followed by Harwich, which has more than the rest of the areas in the district combined.

There are specific operations and projects that run in Clacton; however, these operations are not available in Harwich at this time.

**OP DIAL / OP GRIP / OP MINERVA**

**OP Minerva – “Minerva Zones”;** risky places that have crime generators or attractors (including education, transport hubs, night-time economy, & open spaces) that create vulnerability, in relation to Violence Against Women & Girls (VAWG) offences in public

spaces.

**Op Dial & Grip – Is a joint operation across areas in Essex (Clacton and Jaywick in Tendring) in response to the Government’s Anti-Social Behaviour Action Plan introduced in March 2023.**

**Dial and Grip are high visibility patrols by Police and partner agencies (TDC) in a specific area. Hotspots must cover the areas experiencing the highest volumes of SV and ASB.**

**Includes “ASB-linked offences” (e.g. public order, drug misuse and criminal damage) and “shoplifting-related ASB” – but only “where it has a detrimental effect on a neighbourhood”. Each area must be patrolled at least once every three days, for at least 15 mins. Each area may be patrolled more than once a day.**

This decision seeks agreement to continue partially funding the pre-existing arrangement for the period from 1 April 2024 to 31 March 2025. It is proposed that future funding for this post will be considered as part of the intended wider review of external grant funding to be undertaken through 2024/25.

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

**It is recommended that the Cabinet agree:**

- (a) to continue the arrangement to part-fund a Police Community Support Officer (PCSO) deployed in the Harwich & Dovercourt area for a period of 12 months from 1<sup>st</sup> April 2024 until 31<sup>st</sup> March 2025, the cost of which to be met from the associated funding identified as part of the Q3 Financial Performance 2023/24 that was considered by Cabinet on 19 April 2024; and.**
- (b) that the continuation of this arrangement post 31 March 25 will be considered as part of the future funding review of external posts and the options available during 2024/25 will be presented to Cabinet.**

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

The continued employment of a PCSO assists in delivering the service, as the PCSO will carry out engagement and reassurance patrols, conduct vulnerability visits, attend community events and work in conjunction with the Council’s Community Ambassadors and Anti-Social Behaviour Officers.

#### **ALTERNATIVE OPTIONS CONSIDERED**

Although the Council could choose not to part fund this post, this would mean that 50% of the funding may not be available, and therefore, this could have an impact on the continuation of this post, which in turn may influence crime and the perception of crime, e.g., anti-social behaviour. In addition, this role helps deliver the Corporate Plan priorities.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

This post contributes to the Corporate Plan priority of working with partners to improve quality of life. Additionally, it will aid in achieving the strategic priorities of the Community Safety Partnership, as well as broader county and national priorities, such as:

- Tendring District Council – Corporate Plan 2024 - 2028
- Community Safety Partnership Strategic Assessment 2024
- Community Safety Partnership Delivery Plan 2024 – 2025
- Police and Crime Plan 2021 – 2024 (to be renewed post PFCC Election in May 2024)
- Tendring District Council – Corporate Enforcement Strategy

The role will also assist the Community Safety Partnership, as it is required to be cognisant of various pieces of legislation, including:

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014

Priorities identified in the Community Safety Partnership’s annual Strategic Assessment (2024), are listed below, the PCSO plays a significant role when tackling these issues by providing a visible presence and working with Council Officers and other partners to conduct joint patrols and attend events.

Tackling ASB and the root causes (including Hate Crime)

High Harm Violence (Domestic Abuse, VAWG, Drug driven violence)

Emerging Threats and Trends (Speeding, possession and trafficking of drugs)

Prevent Crime and Anti-Social Behaviour

Understand and Tackle Hate Crime

Improve Community Confidence in the Multi-Agency response to Community Safety Issues

### OUTCOME OF CONSULTATION AND ENGAGEMENT

This post continues to be employed by Essex Police. TDC’s role is to jointly fund the position with a view to supporting the Council’s partnership working arrangements under the Community Safety Partnership.

The Ward Members for the Harwich and Dovercourt area have been consulted on this proposal and the feedback received is that this PCSO performs an important role within the policing of the Harwich and Dovercourt area, and therefore, members are fully supportive of the recommendation to continue the arrangement to part-fund a PCSO in the Harwich & Dovercourt area for the period 1st April 2024 until 31st March 2025 (12 months).

### LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria)	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
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stated here)		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)	<input type="checkbox"/> Is otherwise significant for the service budget
<p>Local authorities have a statutory duty to consider the impact of all their functions and decisions on crime and disorder in their local area, under Section 17 of the Crime and Disorder Act 1998 and the need to do all that it reasonably can to prevent:</p> <ul style="list-style-type: none"> <li>(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment);</li> <li>(b) the misuse of drugs, alcohol and other substances in its area;</li> <li>(c) re-offending in its area; and</li> <li>(d) serious violence in its area.</li> </ul> <p>Although there is no legal requirement for the Council to fund this post, it supports the Council's Corporate Priorities and supports the Community Safety Partnership to deliver its priorities by providing extra resources.</p> <p>There are no subsidy control implications of providing funding to continue to provide a PCSO, as the activities undertaken by the officer will not constitute the activities of an enterprise that provides goods and services on the market.</p> <p>It is proposed to consider future funding for this post in the intended wider review of external grant funding.</p>			
<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>		
<p>Although there are no further comments over and above those set out elsewhere in this report, it is worth drawing attention to the need to comply with the previous decision of Cabinet to consider the longer term position of this post through wider external funding review currently underway. Future decisions should be made in a timely manner, especially noting the impact on the post holder and partnership working.</p>			
<b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b>			
<p>Tendring District Council and Harwich Town Council have each contributed 50% of the posts funding to date</p> <p>The costs to TDC relating to this post for 1<sup>st</sup> April 2024 – 31<sup>st</sup> March 2025 are:  £24,650.00 for the year (£2,054.17 per month) (£8,216.67 per quarter).</p> <p>A sum of £24,650 was set aside as part of the Q3 Financial Performance Report 2023/24 that was considered by Cabinet on 19 April 2024, that remained subject to this separate / follow-up report.</p>			

<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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Although there are no further comments over and above those set out elsewhere in this report, it is worth drawing attention to the need to consider the longer term position, which is planned to be reviewed as part of the wider external funding review currently underway.

<b>USE OF RESOURCES AND VALUE FOR MONEY</b>
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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 longer term position will be considered as part of the wider external funding review mentioned elsewhere.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Council has previously part funded this post and therefore understands the contribution this post can make based on feedback and reports submitted monthly from Essex Police.
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.	Essex Police provide regular updates on performance and activities undertaken by the PCSO, and this work includes working with the Council’s Community Ambassadors and Anti-Social Behaviour Officers.

<b>MILESTONES AND DELIVERY</b>
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Essex Police provide a monthly report on the work undertaken by the PCSO, which includes the anti-social behaviour and vehicle nuisance incidents that have been attended. The report also highlights the resolution of any other criminal matters or incidents.

The specific targets and key performance indicators associated with the role, as identified within the agreed priorities, are also reported.

Delivery can therefore be monitored during the year-long post, and invoices are paid quarterly following successful work.

A monthly report is provided and details various calls attended to, events and meetings attended ie:

- Nuisance (Public calls to Police)
- Concerns for welfare
- Abandoned 999 calls
- Suspicious circumstances (incidents)
- Dangerous dogs (Public calls made to police)
- Disturbance (ASB)
- Requests for Information (Public calls made to police)
- Theft
- Criminal Damage
- Alarms activated

Also, the PCSO will attend any Emergency Planning issues or flood alerts issued. Patrol hours and Street meets are recorded.

There is a list of powers (Appendix 1) that the Chief Constable of Essex Police has authorised

PCSO's to undertake on behalf of Essex Police such as issuing Fixed Penalty Notices for cycling on a footpath or for littering. (there are 36 functions that PCSO's can perform under Schedule 4 - Police Reform Act 2002).

**ASSOCIATED RISKS AND MITIGATION**

Regular reporting from Essex Police demonstrates the successful delivery of this post over an extended period, which is a continuation of previous work.

Regular reporting through the continuation of the project allows the Council to monitor progress and request changes as necessary if delivery is not what the Council requires.

Essex Police, who employ the post, are also a trusted partner of the Council and integral to the Community Safety Partnership with the Council and wider partners.

There is no risk of redundancy to the Authority because Essex Police hold the post.

**EQUALITY IMPLICATIONS**

Essex Police (*who employ this post*) have a strong drive to deliver equality and have an inclusive approach. They have officers who are neighbourhood officers and directly community facing and the PCSO will work closely with these officers to ensure an inclusive service is provided to the community.

**SOCIAL VALUE CONSIDERATIONS**

The social value implications in terms of wider financial and non-financial value created by actions that include the wellbeing of individuals and communities, social capital, and the environment in particular focus on how the role can help support the development of resilient communities. This is where individuals and the community feel safer in their place and can access the assets in their community, as they are not subject to crime or the fear of crime.

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

No direct implications.

**OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

<b>Crime and Disorder</b>	All Community Safety / ASB activities are carried out in line with the Community Safety Partnership Strategy. The Council and partners receive a regular update regarding Community Safety at the Community Safety Partnership/Health and Wellbeing Board.
<b>Health Inequalities</b>	All Community Safety priorities are in line with the objectives of Community Safety and Health and Wellbeing Boar, as well as positively contributing to the work to improve the wider determinants of health within our community.
<b>Area or Ward affected</b>	Wards in Harwich and Dovercourt.

### PART 3 – SUPPORTING INFORMATION

#### PREVIOUS RELEVANT DECISIONS

There are no previous relevant decisions for this year's funding. However, there have been previous decisions to fund this post.

06.12.2022 – Funding for 01.03.2022 – 31.03.2023

14.09.2023 – Funding for 01.04.2023 – 31.03.2024

#### BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

#### APPENDICES

PCSO Powers – Appendix 1

#### REPORT CONTACT OFFICER(S)

<b>Name</b>	<b>Leanne Thornton</b>
<b>Job Title</b>	<b>Community Safety &amp; Safeguarding Manager</b>
<b>Email/Telephone</b>	<b><a href="mailto:lthornton@tendringdc.gov.uk">lthornton@tendringdc.gov.uk</a> 01255 686353</b>

## Police Community Support Officers

### Schedule 4 - Police Reform Act 2002

1. To issue fixed penalty notices for cycling on a footpath
2. To issue fixed penalty notices for littering
3. To require name and address
4. To require name and address for antisocial behaviour
5. To require name and address for road traffic offences
6. To require persons drinking in designated places to surrender alcohol
7. To require persons aged under 18 to surrender alcohol
8. To seize tobacco from a person aged under 16
9. To seize drugs and require name and address for possession of drugs
10. To enter and search any premises for the purposes of saving life and limb or preventing serious damage to property
11. To seize vehicles used to cause alarm
12. To remove abandoned vehicles
13. To stop cycles
14. To control traffic for purposes other than escorting a load of exceptional dimensions
15. To carry out road checks
16. To place signs
17. To enforce cordoned areas: under section 36 of the Terrorism Act 2000
18. To stop and search in authorised areas: powers under the Terrorism Act 2000
19. To photograph persons away from a police station
20. To issue penalty notices in respect of offences of disorder
21. To issue fixed penalty notices for truancy
22. To issue fixed penalty notices for dog fouling
23. To issue fixed penalty notices for graffiti and fly-posting
24. To issue a fixed penalty notice for relevant bylaw offence
25. To enforce bylaws
26. To detain: power to detain a person whom a PCSO has reason to believe has committed a relevant offence who fails to comply with a requirement under paragraph 1A(3) to give name and address or who gives an answer which the PCSO reasonably suspects to be false or inaccurate, for up to 30 minutes for the arrival of a police officer (or to accompany that person to a police station if he or she elects to do so on request).
27. To deal with begging
28. To enforce certain licensing offences
29. To search detained persons for dangerous items or items that could be used to assist escape
30. To disperse groups and remove persons under 16 to their place of residence
31. To remove truants to designated premises
32. To search for alcohol and tobacco
33. To seize drugs and require name and address for possession of drugs
34. Limited power to enter licensed premises
35. To stop vehicles for testing
36. To Disperse persons from a specified area

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## CABINET

24 MAY 2024

### REPORT OF PORTFOLIO HOLDER FOR PARTNERSHIPS

#### A.10 REPORT OF A PROPOSED VARIATION TO THE EXISTING PUBLIC SPACES PROTECTION ORDER (PSPO) IN CLACTON TOWN CENTRE – INCLUDING AN EXTENSION TO THE AREA COVERED AND NEW CONDITIONS TO THE EXISTING ORDER

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

Following consultation, this report seeks the agreement of Cabinet to endorse the variation of the Public Spaces Protection Order (PSPO) in Clacton town centre and its peripheral areas. The implementation of the PSPO will include an extension of the area covered and the inclusion of three new conditions.

