



CABINET

DATE:	Friday, 15 November 2024
TIME:	10.30 am
VENUE:	Town Hall, Station Road, Clacton-on-Sea, CO15 1SE (Committee Room)

MEMBERSHIP:	
Councillor M Stephenson	- Leader of the Council; Portfolio Holder for Corporate Finance & Governance
Councillor I Henderson	- Deputy Leader; 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 P Kotz	- Portfolio Holder for Assets
Councillor G Placey	- Portfolio Holder for Partnerships
Councillor G Scott	- Portfolio Holder for Arts, Culture & Heritage
Councillor A Smith	- Portfolio Holder for the Environment

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DATE OF PUBLICATION: THURSDAY, 7 NOVEMBER 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 7 - 22)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Monday 21st October 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 **Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.1 -Portfolio Holders' Review of performance and management of Projects under their respective Portfolios (Pages 23 - 26)**

To enable Cabinet to consider recommendations made by the Resources and Services Overview & Scrutiny Committee in relation to the Portfolio Holders' review of performance and management of projects under their respective Portfolios.

8 **Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.2 - Fly Tipping and Mobile CCTV Enforcement (Pages 27 - 38)**

To enable Cabinet to consider recommendations made by the Resources and Services Overview & Scrutiny Committee in relation to fly tipping and mobile CCTV enforcement.

9 **Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.3 - Renewal of the Statement of Licensing Policy (Gambling Act 2005) (Pages 39 - 74)**

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a revised Gambling Licensing Policy Statement.

10 Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.4 - Adoption of a revised Licensing Enforcement and Inspection Policy 2024-2028 (Pages 75 - 88)

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Licensing Enforcement and Inspection Policy 2024 – 2028.

11 Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.5 - Adoption of a Sex Establishment Policy (Pages 89 - 110)

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Sex Establishment Policy.

12 Matters Referred to the Cabinet by a Committee - Reference from the Licensing and Registration Committee - A.6 - Adoption of a Pavement Licensing Policy (Pages 111 - 120)

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Pavement Licensing Policy.

13 Leader of the Council's Items

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

14 Cabinet Members' Items - Report of the Assets Portfolio Holder - A.7 - Social Value Policy - Essex Procurement Partnership (Pages 121 - 150)

To present to Cabinet for approval a Social Value Policy to demonstrate how the Council will deliver corporate priorities by achieving social value through procurement ensuring the additional benefit to the community which we can derive, over and above the direct purchasing of goods, services and outcomes, where these quality criteria are relevant and proportionate to the subject matter of the contract and non-discriminatory.

15 Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.8 - Financial Performance Report 2024/25: General Update as at the end of September 2024 (Pages 151 - 200)

To provide a general update and overview of the Council's financial position against the 2024/25 budget as at the end of September 2024 and looking ahead to 2025/26 and beyond.

16 Cabinet Members' Items - Joint Report of the Housing & Planning Portfolio Holder and the Corporate Finance & Governance Portfolio Holder - A.9 - LCTS & Council Tax Discounts/Premiums; Local Business Rates Relief Scheme and MRP Policy Statement (Pages 201 - 256)

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

- a) Local Council Tax Support Scheme 2025/26;
- b) Exceptional Hardship Policy;
- c) Discretionary Council Tax Exemptions, Discounts and Premiums for 2025/26; and an
- d) Annual MRP Policy Statement for 2025/26.

17 Cabinet Members' Items - Report of the Environment Portfolio Holder - A.10 - Climate Change Action Plan 2024/27 (Pages 257 - 324)

To enable Cabinet to determine its recommendation to Full Council on a proposal of amending the Council's current policy target to achieve net zero carbon in scope one and two emissions from 2030 to the Government's target date, currently 2050, to allow for more financially sustainable investment to meet the target.

The report sets out the proposed Climate Action Plan for 2024-27, as set out in Appendix A, subject to Cabinet's endorsement, to deliver against the new target, following Full Council's approval.

To note that an action within Appendix A, is for further work to be undertaken to improve and streamline data collection on energy usage and emissions.

18 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.11 - Tendring District Council's Careline Service Review: Results of Consultation and Next Steps (Pages 325 - 376)

To report to Cabinet the results of the recent consultation on the future of the Council's Careline service; and seek its decision as to how it wishes to proceed in light of these consultation results and other updated information.

This report recommends, as a variance to the Cabinet's currently adopted preferred option, that the Council explores further the response received from Colchester City Council as part of the North East Essex Health and Wellbeing Alliance to create a combined telecare service that aligns with the Alliance's aims and objectives for an integrated health-system approach.