###### EXECUTIVE SUMMARY

The Anti-Social Behaviour, Crime and Policing Act 2014 enacted powers to create Public Spaces Protection Orders (PSPOs). The purpose of a PSPO is to stop individuals or groups from committing Anti-Social Behaviour (ASB) in a public space.

An order has been in place in the Clacton town centre since 2007 (*between 2007 and 2014 there was a Designated Public Places Order in place, which was superseded by the PSPO when the legislation was amended*).

Both Tendring District Council and Essex Police receive concerns from members of the public about the need to tackle street drinking, begging and other types of ASB in Clacton town centre. Essex Police have Dispersal Powers; however, the PSPO provides additional support for both Essex Police and TDC Officers, enabling them to use these powers to undertake enforcement activity and to prevent crime. It provides a tool to swiftly resolve and combat issues, including the removal of alcohol and the dispersal of individuals and groups. The order ensures that Clacton can be a safe and pleasant environment for residents, workers and visitors.

Council Officers have previously used the PSPO powers along Clacton seafront, including in the shelters and this supports the Council in maintaining the town as a tourist attraction while keeping the seafront gardens clear of larger groups and ASB.

A decision was taken by the Partnerships Portfolio Holder, and published on 31<sup>st</sup> August 2023, which extended the PSPO in Clacton town centre for a period of three years pursuant to the powers contained in Sections 59 to 65 of the Anti-Social Behaviour, Crime and Policing Act 2014.

To gather public opinion, the Council has undertaken a six-week public consultation exercise. The consultation process included businesses, Essex Police, Ward Councillors, landowners

and members of the public that reside within the suggested extended PSPO area.

During the consultation period, the Council received eighteen responses from members of the public and local businesses; all responses were in support of the amendments to the PSPO.

This report is now putting forward a proposal to extend the area covered across Clacton town centre and to introduce three additional conditions.

We are proposing the following additional conditions:

- a. No person shall urinate, defecate, or spit within the public restricted area.
- b. No tent or other structures like a tree, wall, fence, pole, booth, or gate to be used anywhere within the restricted area shall be erected unless prior authorisation is sought and agreed by the Council.
- c. All persons are prohibited from behaving in a way that causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

The new areas to be included in the Clacton town centre PSPO are:

- Lancaster Gardens West
- Lancaster Gardens East
- Albany Gardens West
- Albany Gardens East
- Connaught Gardens West
- Connaught Gardens East
- Beatrice Road

**Note:** A PSPO cannot be issued to a person who is homeless under the ASB Legislation Police and Crime Act 2014; however, if an individual is causing harassment, alarm and distress, the PSPO can come into effect.

A map of the proposed extension area is attached (Appendix C).

## **RECOMMENDATION(S)**

**It is recommended that the Cabinet:**

- (a) takes into consideration the outcome of the public consultation to the proposed variation of the Public Spaces Protection Order for Clacton Town Centre, as presented within the report;**
- (b) determines it is satisfied on reasonable grounds that the activity or behaviour covered by the proposed variation is carried out, or likely to be carried out, in a public space:**
  - **has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;**
  - **is, or is likely to be, persistent or continuing in nature;**



- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

(c) approves the variation to the areas covered by the current Town Centre Public Spaces Protection Order (as indicated within this report and the map shown in Appendix C introducing the following additional conditions:

- i. No person shall urinate, defecate, or spit within the public restricted area.
- ii. No tent or other structures like a tree, wall, fence, pole, booth, or gate to be used anywhere within the restricted area shall be erected, unless prior authorisation is sought and agreed by the Council.
- iii. All persons are prohibited from behaving in a way that causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

These additional conditions will cover both the existing area of the Clacton town centre and the additional areas. The revised PSPO is attached at Appendix B.

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

After public consultation, Cabinet will consider whether to approve the implementation of a revised Public Spaces Protection Order (PSPO) in Clacton Town Centre and its peripheral areas, with extended areas and three additional conditions.

The Council is satisfied that the legal test has been met in relation to the extended area and additional conditions.

#### **ALTERNATIVE OPTIONS CONSIDERED**

- To take no action in relation to varying the PSPO and to continue with the PSPO in its current format.

This option was discounted as it would not support the Council's Corporate Plan priority relating to working with partners to improve quality of life (*areas in Tendring that have been subjected to ASB, i.e., where street drinkers and youths congregate and where crime takes place*).

To not support this work would therefore be out of line with the Council's and Community Safety Partnership's current priorities.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The work of the Community Safety Team and its partners in the Community Safety Partnership supports a number of strategic priorities at District, County and National level. These include the following:

- Tendring District Council – Corporate Plan 2024 - 2028
- Community Safety Partnership Strategic Assessment 2024
- Community Safety Partnership Delivery Plan 2024 – 2025
- Police and Crime Plan 2021 – 2024 (to be renewed post PFCC Election in May 2024)
- Tendring District Council – Corporate Enforcement Strategy

Community Safety Partnerships are required to be cognisant of various pieces of legislation, including:

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014

### OUTCOME OF CONSULTATION AND ENGAGEMENT

Under Section 72 of the Crime and Policing Act 2014, before varying a PSPO, a Council is obliged to carry out a consultation with the Chief of Police, the local Policing body, and any community representative and owners/occupiers of land covered within the order that is deemed necessary.

The consultation period was over a six-week period from 11<sup>th</sup> December 2023 until 22<sup>nd</sup> January 2024 and the Community Safety Team ensured appropriate engagement took place with all stakeholders (*as defined in the Anti-Social Behaviour Crime and Policing Act 2014*).

The consultation was publicised through the Council’s website, in the local media and through the Council’s social media platform; a paper version was also made available at the Town Hall for viewing and collection. There was also an option for people who wanted to respond in writing.

Following the consultation period, the Council received eighteen responses from members of the public and local businesses. All were in support of the amendments to the existing order.

### LEGAL REQUIREMENTS (including legislation & constitutional powers)

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

		<b>days at the latest prior to the meeting date)</b>	
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The legal tests: The legal test focuses on the impact that ASB is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activity or behaviour concerned is carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Before making, varying, extending, or discharging a PSPO, the Council must carry out the necessary publicity and associated notification (*if any*) in accordance with Section 72(3) of the Anti-Social Behaviour, Crime and Policing Act 2014; this includes publishing the text of a proposed order or variation and publishing the proposal for an extension or variation.

The Council must also publish information about the order in accordance with regulations made by the Secretary of State; this includes publishing the order as made, extended, or varied on its website, and, where an order is discharged, publishing a notice on its website identifying the order that has been discharged and the date on which it ceases to have effect.

Given that the effect of PSPOs is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability.

The prohibited activity currently regulated by the Pleasure Grounds By-law 1980, which is included in the proposed variation to the Clacton Town Centre PSPO, is in relation to the erection of tents and other structures. If the variation is implemented following the consultation exercise, then this offence will be regulated and thus enforceable under the PSPO regime, which includes a fixed penalty notice ('FPN'), followed by a fine not exceeding level 2 (£500) on the standard scale on summary conviction if an offender fails to pay the FPN.

It is imperative that the decision made by Cabinet considers if any rights under Articles 9 and 10 (below) are impacted upon by the variation, and if so whether the interference is justified.

#### ***Freedom of thought, conscience and religion article 9***

1 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2 Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

#### ***Freedom of expression article 10***

1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public

authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

***Freedom of assembly and association article 11***

1 Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2 No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

In relation to the proposed variation to the existing Public Spaces Protection Order in Clacton Town Centre – including an extension to the area covered and new conditions to the existing order, any rights under Articles 9, 10 and 11 have been considered and are not impacted in this case.

<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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The purpose of the PSPO is to prevent anti-social behaviour in public places. This is achieved by imposing legally enforceable controls on the behaviour of individuals. Power to make a PSPO is conferred on local authorities by s59 of the Antisocial Behaviour, Crime and Policing Act

Section 59(1) provides that a local authority may make a PSPO if two threshold conditions are met. The first of these is specified by a s59(2):

“that (a) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.”

The second threshold condition is specified by s59(3), in that “the effect, or likely effect, of the activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice.”

Section 59(4) defines a PSPO as “an order that identifies the public place referred to in subsection (2) (‘the restricted area’) and (a) prohibits specified things being done in the restricted area, (b) requires specified things to be done by persons carrying on specified activities in that area, or (c) does both of those things.” Section 59(5) limits the prohibitions or requirements that may be imposed to “ones that are reasonable to impose in order (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.”

Section 72(1) provides that in deciding whether to make a PSPO the authority (must have

particular regard to the rights of freedom of expression and freedom of assembly” set out in Articles 10 and 11 of the ECHR.

The Monitoring Officer has previously drawn officers attention to the judgement in TOSSICIBOLT v BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL (2023) EWHC 3229 (Admin), where the Claimant challenged the validity of a PSPO made by the Council in October 2022. The main issues were whether the Order was unlawful because it went beyond the scope of the Council’s statutory powers to make PSPOs or because it involves unjustified interference with individual rights and freedoms, including the freedoms of expression and assembly guaranteed by Articles 9, 10 and 11 of the ECHR and is hence a breach of the Council’s duties under s6 of the Human Rights Act 1998 (HRA).

Through the decision to make or vary a PSPO the Council must have regard to these rights and demonstrate they have taken them into account through their decision making.

The Court observed that it is inherently likely that some PSPOs will interfere with the exercise of the rights guaranteed by Articles 10 and 11 of the ECHR. It is therefore understandable that s72(1) of the 2014 Act highlights and requires a local authority to have “particular regard” to the right guaranteed by those Articles. The statutory language is similar to that of s12(4) of the HRA which requires a Court to have “particular regard” to the importance of the right protected by Article 10 when it is considering whether to grant any relief that may affect the exercise of that right. There are four uncontroversial points to be made:

- (1) Firstly, it is not every PSPO that will affect the freedom of expression or assembly;
- (2) Secondly, the rights granted by Articles 10 and 11 are both qualified rights; measures that interfere with freedom of expression or assembly can be justified where that is necessary in a democratic society in pursuit of one of the legitimate aims specified in the Article, and proportionate to that aim;
- (3) Thirdly, a requirement to have “particular regard” to a specified Convention right is not a duty to have regard “only” to those rights: it does not relieve a public authority of the duty imposed by s6 of the HRA to avoid acting incompatibly with other human rights that are relevant in the circumstances of the case;
- (4) Finally, a requirement to have “particular regard” to a qualified ECHR right does not give it any presumptive priority over another qualified right; such rights as such are of equal value; any conflict between them falls to be resolved by focussing intensely on the comparative importance of the specific rights in play and the necessity and proportionality of any interference with them.

The Court concluded that when making the Order the Council lawfully followed the democratic and consultative procedures prescribed by the 2014 Act. The decision-maker was entitled to conclude that the threshold conditions for making an order were satisfied. The detailed provisions of the Order are consistent with s59(5) of the 2014 Act and with the Council’s duty under s6 of the HRA. To that extent that the Order interferes with the human rights and the interference is justified by the legitimate aim of protecting the rights of others. The claim was dismissed.

Therefore, it is imperative that the decision made by Cabinet considers if any rights under Articles 9 and 10 (above) are impacted upon by the variation, and if so whether the interference is justified.

## **FINANCE AND OTHER RESOURCE IMPLICATIONS**

A quotation has been received to enable the signage to be refreshed, taking into account the new conditions and new areas that require new signage (*example below*). The signs are made of sticky-back plastic and will be placed over the existing signage (*the existing signage is already this type of sign*). The money for the signs will be met from existing budgets within the service.

100 signs = £287.58 + V.A.T

**PUBLIC SPACES PROTECTION ORDER**  
**Anti Social Behaviour, Crime and Policing Act 2014**

-  No person shall consume alcohol within the restricted area, you may be required to surrender containers believed to contain alcohol
-  No illegal substances to be taken anywhere in the restricted area
-  No person shall beg within the restricted area
-  No person shall loiter as an individual or as a group, if causing or likely to cause anti-social behaviour
-  No person shall urinate, defecate or spit in a public space within the restricted area
-  No person shall erect a tent or other structure within the restricted area
-  No person shall behave in an anti-social manner likely to cause harassment, alarm or distress to others with the restricted area




X The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

There are no further comments over and above those set out elsewhere in the report.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The proposed updates to the Clacton Town PSPO include Officer time (<i>any further information about resources, e.g., Essex Police/Community Safety Team</i>) and minimal costs associated with the consultation exercise. The new signage cost is £287.58 + V.A.T</p>
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B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Evidence base through feedback, including businesses and residents affected by ASB and a reduction in ASB incidents across the District.
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.	In line with the Community Safety Priorities to reduce ASB, a PSPO could assist with the root causes of ASB, which can start from how an area is perceived or a neighbour dispute.
<b>MILESTONES AND DELIVERY</b>	
<p>The consultation has now concluded, and eighteen responses have been received and evaluated. Approval is now sought from Cabinet for the expansion of the existing PSPO and a variation of conditions. Details of consultation responses are shown in Appendix A</p> <p>If the proposal is agreed, the Community Safety Team will ensure that it is published on the Tendring District Council website and all other social media platforms and newspapers.</p>	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
<p>PSPOs must be reviewed every 3 years to ensure the issue(s) are still relevant and require a PSPO in the area. All reports and complaints are duly logged, which is in line with the Council's recording already in place and details are stored on a central database to assist and support the decision as to whether a further extension to a PSPO is required.</p>	
<b>EQUALITY IMPLICATIONS</b>	
<p>The Council's obligations under the public sector equality duty are set out in Section 149 of the Equality Act 2010. Under that duty, public authorities are required to have due regard to the following when carrying out their functions:</p> <ul style="list-style-type: none"> <li>a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010.</li> <li>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and</li> <li>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
<p>PSPOs aim to ensure that all users of public spaces can enjoy them, free from ASB. They are not about stopping the responsible use of the night-time economy or preventing anyone from seeing their friends, but they do provide Councils with another instrument to help deal with persistent issues that are damaging communities.</p>	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
N/A	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<p>The cost of erecting new signs in the Gardens area will be considered. Additionally, we will need to reprint the existing signs to incorporate the new conditions. 100 signs cost £287.58 + V.A.T</p>	

<b>Crime and Disorder</b>	All Community Safety / ASB activities are carried out in line with the Community Safety Partnership Strategy. The Council and partners receive a regular update regarding Community Safety at the Community Safety Partnership/Health and Wellbeing Board.
<b>Health Inequalities</b>	All Community Safety priorities are in line with the objectives of the Community Safety and Health and Wellbeing Board, as well as positively contributing to the work to improve the wider determinants of health within our community.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	N/A
<b>Area or Ward affected</b>	Pier Ward, St James Ward and St Paul's Ward, Clacton on Sea.

### PART 3 – SUPPORTING INFORMATION

#### BACKGROUND

The current and existing PSPO has been in place within the town centre for the past 3 years, following its extension in August 2020. A further extension was granted in August 2023.

The current PSPO prohibits the following: -

- No person within the restricted area will persistently beg. Persistent begging is defined as begging on more than one occasion and includes all passive and active methods used to receive alms.
- No person will loiter as an individual or in a group if they are causing or likely to cause Anti-Social Behaviour. If asked to disperse on the instruction of a Police Officer or authorised officers (*from Tendring District Council*), individuals must not return to the area for a period of 24 hours. If the person is under 16, a Police Officer can take them home or to another place of safety.
- No person within the restricted area will: inject, ingest, inhale, smoke or otherwise use intoxicating substances (*including in a public toilet and using a public toilet to sleep in is specifically included in this prohibition*).
- No person within the restricted area will refuse to stop drinking or hand over any containers (*seal or unsealed*) that are believed to contain alcohol when required to do so by an authorised officer to prevent public nuisance or disorder.

Essex Police state that using the powers of the PSPO, they have been able to disperse gatherings of people, remove alcohol, and both actions have led to a decrease in violent



crime and ASB.

The current PSPO has supported the reduction of ASB within the Tendring District, working in partnership with Essex Police. Recent figures show that there has been a significant reduction in ASB. In Clacton Town Centre ASB, has decreased by 46% over the same period as last year.

#### **PREVIOUS RELEVANT DECISIONS**

An order has been in place in Clacton town centre since 2007.

The existing PSPO has been in place within the town centre for the last 3 years following its extension in August 2020, and a further extension was granted in August 2023 for a further 3 years until August 2026.

#### **BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

N/A

#### **APPENDICES**

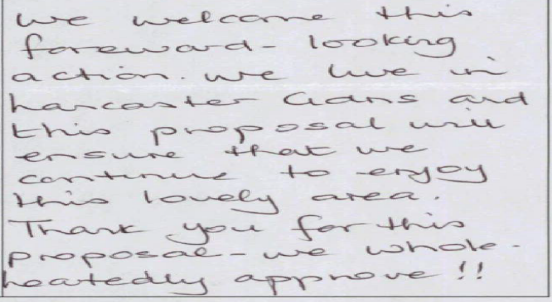
**Appendix A - Consultation Responses**  
**Appendix B – Proposed PSPO (with variations)**  
**Appendix C – Map and areas covered in Proposed PSPO area**

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

<b>Name</b>	<b>Leanne Thornton</b>
<b>Job Title</b>	<b>Community Safety and Safeguarding Manager</b>
<b>Email/Telephone</b>	<a href="mailto:lthornton@tendringdc.gov.uk">lthornton@tendringdc.gov.uk</a> <b>01255 686353</b>

**Town Centre PSPO consultation responses**

Name	Response
Ms Jefferys (Resident)	I wholeheartedly support the Renewal of the PSPO. Any initiative towards achieving a unified integrity for Clacton must be beneficial. We have a beautiful town located on the seaside, with many attractions to interest day trippers and hopefully longer duration visitors. To this end, it is essential that all antisocial behaviours are minimised to facilitate this safe and happy environment. Loyalty comes from trust and safety.
Mr Allen (Resident)	<p>I am writing to express my support for the proposed amendment to extend the Public Spaces Protection Order in Clacton on Sea.</p> <p>Maintaining and enhancing our open spaces is crucial not only for the local wildlife but also for the environmental quality of our community. These open areas offer significant benefits, especially during the summer months. They attract tourists who come for holidays or long weekends, providing them with pleasant spaces to relax and enjoy picnics. This is particularly important for visitors who reside in urban areas where open, green spaces are scarce.</p> <p>Moreover, preserving these open spaces can play a vital role in discouraging undesirable activities such as the erection of tents in gardens and disruptive late-night gatherings. These spaces contribute to the overall well-being of our community, offering residents and visitors alike a serene environment to enjoy.</p> <p>I trust that the Council will consider the multiple benefits of extending the protection order, ensuring that Clacton on Sea remains a welcoming and vibrant community for both its residents and visitors.</p>
Mr & Mrs Welham (Residents)	Fully supportive, I hope the PSPO will restore our quality of life and we feel safe again.
Ms Worby (Resident)	I support the above in its contents. We had tents in the gardens in the summer time one in particular was there for several months. If these breaches are not checked and acted upon the PSPO is useless
Snappy Snaps (Business)	Completely support the proposal
Mr Radford (Resident)	This is to express my strong support for the proposed extended Clacton Town Centre Public Space Protection Order. I speak on behalf of myself and my wife (neither of us represents any organisation). We are particularly pleased to see the order extended to cover Connaught Gardens West (where we live), as a number of tents were erected in the gardens there over the summer, and we and our neighbours felt that they constituted not only an eyesore but also a public nuisance, a health hazard, and a potential security risk.
Mr Jackson	<p>We support the renewal of the PSPO with the addition of the Gardens Area.</p> <p>It has during the last year made it unconfutable for my daughters to walk the dogs in the gardens due to the number of long term tents erected in the area It is also off putting for families with younger children who want to use the gardens. Its is worrying where they may be using as a toilet.</p>

Mr Syrett (Business)	I am writing in support of the renewal of the pspo within Clacton town centre where we own several properties and run two businesses Wimpy and professor bean on station road George Syrett
Hanslip Ward & Co (Business)	Completely support the proposal
Resident	There have been several tents put up in the gardens over the past year, someone was waiting to be housed by the Council – I support fully
Hidden Hearing (Business)	Good thing in principle
Ms Wood	
Cllr Baker	I am concerned that the extension does not go far enough and cover Eastcliff recreation field where we have suffered a person living in a tent for some 8 weeks, and of course traveller incursions. I know the latter are covered by other legislation but it would be another piece to help if they ever try again. It will be interesting to see how much impact it does have and if there is any displacement, then I can make representations for it to be extended further I am sure.
5 responses	Agree to support the proposal

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
PART 4 SECTION 59  
VARIATION TO PUBLIC SPACES PROTECTION ORDER**

Tendring District Council (the Council) in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in section 59 of the Act have been met makes the following order:

This Order is being extended because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space, namely the streets and public areas coloured red on the attached map at Appendix A.

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

The Council is satisfied that the following activities have been or are likely to be carried out in the public space.