19 Management Team Items

There are no matters referred to the Cabinet 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, 20 December 2024.

Information for Visitors

TOWN HALL FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON MONDAY, 21ST OCTOBER, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present: Councillors Mark Stephenson (Leader of the Council & Corporate Finance and Governance Portfolio Holder)(Chairman), Ivan Henderson (Deputy Leader; Economic Growth, Regeneration and Tourism Portfolio Holder), Andy Baker (Housing and Planning Portfolio Holder), Mick Barry (Leisure and Public Realm Portfolio Holder), Peter Kotz (Assets Portfolio Holder), Gary Scott (Arts, Culture and Heritage Portfolio Holder) and Adrian Smith (Environment Portfolio Holder)

Group Leaders Present by Standing Invitation: Councillors Jeff Bray (Leader of the Reform UK Group) and Carlo Guglielmi (Deputy Leader of the Conservative Group)

In Attendance: Ian Davidson (Chief Executive), Lee Heley (Corporate Director (Place and Economy) & Deputy Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Gary Guiver (Director (Planning & Community)), Lisa Hastings (Director (Governance) & Monitoring Officer), Richard Barrett (Director (Finance and IT) & Section 151 Officer), Ian Ford (Committee Services Manager), Bethany Jones (Committee Services Officer) and James Dwan (Communications Officer)

55. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of the Portfolio Holder for Partnerships (Councillor Placey), the Leader of the Conservative Group (Councillor P B Honeywood), the Leader of the Independent Group (Councillor Chapman BEM) and the Deputy Leader of the Independent Group (Councillor Steady).

56. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 20 September 2024, be approved as a correct record and be signed by the Chairman.

57. DECLARATIONS OF INTEREST

Councillor Barry declared that he had a Disclosable Pecuniary Interest in relation to Agenda Items 8 and 9 insofar as he was a Trustee of the Brightlingsea Lido Trust and the Lido was referred to on three occasions within the Agenda on pages 46 & 96 as follows:-

Page 46 – Report A1 Highlight Priority Actions 24/25 towards the Corporate Plan themes:

Action Measures from the new Climate Change Action Plan: Explore funding opportunities for energy reduction plant at the Council's Sports Facilities.

Quarter 1 text - *Funding opportunities for energy reduction plant were explored and £150,000 was received from Government as part of the Swimming Pool Support Fund for an Air Handling Unit and Building Management System this was matched by £150,000 from Council funding. Officers have been working with Legal Team colleagues to finalise the grant agreements, both with Sport England as well as Brightlingsea Town Council and Brightlingsea Lido Trust. This is almost complete, and agreement will be shared with partners during the week commencing 5th August. Once signed, a procurement process will follow to expend the grant and Council budget. It should be noted that a separate report and executive decision are required for the latter.*

Page 96 - Report A2 Financial Performance Report 24/25 - Appendix 1D – Corporate Budget Monitoring – General Fund Capital Programme Position at the end of July 2024:

Brightlingsea LIDO (Capital Grant) - All parties have signed the Grant Adherence Agreement, and Brightlingsea Lido is now carrying out the procurement process in accordance with the grant conditions.

Councillor Barry further informed the meeting that he had been granted a Dispensation by the Monitoring Officer pursuant to Section 33(2)(e) of the Localism Act 2011, that enabled him to stay in the room and vote on those items as the reference to the Brightlingsea Lido, of which he was a Trustee regarded noting a factual position, rather than making any new decisions about the Lido.

58. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council informed Cabinet that Commissioners from Historic England (HE) had visited the District on Friday 18 October 2024. He invited the Chief Executive to give more details of that visit.

The Chief Executive reported that the focus of his presentation to the HE Commissioners, chaired by Lord Mendoza, had been: *'The Future of Heritage in Tendring, The Future of Tendring in Heritage'*, i.e. what role could HE play in the District's wider challenges and opportunities around skills, employment, school engagement and health and well-being (including suicide prevention). The visit had been supported by the Harwich Society. However, the places talked about were the myriad of places across Tendring from the Clacton Pier to the variety of buildings and traditions. It had been a great chance to encourage an eminent national body to be focused on Tendring and HE had been complimentary in its feedback stating that it had been an excellent visit.