1. The Order applies to the public areas shown on the document annexed (Annex A) to this Order and on the lists of Streets and Public Areas affected by the order (Annex B).
  - a. No person shall within the restricted area persistently beg. Persistent begging involves begging on more than one occasion and includes all passive and active methods used to receive alms.
  - b. No person shall loiter as an individual or in a group if they are causing or likely to cause anti-social behaviour. If asked to disperse on instruction of a Police Officer or authorised officer (from Tendring District Council) individuals must not return to the area for a period of 24 hrs. (If the person is under 16 a Police Officer can take them home or to another place of safety).
  - c. No person shall within the restricted area area will: inject, ingest, inhale, smoke or otherwise use intoxicating substances (including in a public toilet and using a public toilet to sleep in is specifically included in this prohibition).
  - d. No person shall within the restricted area refuse to stop drinking or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to so by an authorised officer to prevent public nuisance or disorder.
  - e. No person shall urinate, defecate, or spit within the public restricted area.
  - f. No tent or other structures like a tree, wall, fence, pole, booth, or gate to be used anywhere within the restricted area shall be erected, unless prior authorisation is sought and agreed by the Council.
  - g. All persons are prohibited from behaving in a way that causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public
2. Any person who without reasonable excuse fails to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction to a fine not exceeding level 2 on the standard scale.

3. FIXED PENALTY

A Constable or CSAS (Community Safety Accredited Scheme) Accredited Officer may issue a fixed penalty notice to anyone he or she believes is committing an offence. You will have 14 days to pay the fixed penalty notice. If you pay the fixed penalty within 14 days you will not be prosecuted.

4. PERIOD FOR WHICH THE ORDER HAS EFFECT

This order supersedes the Designated Public Spaces Order that has been in place since 2007. The original Order came into force on 1st July 2016, and this 3 year extension (variation included) will allow the order to be in place until the 1st June 2026.

At any point before the expiry of this 36 month period the Council can extend the order by up to 3 years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

5. CHALLENGING THE VALIDITY OF THE ORDER

An interested person may apply to the High Court to question the validity of

- a) This Order, or
- b) A future variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the Order or variation is made, on the grounds that:

- a) Tendring District Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.

Signed: Delegated Officer: .....

Dated: .....



**Public Spaces Protection Order**  
**Clacton Town Centre & Seafront Areas**

**Streets**

Agate Road  
Alexandra Road  
Alton Road  
Anglefield  
Back Electric Parade  
Back Station Road  
Beach Road  
Beatrice Road (part) from its junction with Edith Road to western side of its junction with Ellis Road  
Carnarvon Road (part) from its junction with Anglefield to southern side of its junction with Hayes Road/Skelmersdale Road  
Colne Road  
Edith Road  
Ellis Road  
Hastings Avenue (part) from its eastern junction with West Road to its junction with Carnarvon Road  
Hayes Road  
High Street (part) from its junction with Station Road to the western side of its junction with Carnarvon Road  
Jackson Road  
Marine Parade East (part) from its junction with Pier Avenue to the western boundary of Southcliff  
Marine Parade West  
Meredith Road  
Old Road (part) from its junction with Rosemary Road West to the northern side of its junction with Meredith Road  
Orwell Road  
Pallister Road  
Penfold Road  
Pier Avenue  
Pier Gap  
Rosemary Crescent  
Rosemary Road  
Rosemary Road West  
Skelmesdale Road (part) from its junction with Carnarvon Road to the eastern side of its junction with Station Road  
Station Road  
The Grove  
Tower Road  
Unnamed road linking Beach Road to Rosemary Road  
Unnamed road linking Pier Avenue to Agate Road  
Wellesley Road (part) from its junction with Pier Avenue to the north side of its junction with Meredith Road  
West Avenue (part) from its junction with Pier Avenue to the western side of its junction with Ellis Road

**Other public areas**

Agate Road car park  
Anglefield Gardens  
Hastings Avenue Car Park  
Hastings Avenue Car Park adjacent to Martello Tower  
High Street car park  
Jackson Road car park  
Launching Ramp Access Road off Hastings Avenue  
Martello Coach and Car Park  
Town Hall car park  
Town Square  
Public Convenience Rosemary Road  
Wellesley Road car park  
Public Gardens at the junction of Wash Lane and Marine Parade West  
Hastings Avenue picnic Area adjacent to Martello Tower  
Hastings Avenue public Gardens opposite Martello Tower  
Launching Ramp Access Road off Hastings Avenue

Public gardens at the junction of Tower Road and Marine Parade West  
Public gardens bounded by Carnarvon Road, Station Road and Skelmersdale Road  
Waterglade Retail Park – Old Road – Clacton on Sea.  
Lancaster Gardens West  
Lancaster Gardens East  
Albany Gardens West  
Albany Gardens East  
Connaught Gardens West  
Connaught Gardens East  
Beatrice Road

### **Footpaths**

Path linking Station Road to Carnarvon Road and High Street car park  
Path High Street to High Street car park either side of Sainsbury's Supermarket

### **Seafront Areas**

Clacton Pier

The area comprising the greenswards, gardens, promenades, Venetian Bridge, Pavilion, cliff paths, shelters, public convenience, play areas, model boating pond and beach extending from the mean low water mark to the boundary of the public highway at Marine Parade East, Marine Parade West, Hastings Avenue and Selsey Avenue. From a point opposite the western flank wall of the block of flats 111-117 Selsey Avenue to a point opposite the western boundary of Heseltine Court, First Avenue.



## CABINET

24 MAY 2024

### REFERENCE REPORT FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE

#### **A.11 SCRUTINY OF SCHOOL AGE EDUCATION PROVISION**

(Report prepared by Keith Durran)

#### **BACKGROUND**

The Community Leadership Overview and Scrutiny Committee (“the Committee”) at its meeting held on 23 April 2024, considered a final report from its School Age Education Provision Task and Finish Group, which had been submitted following that Group’s conclusion of its enquiry concerning Education. The Committee had been provided, as the material for them to consider, the final report of the School Age Education Provision Task & Finish Group following its enquiry concerning Education. That report is attached as Appendix 1.

#### **COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE’S RECOMMENDATION(S) TO CABINET**

##### **RECOMMENDED TO CABINET:**

- a) Advocate and champion where possible local mental health support for young people.
- b) Seek funding opportunities, wherever possible, to provide mental health support for young people.
- c) Promote the suicide prevention training (free online learning package) to schools across Tendring.
- d) Support and have Officer attendance at the Tendring Education Strategic Board, Attendance sub-group.
- e) Champion and continue to work closely with Family Solutions.
- f) To continue to support the Primary Wellbeing hubs and cascade the evaluation from the University of Essex through the Essex Health and Wellbeing Board, Tendring Community Safety Partnership/Health and Wellbeing Board.
- g) To request an update from ECC Education colleagues regarding school attendance data:-

The following requests to be submitted to ECC post January 2025 - (this will be the earliest opportunity for school data to be available under new reporting arrangements for schools. (Ref: Department for Education Guidance, “Working Together to Improve School Attendance,” (update February 2024)):

- Request attendance data relating to the autumn term of 2024/25 to show levels of persistent and severe absence within the district (for the Tendring area and broken down by school).
- Number of alternative commissioning arrangements which have been commissioned by the LA (Education Access Team/SEND Team) for the

Tendring district, including the reasons why such provision has been deemed necessary. This request should cover the autumn term 2024/25.

- Number of SEND children (SEN Support or EHCP) who have been removed from a Tendring school roll in favour of elective home education, during the autumn term (Tendring district data for the autumn term 2024/25, broken down by primary and secondary phases), where the reason provided suggests needs have not been met by the school.

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

**The response of the Partnerships Portfolio Holder will be tabled at the meeting, if it is not circulated beforehand.**

**RECOMMENDATIONS TO CABINET:**

**That the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the response of the Partnerships Portfolio Holder thereto be endorsed.**

# **FINAL REPORT OF THE EDUCATION TASK & FINISH WORKING GROUP**

**FOLLOWING ITS INQUIRY INTO: -**

**SCHOOL AGE EDUCATION PROVISION AND SPECIFICALLY:-**

- (a) the rate of absenteeism in schools; consideration of the underlying reasoning for the rise in absence rates, and good practise to reverse this**
- (b) mental health support in secondary schools**

Date: 15<sup>TH</sup> April 2024

## **TERMS OF REFERENCE OF THE TASK & FINISH GROUP**

On 11 July 2023, Full Council agreed the Community Leadership Overview and Scrutiny Committees work programme for 2023/2024, which included a number of Task & Finish Groups to enable a number of enquiries, including pupil attendance and mental health support in secondary school education.

**As agreed by the Task & Finish Group, the overall aims of the enquiry were:**

**With reference to secondary school age provision, to consider specifically.**

- **the rate of absenteeism in schools**  
consideration of the underlying reasoning for the rise in absence rates, and the good practise in place in schools currently to reverse this
- **mental health support available in schools**

**Partnership engagement would include:**

- Representative/s from Essex County Council education directorate in relation to school attendance/statutory compliance
- Representatives of Tendring secondary schools
- Assistant Director, Partnerships

**The Task & Finish group met on the following dates:**

11 October 2023  
11 December 2023  
15 April 2024

School visits were arranged between January 2024 and the end March 2024.

It is important to highlight that this report is written on the basis that the Council has no statutory role for Education, and has been prepared on the basis of influencing and bringing partners together as the Council's role as a Community Leader.

## **THE AIMS AND OBJECTIVES OF THE INQUIRY**

The inquiry supported the then Corporate plan themes of:

- Community Leadership Through Partnerships;
- Building sustainable communities for the Future and,
- Joined up public services for the benefit of our residents and businesses

## **MEMBERSHIP OF THE TASK & FINISH WORKING GROUP**

Cllr Terry Barrett (Chair)  
Cllr Chris Griffiths  
Cllr Carrie Doyle  
Cllr Lynda McWilliams  
Cllr Bill Davidson

## **OFFICER SUPPORT FOR THE TASK & FINISH WORKING GROUP**

Bethany Jones, Committee Services Officer, Democratic Services  
Anastasia Simpson, Assistant Director, Partnerships  
Rebecca Morton, Executive Projects Manager, Partnerships

## INVITEES AND PARTICIPANTS

### External

Anita Patel Lingam, Statutory Education Compliance Manager, Specialist Education Services, Essex County Council

### Participating Tending Secondary Schools:

Harwich & Dovercourt High School

Clacton County High School

Tending Technology College

Manningtree High School

### Internal

Anastasia Simpson, Assistant Director, Partnerships

Rebecca Morton, Executive Projects Manager, Partnerships

Bethany Jones, Committee Services Officer, Democratic Services

## EXPECTED OUTCOME(S) OF THE INQUIRY

To understand/consider the current status of pupil attendance levels and mental health support in Tending secondary schools.

## ACTUAL OUTCOME(S) OF THE INQUIRY

The inquiry found that:-

- Schools are struggling to ensure that good attendance levels (95%) are being achieved by school cohorts. This challenge has increased considerably since the Covid pandemic.
- SEND and EHCP student attendance figures are weaker when compared to the general cohort.
- Schools are using a range of strategies to improve attendance figures. Most responses are in house and rely on school staff to ensure early intervention strategies are implemented.
- The main cause of absence other than physical illness is mental health.
- Fines are used for absence but mostly for holiday related absence.
- Main barriers when attempting to improve attendance are: a) extra cost for additional interventions b) resolving mental health issues c) external support is either too costly or not readily available.
- Mental health need in secondary schools across Tending is very high.
- Mental Health demand has increased since Covid and shows no signs of abating.
- The mental health needs of young people have become more complex and this has led to teaching staff referring more concerns to higher level professionals/organisations.
- Main support strategies are (a) In school staff support, Head of Year etc (b) School employed Counsellors (c) External referral agencies e.g. CAMHS.

- In school Mental Health support is very costly and schools are absorbing these costs while trying to balance ever tighter budgets.
- External waiting lists for Mental Health support are very long. CAMHS referrals currently stand at 9 months. A child's need is often immediate, but the professional support that is needed takes months to be delivered.
- The school GCSE curriculum is a contributing factor to some negative mental health issues. Pressure to achieve certain levels/grades and the absence of an alternative curriculum lead to mental health difficulties for some KS4 students.
- Schools report that GP referrals are slow and parental support is variable.
- No school appears to have data that tracks the number of parents that de-roll their children due to Mental Health issues.
- Our results suggest that the two issues investigated by the T&F Education group are linked. A significant contributing factor to increased absenteeism are the mental health issues faced by young people.
- Schools appear reluctant to share percentage data with the T&F group

## RECOMMENDATION(S)

The School Age Education Provision Task & Finish Group recommends:-

1. **Advocate and champion where possible local mental health support for young people.**
2. **Seek funding opportunities, wherever possible, to provide mental health support for young people.**
3. **Promote the suicide prevention training (free online learning package) to schools across Tendring.**
4. **Support and have Officer attendance at the Tendring Education Strategic Board, Attendance sub-group.**
5. **Champion and continue to work closely with Family Solutions.**
6. **To continue to support the Primary Wellbeing hubs and cascade the evaluation from the University of Essex through the Essex Health and Wellbeing Board, Tendring Community Safety Partnership/Health and Wellbeing Board.**
7. **To request an update from ECC Education colleagues regarding school attendance data:-**

**The following requests to be submitted to ECC post January 2025 - (this will be the earliest opportunity for school data to be available under new reporting arrangements for schools. (Ref: Department for Education Guidance, "Working Together to Improve School Attendance," (update February 2024)):**

- **Request attendance data relating to the autumn term of 2024/25 to show levels of persistent and severe absence within the district (for the**

**Tendring area and broken down by school).**

- **Number of alternative commissioning arrangements which have been commissioned by the LA (Education Access Team/SEND Team) for the Tendring district, including the reasons why such provision has been deemed necessary. This request should cover the autumn term 2024/25.**
- **Number of SEND children (SEN Support or EHCP) who have been removed from a Tendring school roll in favour of elective home education, during the autumn term (Tendring district data for the autumn term 2024/25, broken down by primary and secondary phases), where the reason provided suggests needs have not been met by the school.**

**CHRONOLOGY**

11 October 2023	Task & Finish Group Meeting
11 December 2023	Task & Finish Group Meeting
Jan – March 2024	Meetings with secondary schools
End March 2024	Findings collated/analysis
15 <sup>th</sup> April 2024	Meeting of Task & Finish Group – recommendations agreed
16 <sup>th</sup> - 19 <sup>th</sup> April 2024	Report drafted/agreed by Task & Finish Group

**DETAILED FINDINGS OF THE INQUIRY**

The findings of the review are set out below:-

Results from school visits

Questions	School A	School B	School C	School D
What % of students are persistently absent? (below 90%)	8.9%	Not provided	5-6%	Has been poor but a 60% improvement over the last year.
What % of students are severely absent (below 50%)	Not provided	Not provided	Not provided	Not provided
What are attendance figures for SEN (a) and EHCP (b) students?	(a) = 90.4% (b) = 29%	Not provided	(a) 91.5%	Not provided
What measures do you implement to help these students		<ul style="list-style-type: none"> <li>• Daily welfare telephone call.</li> <li>• Form Tutors first line of support.</li> </ul>	<ul style="list-style-type: none"> <li>• Let's work together document.</li> <li>• Let's talk document</li> <li>• EBSA</li> </ul>	<ul style="list-style-type: none"> <li>• Regular meetings.</li> <li>• Celebration letters.</li> <li>• Students track their own attendance.</li> <li>• Intervention</li> </ul>

improve their attendance?		<ul style="list-style-type: none"> <li>• School based/funded EWO - Educational Welfare Officer. External knock on doors. Internal – talk to students.</li> </ul>	<p>(Emotionally Based School Avoidance)</p> <ul style="list-style-type: none"> <li>• Pastoral care – Head of Year</li> <li>• Alternative school provision NEECA (North East Essex Co-Operative Academy)</li> <li>• 1-2-1 tutoring support on site (at a cost to parent £673 per week)</li> </ul>	<p>strategy if absence lasts longer than 3 days.</p> <ul style="list-style-type: none"> <li>• No holidays are authorised.</li> <li>• Prosecutions for absence occurred Feb 2024.</li> <li>• External agencies via the Trust are used.</li> </ul>
What are the main reasons for student absence other than illness?		<ul style="list-style-type: none"> <li>• Mental Health issues.</li> <li>• Limited engagement from parents to help with Mental Health issues.</li> </ul>	<ul style="list-style-type: none"> <li>• Mental health issues.</li> <li>• Pressures from the curriculum, especially GCSE curriculum.</li> <li>• Drop in figures since Covid Pandemic.</li> </ul>	<ul style="list-style-type: none"> <li>• Change of culture in the school.</li> <li>• Lack of parental support with mental health.</li> <li>• More illness since Covid.</li> </ul>
Do you fine parents for absence? If so is it for holidays or irregular attendance or both?	<ul style="list-style-type: none"> <li>• Fines are issued.</li> <li>• Holidays</li> </ul>	<ul style="list-style-type: none"> <li>• Fines are issued</li> <li>• Holidays</li> </ul>		<ul style="list-style-type: none"> <li>• Fines and prosecution.</li> <li>• Holidays</li> </ul>
What are the main barriers for schools when attempting to improve attendance?		<ul style="list-style-type: none"> <li>• Money!</li> <li>• County based EWO structure worked! Why remove it?</li> </ul>	<ul style="list-style-type: none"> <li>• Alternative provision (NEECA) is full.</li> <li>• 1-2-1 tutor offer is too expensive for parents and school.</li> </ul>	<ul style="list-style-type: none"> <li>• Mental Health issues.</li> <li>• Lack of parental support.</li> </ul>
What external support exists to help schools with improving attendance?	<ul style="list-style-type: none"> <li>• Pastoral and welfare support</li> </ul>		<ul style="list-style-type: none"> <li>• Essex schools info link.</li> <li>• Alternative Provision (NEECA)</li> <li>• EBSA - Emotionally</li> </ul>	<ul style="list-style-type: none"> <li>• Attendance support through the Trust has been very good and effective.</li> </ul>



			Based school Avoidance resources	
How many students are currently receiving mental health interventions?	<ul style="list-style-type: none"> <li>• 10 per day.</li> <li>• Support is provided on a 1 to 1 basis.</li> </ul>	<ul style="list-style-type: none"> <li>• No exact figure given but in the 100's. All support is saturated with long wait times for help/support.</li> </ul>	<ul style="list-style-type: none"> <li>• High demand and this is increasing. This is a concern.</li> <li>• School has 50 CLA (Children Looked After) Very high number.</li> </ul>	<ul style="list-style-type: none"> <li>• 288 referrals since September 2023.</li> <li>• 40 students are on the waiting list for Children and Adolescent Mental Health Service CAMHS.</li> </ul>
What strategies of support do you use to help students that are going through a mental health issue at your school?	<ul style="list-style-type: none"> <li>• Trauma perspective Practice</li> </ul>	<ul style="list-style-type: none"> <li>• School Counsellor – 4-6 month wait.</li> <li>• MIND referral</li> <li>• NELFT (North East London Foundation Trust) support used</li> <li>• GP referrals through school &amp; parent cooperation.</li> <li>• AVI robots?</li> </ul>	<ul style="list-style-type: none"> <li>• Child and Adolescent Mental Health Service (CAMHS) – currently has a 9 month waiting list.</li> <li>• On site Counsellor – delivering talking therapy.</li> <li>• Mental Health Nurse – referral needs to come from GP service.</li> </ul>	<ul style="list-style-type: none"> <li>• CAMHS.</li> <li>• Therapy dogs.</li> <li>• Triage system in place to prioritise support.</li> <li>• Pastoral leads – provide in house support but often needs a referral due to more complex needs.</li> </ul>
Does the school employ a Counsellor?		Yes	Yes	
How effective are the strategies you implement?	<ul style="list-style-type: none"> <li>• Very effective</li> </ul>	<ul style="list-style-type: none"> <li>• Counsellor support very effective.</li> <li>• GP referral often leads to waiting list for support.</li> <li>• School support from staff – limited effectiveness – level of need higher than what teaching staff can provide.</li> </ul>	<ul style="list-style-type: none"> <li>• High demand and increasingly complex needs.</li> <li>• Services that are in place are struggling to match the demand.</li> </ul>	<ul style="list-style-type: none"> <li>• In house support often not adequate and needs a referral which comes with a very long wait.</li> </ul>
What barriers exist that prevent	<ul style="list-style-type: none"> <li>• Mental Health support is</li> </ul>	<ul style="list-style-type: none"> <li>• Cost of employing a Counsellor is</li> </ul>	<ul style="list-style-type: none"> <li>• Support services cannot match</li> </ul>	<ul style="list-style-type: none"> <li>• CAMHS waiting list too long. Currently 40 students</li> </ul>

schools making better progress with supporting students with mental health issues?	very costly. Therefore, cost is a limiting factor.	very high. <ul style="list-style-type: none"> <li>• Social Media – root cause of most mental health issues.</li> <li>• Colchester – Crime on the increase and a lot of children getting involved – causing mental health issues.</li> </ul>	the need of the school. <ul style="list-style-type: none"> <li>• GCSE curriculum is a contributing factor to stress and anxiety of some students. Too much focus is placed on GCSE passes/levels.</li> </ul>	waiting. <ul style="list-style-type: none"> <li>• Most mental health needs are complex and need specialist support.</li> <li>• GP referral process is too slow and complex.</li> <li>• Lack of parental engagement and response.</li> </ul>
What external support exists to help schools with mental health support?	<ul style="list-style-type: none"> <li>• MIND and WARMS (Wellbeing Resilience Mental Health Service (previously named Mental Health Support Teams) – paid for out of the school budget.</li> </ul>	<ul style="list-style-type: none"> <li>• MIND</li> <li>• NELF – Northeast London Foundation Trust</li> <li>• GP referrals</li> </ul>	<ul style="list-style-type: none"> <li>• CAMHS</li> <li>• GP referrals</li> </ul>	<ul style="list-style-type: none"> <li>• CAMHS</li> <li>• GP referrals</li> </ul>
How many parents have de-rolled their children due to mental health concerns?	Not provided	Not provided	Not provided	Not provided
Transition from Primary to Secondary can be a time of great stress for children. How does your transition programme aim to make this as stress free as possible?	<ul style="list-style-type: none"> <li>• Working very closely with Year 7.</li> </ul>	<ul style="list-style-type: none"> <li>• Work closely with feeder Primary schools</li> <li>• Led by member of SLT (senior leadership team)</li> <li>• Taster days for new students</li> <li>• Extra days for more vulnerable.</li> </ul>	<ul style="list-style-type: none"> <li>• Induction day</li> <li>• SEND (special educational needs/disabilities) &amp; EHCP - (Education Health Care Plan) children receive extra support and further induction days.</li> </ul>	<ul style="list-style-type: none"> <li>• Safeguarding meetings with Primary schools are organised but info not always accurate.</li> </ul>
Other information...		<ul style="list-style-type: none"> <li>• School reluctant</li> </ul>	<ul style="list-style-type: none"> <li>• Limited training and</li> </ul>	