The Chief Executive and the Portfolio Holder for Economic Growth, Regeneration and Tourism then responded to questions from the Deputy Leader of the Conservative Group and the Leader of the Reform UK Group in relation to the Martello Towers and the potential around historic maritime and other heritage trails.

59. ANNOUNCEMENTS BY CABINET MEMBERS

The Portfolio Holder for Leisure and Public Realm informed Cabinet that he had attended the Clacton Seafront 10K Run held on 20 October 2024. It had been an excellent event involving 420 runners. He commended Councillor Sarah Newton and her fellow organisers for their work in pulling together this event.

Councillors M E Stephenson, Baker and Bray echoed those sentiments.

60. ANNOUNCEMENT BY THE CHIEF EXECUTIVE

At the invitation of the Leader of the Council, the Chief Executive made the following announcement:-

“Following the announcement of Anastasia Simpson's upcoming departure from the organisation - and may I once again thank her for her service to Tendring District Council - I have taken the opportunity to reshape the senior management structure.

Rather than replace Anastasia directly I am making permanent the temporary reallocation of services that had previously reported into her, assigning them to other senior leaders.

As previously advised, Community Safety will now report into Damian Williams; Health and Partnerships into Lee Heley; Careline into Gary Guiver (who will now become Director of Planning and Community (previously just Planning)); while the People function (led by Katie Wilkins) will report directly into myself as Head of Paid Service.

To reflect the difference between those who sit on Management Team and those who do not, I am also changing some job titles. Therefore Richard Barrett and Lisa Hastings, who are existing members of Management Team, will now be called Directors (not Assistant Directors).

In addition, I am really pleased to announce that Lee Heley will take on the Deputy Chief Executive role, supporting myself and taking the lead in my absence.

I am delighted to have such an experienced and highly qualified team of senior managers to support myself and the organisation through all of our endeavours, and I know that as always you will give them your support for our huge and challenging work for communities.”

In addition to the Chief Executive, the Leader of the Council, the Deputy Leader of the Council, the Deputy Leader of the Conservative Group and the Leader of the Reform UK Group each took the opportunity to pay tribute to Anastasia's work and achievements at the Council.

61. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

62. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

63. LEADER OF THE COUNCIL'S ITEMS - A.1 - HIGHLIGHT PRIORITY ACTIONS 2024/25 TOWARDS CORPORATE PLAN THEMES - MONITORING REPORT AT THE HALF YEAR POINT AND REFERENCE UNDER SECTION 5A OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989

Earlier on in the meeting, as detailed under Minute 57 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 the Lido Trust was referred to within the Appendix. Councillor Barry had been granted a Dispensation by the Monitoring Officer pursuant to Section 33(2)(e) of the Localism Act 2011, to enable him to stay in the room and vote on this item, as reference to the Brightlingsea Lido, of which he was a Trustee was mentioned but only in noting a factual position, rather than regarding making any new decisions about the Lido.

Cabinet considered a joint report of the Leader of the Council and the Monitoring Officer (A.1) which provided it with an update on the positive progress with Highlight Priority Actions adopted for 2024/25 towards the Council's Corporate Plan Themes 2024/28. The joint report also informed Members of a breach of the Council's Policy Framework and legal decision making requirements with regards to the Crime and Disorder Reduction Strategy (sections 5 and 6 of the Crime and Disorder Act 1998).

Members were well aware that the Council had approved a Corporate Plan for 2024/28 and that this had established its strategic direction for those four years. That strategic direction itself sought to reflect the issues that mattered most to the local people, the national requirements from Government and the challenges that faced the District over that time period. The Corporate Plan had been adopted unanimously at the Full Council meeting held on 28 November 2023 (Minute 76 referred).

The themes of the 2024/28 Corporate Plan were:-

- *Championing Our Local Environment*
- *Pride in Our Area and Services to Residents*
- *Working with Partners to Improve Quality of Life*
- *Raising Aspirations and Creating Opportunities*
- *Promoting Our Heritage Offer, Attracting Visitors and Encouraging Them to Stay Longer*
- *Financial Sustainability and Openness*

The Corporate Plan shaped and directed the Council's work and an extensive range of actions had been, were being and would be undertaken across the 2024-28 life of the Plan to deliver against its themes and priorities.

Members recalled that the Highlight Priority Actions adopted by Cabinet on 12 March 2024 sought to take forward the Corporate Plan. This meeting of Cabinet provided the opportunity to review progress with the Highlight Priority Actions adopted and realign the milestones for certain of those Highlight Priority Actions in view of the circumstances that now required this. This detail was set out at Appendix A to the joint report.