		<p>categorise Mental Health issues as a crisis but accepted the challenge was very high!</p>	<p>work experience opportunities. Students have to travel out of local area to access these.</p> <ul style="list-style-type: none"> <li>• All post 16 academic education is provided out of the area apart from NOVA in Oxford Rd Clacton. A real concern for SEND and EHCP students.</li> <li>• Race related incidents have increased while homophobic incidents have decreased.</li> <li>• The two mental health areas that have seen most increase is eating disorders &amp; self-harm.</li> </ul>	
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#### BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Department for Education – Working Together to Improve School Attendance  
[Working together to improve school attendance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

#### APPENDICES

None

#### REPORT CONTACT OFFICER(S)

<b>Name</b>	Anastasia Simpson Rebecca Morton
<b>Job Title</b>	AS – Assistant Director, Partnerships RM – Executive Projects Manager, Partnerships
<b>Email/Telephone</b>	<a href="mailto:asimpson@tendringdc.gov.uk">asimpson@tendringdc.gov.uk</a> <a href="mailto:rmorton@tendringdc.gov.uk">rmorton@tendringdc.gov.uk</a>

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## CABINET

24 MAY 2024

### REFERENCE REPORT FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE

#### **A.12 SCRUTINY OF MAINSTREAM AND COMMUNITY TRANSPORT PROVISION IN THE DISTRICT**

(Report prepared by Keith Durran)

##### **BACKGROUND**

The Community Leadership Overview and Scrutiny Committee (“the Committee”) at its meeting held on 23 April 2024, considered a final report from its Mainstream and Community Transport Provision Task and Finish Group, which had been submitted following that Group’s conclusion of its enquiry concerning Transport. The Committee had been provided, as the material for them to consider, the final Mainstream and Community Transport Provision Task & Finish Group following its enquiry concerning Transport. The report is attached as Appendix 1.

##### **COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE’S RECOMMENDATION(S) TO CABINET**

##### **RECOMMENDED TO CABINET:**

- a) Hold a summit with local transport providers including Heddingham and Chambers and Greater Anglia, to seek to improve the frequency, reliability and quality of local public transport services;
- b) Support advocacy for an improved rail service from Clacton, moving to a half hourly service;
- c) Take advantage of levelling up funding where available to support improved public transport;
- d) Engage with ECC and providers on the potential for Demand Responsive Transport to supplement the current public transport offer;
- e) Advocate where possible for services to be brought to coastal areas so that there is less need to travel for education and health care;
- f) Ask Heddingham to review the provision of a bus stop to support the new Marks and Spencer’s store at Brook Park West, the Crematorium and the potential for park and ride to Clacton at peak tourist season building on the experience of the Airshow;
- g) Prioritise gaining developer contributions for new bus routes in the delivery of the revised Local Plan; and that
- h) Councils should take these recommendations into account when developing the Tendring Future Transport Strategy (ECC) and the Local Plan (TDC).

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

The response of the Economic Growth, Regeneration and Tourism Portfolio Holder to the Community Leadership Overview & Scrutiny Committee's recommendations are as follows:-

*"I welcome the work completed by the Task and Finish Group and the report of the Community Leadership Overview and Scrutiny Committee. Improvements to public and community transport are of critical importance to residents in a coastal district like Tendring, and I recognise the challenges faced by our residents seeking to get about the district without a car. I endorse these recommendations and in particular commit to organising a summit of local transport providers in 2024."*

**RECOMMENDATIONS TO CABINET:**

**That the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the response of the Economic Growth, Regeneration and Tourism Portfolio Holder thereto be endorsed.**

**FINAL REPORT OF THE  
MAINSTREAM AND COMMUNITY TRANSPORT  
TASK & FINISH WORKING GROUP**

**FOLLOWING ITS INQUIRY INTO:**

**COMMUNITY AND PUBLIC  
TRANSPORT**

**DATE: APRIL 2024**

## **TERMS OF REFERENCE OF THE TASK & FINISH WORKING GROUP**

A decision was published on 14 August 2023 to agree that the Community Leadership Overview and Scrutiny Committee would set up a Task and Finish Group to enable enquiries into the range of elements concerning mainstream and community transport provision. This proposal had been approved by Full Council.

The Task and Finish Group wanted to look into:

- Details of mainstream public transport across the District including bus routes and frequency.
- Issues being experienced with mainstream public transport as outlined to Councillors.
- Details of Essex County Council's subsidised bus services in the District and the associated funding.
- Details of community transport provision across the District and the funding for them from Councils in Essex.
- Publicly available data on car ownership in the District and use of public transport.

Partner engagement included:

- Representatives of the local Bus Operators and of community transport providers.
- Representative from Essex County Council in relation to subsidised bus services where there are no commercial services.
- Representatives of transport users.
- Corporate Director of Place and Economy.

The inquiry started on the 5 September 2023 and ran to March 2024.

## **THE AIMS AND OBJECTIVES OF THE INQUIRY**

The Task and Finish Group agreed to focus on the provision, the extent to which it supports inter-modal exchanges, provides a meaningful alternative to private car usage for work, leisure and medical journeys.

The inquiry supported the then corporate plan themes of:

- A Growing and Inclusive Economy - Support existing businesses/More and better jobs;
- Building Sustainable Communities for the Future;
- Community Leadership Through Partnerships; and
- Joined up public services for the benefit of our residents and businesses.

## **MEMBERSHIP OF THE TASK & FINISH WORKING GROUP**

The make-up of the task and finish group includes two Conservative, two Tending Independent and one Independent member of the Council. Members were:

- Cllr Steady (Chairman)
- Cllr Codling
- Cllr Doyle
- Cllr Ferguson
- Cllr Oxley



## **OFFICER SUPPORT FOR THE TASK & FINISH WORKING GROUP**

Democratic services provided the review with administrative support. Evidence review and report drafting support was provided by the Corporate Director for Place and Economy. The Director of Planning attended meetings of the working party to provide advice on planning matters.

## **INVITEES AND PARTICIPANTS**

### **External**

Wendy Jackson – Local Bus Network Community Engagement Lead (ECC),  
Pauline Mann – Tendring Community Transport  
Debbie Hill - Harwich Connexions Transport Cooperative Ltd  
Pam Playle - Walton Community Hospital Car Service  
Wendy Jackson, Senior Transport Liaison Officer, Essex County Council  
Angie Tillet, ESNEFT  
Pauline Mann – Tendring Community Transport,  
Debbie Hill - Harwich Connexions Transport Cooperative Ltd  
Pam Playle - Walton Community Hospital Car Service

### **Internal**

Keith Durran, Committee Services Manager , Tendring District Council  
Gary Guiver, Director of Planning, Tendring District Council  
Lee Heley, Corporate Director, Place and Economy

Note that the Leader of the Council, the Corporate Director (Place and Economy) and the Economic Service Manager met Heddingham buses in relation to levelling up in Clacton, rather than as a formal part of the scrutiny process; high level messages to Heddingham from that meeting are included in this report with the agreement of the company.

## **EXPECTED OUTCOME(S) OF THE INQUIRY**

The purpose of the review was to consider the network of public transport provision (commercial and subsidised) and invite providers / commissioners to review those with the Council based on evidence identified. To look at community transport provision and where best practice could be shared to extend the network.

## **ACTUAL OUTCOME(S) OF THE INQUIRY**

The inquiry found that there is a public transport system across the district that provides a wide range of services as an alternative to the car for the 20 percent of Tendring households without one, although it faces challenges of scale, frequency, and in some cases reliability. The system is mainly designed for travel to and from the coast to Colchester, rather than between towns in the district, with travel to and from Clacton to Harwich slow by public transport.

Transport providers and funders are seeking to offer the best services possible within the commercial and financial constraints they face.

While the bus network in Tendring is shrinking and issues of frequency and reliability were raised, providers from Clacton are making efforts to improve the service and seek increased public investment.

The rail services provides a good service from Manningtree on the mainline, and from other stations there are branch line services. There is a new train fleet which has increased reliability to 94% across the network, and 96% on the Clacton line. The frequency of the off-peak services from Clacton to London is currently just hourly. Rail can be an expensive form of transport for some residents.

Community transport provides a responsive service to people in need from Harwich, Clacton and Walton. The service faces challenges of being oversubscribed, and relying on short term funding and volunteer effort.

The more public services that are based in coastal towns, the less residents have the need to travel for essential services to Colchester such as health and education. The lack of subsidy to post-16 transport puts a strain on budgets for young people looking to carry on in education at Colchester Institute based in the town. And the hospital in Colchester requires residents to travel there. The Clacton diagnostic hub is an excellent example of bringing services to people in Clacton, reducing the need to travel.

## **RECOMMENDATION(S)**

The Community Leadership Overview and Scrutiny Committee recommends to the Executive that Tendring District Council should:

- a) **Hold a summit with local transport providers including Hedingham and Chambers and Greater Anglia, to seek to improve the frequency, reliability and quality of local public transport services;**
- b) **Support advocacy for an improved rail service from Clacton, moving to a half hourly service;**
- c) **Take advantage of levelling up funding where available to support improved public transport;**
- d) **Engage with ECC and providers on the potential for Demand Responsive Transport to supplement the current public transport offer;**
- e) **Advocate where possible for services to be brought to coastal areas so that there is less need to travel for education and health care;**
- f) **Ask Hedingham to review the provision of a bus stop to support the new Marks and Spencer's store at Brook Park West, the Crematorium and the potential for park and ride to Clacton at peak tourist season building on the experience of the Airshow;**
- g) **Prioritise gaining developer contributions for new bus routes in the delivery of the revised Local Plan; and that**
- h) **Councils should take these recommendations into account when developing the Tendring Future Transport Strategy (ECC) and the Local Plan (TDC).**

## **CHRONOLOGY**

Community Transport Visit  
5 September 2023 Task and Finish Group Meeting  
20 November 2023 Task and Finish Group Meeting

## DETAILED FINDINGS OF THE INQUIRY

The findings of the review are set out below against the scope set for the Task and Finish Group.

### **1. Issues being experienced with mainstream public transport as outlined to Councillors**

Buses provide vital transport in the Tendring area, with services across the district and into Colchester and beyond. Details of services are provided in later sections of the report. However, the issues raised from the Inquiry are set out below.

Frequency of buses was raised as an issue, as they are only hourly or two hourly between the towns in the district.

Bus service reliability is a challenge across Tendring, with congestion proving disruptive for maintaining schedules. Essex County Council tracks reliability issues across a range of corridors and hot spots. In areas like the route from Jaywick Lane to Earls Hall Lane in Clacton, severe traffic backups during peak times make it extremely difficult for buses to stay on schedule. Other problematic areas include Great Clacton's Oxford Road as well as routes between Weeley and Frating that suffer from heavy congestion. Separating the routes from Colchester to within Clacton has reduced the impact of Colchester congestion on Clacton timetables.

In January 2024 Heddingham announced the end of Clacton Town Route 7 - St Osyth Beach to Clacton and Route 8/8A - Clacton to Bockings Elm which were no longer commercially viable. Following consultation, Essex County Council announced in January that services would cease in July 2024 on the 99 evening Clacton to Walton route, as the current subsidy per passenger journey was £25.14.

Heddingham buses cross subsidise their commercial operations with education provision to support the provision of local services. For children under 8 years old, free transportation is offered if they live over two miles away from their nearest suitable school. For those over eight, subsidised travel applies if they reside more than three miles from the nearest school. However Heddingham's cross subsidy model also means there are fewer commercial services at school drop off and pick up times, and the fleet is often the double deckers required for school journeys.

Transport subsidies do not extend to further education or 6th form students once they complete compulsory schooling. Older students are expected to pay full fares for bus services or explore discretionary fare zone schemes offered by some operators in the area. The lack of subsidised transportation for post-16 education can pose affordability challenges. Students have to factor in added transport costs when deciding whether to continue studies after finishing secondary school, something which disproportionately affects lower income families.

Currently, there is no real-time bus tracking or arrival information available to passengers in Tendring district. However, there are opportunities to implement this technology to enhance the public transit experience. In urban centres, real-time information displays could be

installed at major bus stops and shelters to provide up-to-the-minute data on bus arrivals, and create links between rail stations and bus stops with bus information at major rail stations. Heddingham has an App for smart phone users which can track buses, and the company aims to increase take up, recognising the challenges promoting the App to a predominantly older ridership.

Community transport provides a service to local residents who need to attend hospital appointments on the hospital hopper, or want to dial a ride. However, the demand for the service outstrips the supply of vehicles and volunteer drivers and there is limited capacity to expand services.

While there are 14 train stations in Tendring, only Manningtree has a regular mainline service. Compared to other modes of transport trains are high cost, if not booked off peak in advance. There is only an hourly service off peak between Clacton and London.

## **2. Details of mainstream public transport across the District including bus routes and frequency.**

### **2.a. Summary**

The settlements in Tendring District are mainly built along branch railway lines which face Colchester. Getting between places within Tendring, such as Clacton to Harwich, Walton, or Brightlingsea is time consuming by bus. The route network for trains and buses is attached in the Annex.

### **2.b. Information on Rail in Tendring**

The Tendring District is served by branch lines off the Great Eastern Main Line operated by Greater Anglia. The two routes are the Sunshine Coast Line from Colchester to Clacton-on-Sea/Walton-on-the-Naze and the Mayflower Line from Manningtree to Harwich Town.

Tendring District has 14 stations. Key stations include Clacton-on-Sea, Walton-on-the-Naze, Frinton-on-Sea, Harwich Town, Harwich International and Manningtree. Only Manningtree on has fast access to London on the mainline. It has a regular service that takes an hour to London at peak times. As a result it has the highest number of commuters in the district (783,000 entrances / exits from the station in 2022/23).

The branch lines have train stations that are commutable to Colchester, Ipswich and central Chelmsford. The Clacton and Walton lines join at Thorpe le Soken, which therefore has regular services. Despite its 1,600 inhabitants (2021 Census) Thorpe le Soken is the fifth most used station in the district (119,000 exits /entrances in 2022/23).

Services operate hourly Monday-Saturday on both branch lines, connecting to London Liverpool Street on the mainline. There are more trains at peak times.

It is possible to commute from Clacton to London. There are six commuter trains direct from Clacton to London in the morning between 05:40am and 07:10am. After that trains change at Colchester, and during the day there is only one train an hour from Clacton to London. These trains take an hour and half to reach Liverpool Street.

Rail does not effectively connect the coastal areas in the District. Clacton to Harwich would take three trains, an hour and 15 minutes each way and £25 return, compared to half an hour by car.

Trains journeys can be expensive for residents. Clacton to Colchester is £12:60 for a day return and take about 35 minutes. An annual rail card is £2,280. A Clacton to London peak time return is £69.70, and with a travel card is £83.70. An annual rail card costs over £7,000.

### **2.c. Information on the Bus network in Tendring:**

Hedingham and Chambers (part of the Go Ahead Group) operates most of the bus services across Tendring, including routes between the main towns.

Major routes include the 74 (Clacton to Colchester via St Osyth), 76 (Clacton to Colchester via Weeley); the 107 and 105 (Walton to Colchester); and the 3 (Clacton to Harwich)

Service frequency is generally hourly or every 2 hours between towns.

Some villages receive limited service of 3-4 buses per day and others have no bus service at all.

Routes are set out in the Appendix

## **3. Details of Essex County Council's subsidised bus services in the District and the associated funding.**

### **3.a. Summary of ECC's subsidised bus services in Tendring**

Bus Service Operating Models: The major operator, Hedingham, runs services on a for-profit commercial basis. Bus routes that run during evenings, weekends, when they are not commercially viable are subsidized by ECC contracts. Essex County Council (ECC) will only subsidise up to £5 per journey, so route times with fewer passengers may have subsidy withdrawn and close, as is happening to the evening service from Clacton to Walton.

In the Tendring district there have been 18 bus services that receive ECC subsidies, primarily for evening and Sunday routes when demand is lower. However, these subsidies do not cover home-to-school transportation, which has separate funding sources and operations.

Overall, around 85% of bus services in Essex operate commercially without subsidy, with private operators deciding routes, schedules and fares. The remaining 15% receive subsidies from ECC to cover the operating costs.

When bus operators register new services or variations to existing routes, ECC conducts an impact assessment. If an operator cancels a route, ECC looks at other options - either putting the route out to tender for another provider, or leaving it unserved if there are alternative services in the area. In cases where a company pulls out of an area completely, leaving no other services, ECC may step in to subsidize a replacement route. However, they closely analyse passenger data and will only provide subsidies if the cost is less than £5 per journey. This metric helps determine if publicly funding the route is a viable use of resources.

The services supported by ECC in Tendring include:

- Clacton - evening services, routes to Jaywick, Bird's Hill after 7pm
- Service from Walton to Colchester running all times
- Weeley to Tendring Technology College
- Point Clear to Brightlingsea

- Clacton to Mistley
- Town service within Harwich
- Parkeston to Ramsey
- Evening/Sunday service from Colchester to Harwich
- Manningtree station to Dedham and Colchester
- St Osyth to Colchester, Monday-Friday
- Sunday service from Clacton to Colchester via Weeley
- Evening journey from Walton to Weeley into Clacton (formerly a return trip)
- Service along Clacton to Thorpe corridor

### **3.b. Ending highly subsidised bus services**

Essex County Council reviewed its bus subsidised services across the County in 2023 / 2024. ECC looked especially closely at routes with a more than £5 subsidy, the target maximum subsidy, and had an expectation to close routes with a more than £10 subsidy. After consultation, ECC announced in January that services would cease in July 2024 on the 99 evening Clacton to Walton route, as the current subsidy per passenger journey was £25.14.

### **3.c. Bus services to new developments**

New bus services to serve residential and commercial developments are almost wholly reliant on subsidies, making S106 developer contributions critical. When planning new routes, ECC aims for them to become commercially viable after around five years of subsidized support. Developers are asked to provide funds based on an assumption of no ridership initially. Typical contracts run for three years with one plus one year extensions until ridership can sustain the service. ECC aims to pool contributions along transportation corridors to subsidize viable routes from a number of developments.

However, Tendring District Council has had mixed success in securing S106 monies. Funding was obtained for services to developments like Hartley Gardens; however other major sites like Rouses Farm, Oakwood Park, and sites in Kirby, Halstead, and Hamford Cross secured little or no contributions for bus services.

### **3.d. Bus service improvement plan**

In October 2021, ECC submitted a countywide Bus Service Improvement Plan as part of the government's National Bus Strategy. The plan lays out a vision for an enhanced bus network with integrated fares, better publicity, and priority measures for buses. A key element is conducting comprehensive area reviews for each district to assess their specific needs.

### **3.e. Possible future network improvements to support buses**

Some significant opportunities to upgrade infrastructure for better bus services include improving the interchange at Manningtree station, such as modifications to the Lawford Dale roundabout to facilitate easier connections. Lowering the road under the railway bridge in Kirby Cross could allow double-decker buses to run, potentially doubling frequencies on that corridor. Dualling the road between Weeley and Frating is another option that could increase bus frequencies and alleviate traffic delays, allowing integrated bids for funding that also benefit other traffic. However, these proposals represent very large capital investments at a time of limited funding, compared to smaller-scale bus priority measures.

#### **4. Details of community transport provision across the District and the funding for them from Councils in Essex.**

##### **4.1 Services**

###### Harwich Connexions Transport

Harwich Connexions provides community transport services for residents of Harwich, Dovercourt, Parkeston and nearby villages. The accessible buses cater to those with disabilities, health issues or isolated locations. Bus passes are accepted on routes.

- The Hospital Hopper offers twice-daily direct bus service Monday-Friday between Harwich and Colchester hospitals for patients and visitors.
- The Dial a Ride flexible bus service operates 9am-5pm weekdays in the Harwich area, enabling travel to appointments, shopping, clubs or social visits.
- Recognised community groups, charities, schools and youth groups can also hire the buses.

###### Tendring Community Transport

- Dial-a-Ride: This is a door-to-door service for people who have difficulty using regular public transport due to disability, age, or other mobility issues. Passengers can book trips for shopping, medical appointments, social events, and more.
- Community Car Scheme: Volunteer drivers use their own vehicles to provide transport for people who have difficulty accessing public transport, particularly in rural areas.
- Group Hire: Community Transport Tendring has a fleet of minibuses and coaches that can be hired by groups for day trips, outings, and excursions.
- Shopmobility: They provide manual and powered wheelchairs and scooters for hire, allowing people with limited mobility to access shops and facilities in Clacton-on-Sea and Frinton-on-Sea town centres.

The dial-a-ride service has around 5,000 registered users, while the hospital hopper service for medical appointments has between 5,000-6,000 users. The social car scheme has approximately 900 users.

###### Clacton to Harwich

There is a shuttle community bus service jointly operated by Harwich Connexions and Tendring Community Transport across the towns and villages in the district. The service runs Monday-Saturday from 9am-5pm out of the Harwich and Clacton transport hubs. The services allow residents to access shopping, appointments, social activities, education, employment and more. The wheelchair-accessible buses with trained assistants help ensure the shuttles are inclusive for all community members.

###### Demand

However, the existing services are struggling to meet the growing demand in the area. There are no current plans to expand services in Tendring itself, as the need already exceeds what can be provided. To expand and better meet needs, additional funding would be required to purchase more vehicles and hire more staff. The large population of elderly residents on low incomes who cannot drive themselves is increasing demand faster than it can be met. As a result, some residents have to be referred to external car schemes.

Retaining drivers is an ongoing challenge, as the wages offered are not highly competitive.

## Funding

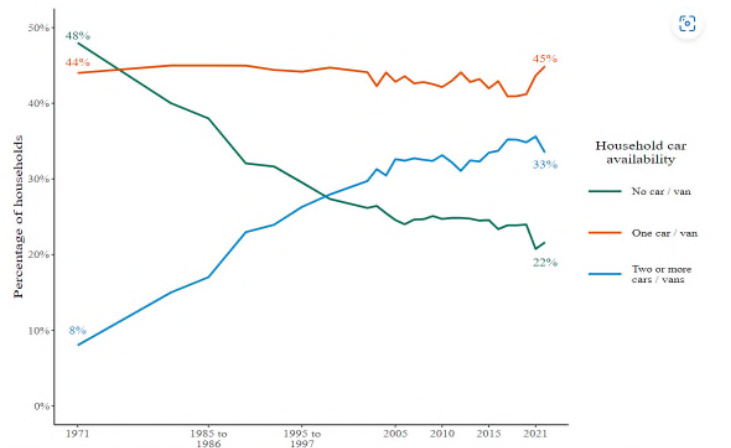
The current funding model includes an Essex County Council grant reviewed every two years, reimbursement of concessionary fares from ECC for flexible route services (95% of users have free bus passes), user fees for the social car scheme at 45p per mile to cover drivers' costs, and vehicle hire to non-profit groups. However, costs continue rising for aspects like replacing aging fleet buses at around £70,000 per vehicle. Securing additional funding streams would be required to expand community transport services.

## Walton Community Hospital Car Service

Operating solely with volunteer drivers using their own vehicles, they offer personalised transport, though they no longer make trips into London due to congestion charges. Funded through a modest mileage rate (45p) that falls short of covering costs, this charity relies on the goodwill of volunteers to run the service. A small weekly contribution from drivers covers basic administration like stationery and meetings for the charity. With an ageing volunteer base of around 14 active drivers currently, recruiting new volunteers remains an ongoing challenge to sustain these community transport services in Frinton, Walton and Kirby Cross.

## **5. Publicly available data on car ownership in the District and use of public transport.**

Chart 7: Percentage of households by car access: Great Britain (1971 to 1988) and England (1989 to 2021) (NTS0205)



Public transport is provided in the context of substantially increases in car ownership over the last two generations. Nationally households without a car have fallen from 48 percent to 22 percent over the last 50 years and those with two or more cars has risen from 8 percent to 33 percent over the same period. (National travel survey 2021).

The 2021 census shows that Tendring has similar car ownership to the national trend, with 20 percent without a car. The data is available at a very local level, which shows great variability in the rate of car ownership by households. For example, about half the households in Brooklands and Grasslands in Jaywick Sands have a car or van. In the rural villages, it varies between about 90 and 95 percent of households have a car.

Within the towns, there is a mixed picture. For example in Clacton town centres about 35 percent of residents have a car, whereas in Holland-on-Sea it is 80-85 percent with a car or van. It is similarly diverse in Harwich and in Walton, with households in some neighbourhoods with only 55-60% accessing a car or van, and in others, it is nearer 90%.



**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

**APPENDICES**

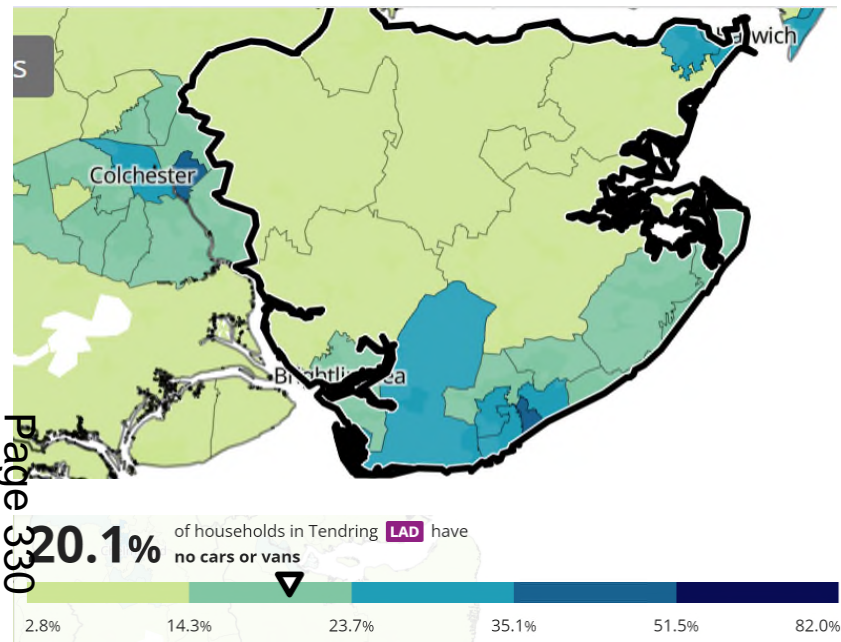
- Car ownership in Tendring
- Rail services
- Hedingham Bus network
- Community Transport Hospital Hopper

**REPORT CONTACT OFFICER(S)**

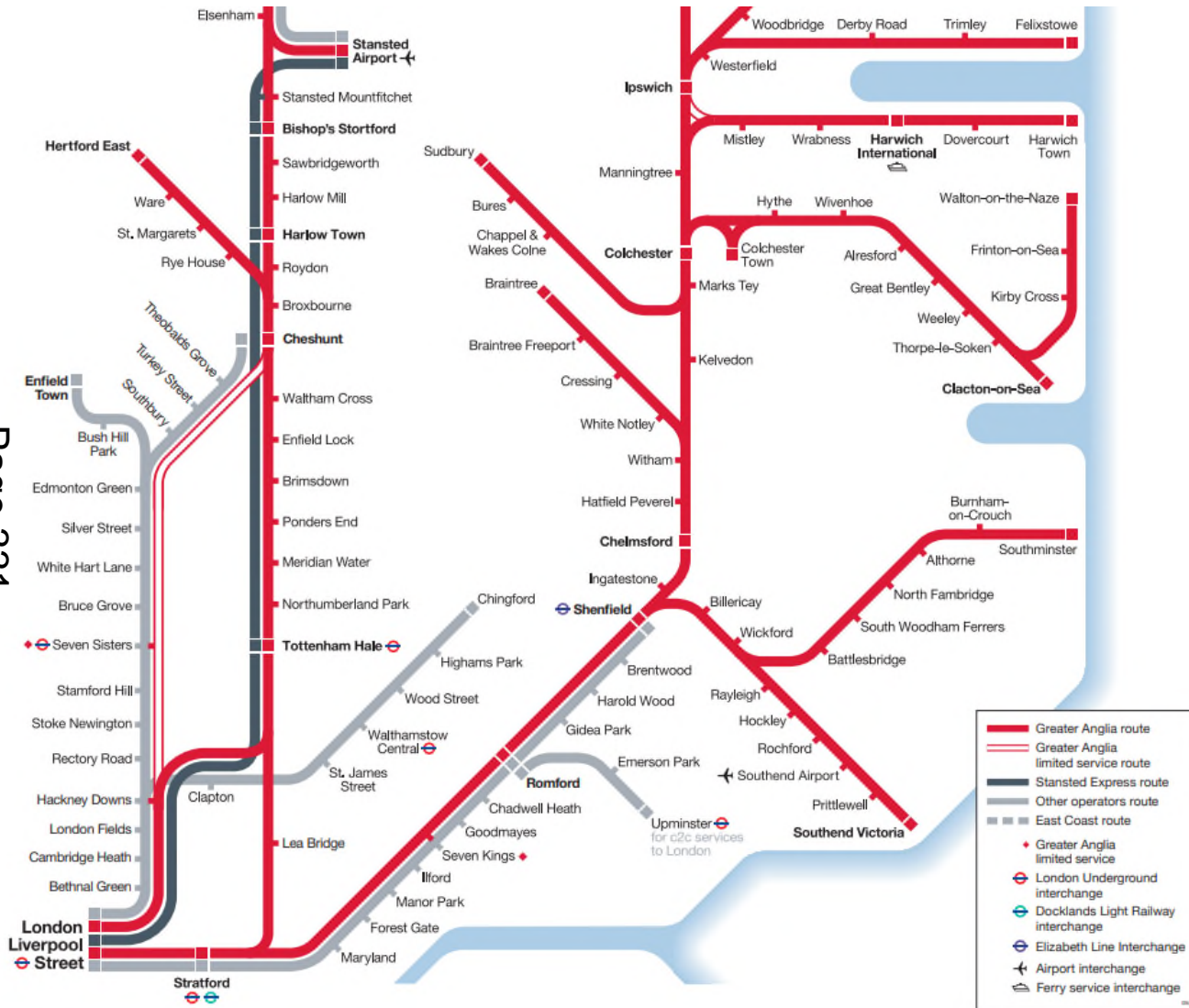
<b>Name</b>	Lee Heley
<b>Job Title</b>	Corporate Director (Place and Economy)
<b>Email/Telephone</b>	<a href="mailto:lheley@tendringdc.gov.uk">lheley@tendringdc.gov.uk</a>

# Car ownership in Tendring, ONS Census 2021

[Number of cars or vans - Census Maps, ONS](#)



# Greater Anglia Rail Network from Tendring



# Hedingham Bus Network from Tendring



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# Hedingham Clacton Bus network



# Tendring Community Transport Services

## Hospital Hopper

Start Time	06:15	09:00	11:00	14:00	
Picking up in Holland on Sea, Clacton,					
Great Clacton, Jaywick, St Osyth,					
Great Bentley.					
To Arrive At					
St Helena Hospice, Barncroft Close,	07:00	09:45	11:45	14:45	
Colchester General Hospital Turner Road,	07:05	09:50	11:50	14:50	
The Oaks, Mile End Road.	07:15	10:05	12:05	15:05	
All other medical centres on request.					
Return Time					
The Oaks Hospital, Mile End Road,		10:05	13:00	15:15	17:00
Colchester General Hospital Turner Road,		10:10	13:05	15:20	17:05
Primary Care Centre		10:15	13:10	15:25	17:10
St Helena Hospice, Barncroft Close.		10:20	13:15	15:30	17:15

## CABINET

24 MAY 2024

### REFERENCE REPORT FROM THE COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE

#### **A.13 SCRUTINY OF IMPROVING ACCESS TO NHS DENTISTRY FOR RESIDENTS IN TENDRING**

(Report prepared by Keith Durran)

##### **BACKGROUND**

The Committee discussed the delegation of dental service commissioning to the Suffolk and North East Essex Integrated Care Board (SNEE ICB) by NHS England on April 1, 2023. This move aimed to address longstanding issues surrounding NHS dental access, exacerbated by the COVID-19 pandemic. The financial burden on the NHS due to oral diseases amounted to £3.4 billion annually, underscoring the urgency of improving dental care provision.

Concerns were raised about the significant pain endured by individuals with dental issues, leading some to resort to extreme measures such as DIY dentistry or excessive use of painkillers like paracetamol. This not only strained urgent care services but also had broader societal impacts, including increased pressure on the healthcare system, reduced productivity due to absenteeism from work, and financial costs to employers.

The Committee outlined the commissioning structure for NHS dental services in Suffolk and North East Essex, highlighting the use of Courses of Treatment (CoT) and Units of Dental Activity (UDA) to reimburse dentists. Criticism was directed at the 2006 NHS dental contract, which paid dentists per course of treatment rather than per item, potentially disincentivising comprehensive care. Efforts were underway to reform the dental system, with objectives including improving oral health outcomes, enhancing patient access, and ensuring affordability within NHS resources.

Regarding dental fees, the Committee detailed the three-band fixed charge primary care treatment package for adult patients, with exemptions for certain categories such as those under 18, pregnant women, and individuals receiving low-income benefits. Despite these provisions, there was a downward trend in the utilization of free NHS dental care in Essex between 2017/18 and 2021/22. Poor oral health was identified as a significant issue in the region, impacting overall health, quality of life, and placing additional strain on healthcare services.

##### **COMMUNITY LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE'S RECOMMENDATION(S) TO CABINET**

###### **RECOMMENDED TO CABINET:**

**That Cabinet receives this report and thereby is made aware of the actions of the Suffolk and North Essex Integrated Care Board to improve provision to support good oral health in the Tendring District and to endorse the partnership links between the Council and the SNEE ICB to ensure the needs of local residents for good NHS Dental Services are best catered for through the ICB's commissioning.**

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

**The response of the Partnerships Portfolio Holder will be tabled at the meeting, if it is not circulated beforehand.**

**RECOMMENDATIONS TO CABINET:**

**That the recommendations made by the Community Leadership Overview & Scrutiny Committee be noted and that the response of the Partnerships Portfolio Holder thereto be endorsed.**