It was reported that, within Appendix A, the opportunity had been taken to update Cabinet as a whole on the delivery of five highlight priorities for which there were no specific milestone for Quarter 2(Q2). Those highlight priorities were:-

- A3(b) - *Progress the review of the Local Plan to support sustainable development of quality housing for a range of tenures.*
- B4 - *Take the opportunities afforded by Freeport East and the development of Bathside Bay.*

- D1 - *To support projects to reduce Health inequalities e.g. around Fuel Poverty and access to the jobs market.*
- D2 - *To expand the Pupil Encounters' Project, to provide all school children with additional encounters with businesses and employers throughout their Education.*
- D5 - *Establishing the feasibility for a new wellbeing hub in the District*
- F2 - *Review its communication strategy.*

In all of the above cases, the progress shown in Q2 demonstrated the delivery of the priorities was progressing as envisaged with the intended outputs/outcomes.

In respect of the position set out in Appendix A, all highlight priorities were at low risk of not being delivered. As such, the overall rating for each of the highlight priorities was 'Green'. The Appendix then set out the position for performance in Quarter 1 (Q1 – April to June) and Quarter 2 (Q2 – July to September) of 2024/25 against the approved milestones for each of those highlight priorities. The Q1 position had been discussed with Portfolio Holders and then published in the summer following the end of that Quarter.

Cabinet was informed that the Q2 position was now presented and represented performance to the half year point. Appendix A showed that against eight of the milestones scheduled for Q2, they had either been completed fully or substantially within the Quarter (and were therefore shown as 'Green'). A further four milestones had seen good progress within the Quarter and were shown as 'Amber' with one highlight priority Q2 milestones showing as 'Red' as progress had not been achieved as originally envisaged.

Members were advised that the one 'Red' milestone concerned the safer streets funded project to improve lighting and extend CCTV coverage in Clacton-on-Sea's Town Centre. The commentary in Appendix A against that highlight showed that the position that had been achieved with a view, and a commitment, to deliver the scheme (albeit it to a different timeline than had been originally envisaged).

In considering this joint report, Cabinet was also reminded that this first half year of 2024/25 had seen the following significant matters:-

- (1) *High Street Animated with Transformation and Fun Event (Easter 2024);*
- (2) *Advice and Information on Applying for Grant Opportunities Available at Tendring4Growth Event in April 2024;*
- (3) *Find a New Role of Career at Jobs and Skills Fair in Jaywick Sands (May 2024);*
- (4) *Essex Sunshine Coast picks up three prestigious Blue Flag Awards;*
- (5) *Mental Health Hub in Clacton gets £28k boost;*
- (6) *Essex Textiles Service Rolled Out In Tendring;*
- (7) *Princes Theatre Named Among Top Ten Percent Of Attractions Worldwide (Travellers Choice Award by Trip Advisor);*
- (8) *Four Parks And Garden In Tendring Recognised As Some Of The Best In The Country (Green Flag awarded by Keep Britain Tidy);*
- (9) *Beachgoer and Beach Patrol Praised After Women Rescued From The Sea In Clacton (July 2024);*
- (10) *Car parks across Tendring handed top safety awards (Safer Parking Award Scheme Park Mark from the British Parking Association);*
- (11) *Sea defence works begin at Walton's Naze;*

- (12) *Leisure Centre Income Buoyant;*
- (13) *Treasury Income more favourable than expected;*
- (14) *Council Tax collection performance at the end of Q1 2024 was 29.37%, an increase compared with the 27.78% reported at the end of the same period last year;*
- (15) *Increasing attendance at the Princes Theatre (at the end of Q2 2024 the number of attendees at the Theatre was 20,638, an increase of 760 compared to the figure of 19,878 at the end of the same period last year); and*
- (16) *Successful Neighbourhood Plan Referendums held in the Parishes of Ardleigh and Elmstead (September 2024).*

Cabinet was informed that Section 6 of the Crime and Disorder Act 1998 - formulation and implementation of strategies stated -

- (1) The responsible authorities for a local government area shall, in accordance with [section 5](#) [with subsection (1A)] and with regulations (*) made under subsection (2), formulate and implement –
 - (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (c) a strategy for the reduction of re-offending in the area; and
 - (d) a strategy for —
 - (i) preventing people from becoming involved in serious violence in the area, and
 - (ii) reducing instances of serious violence in the area.

(*) The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007, Regulation 3.— Functions in respect of the formulation and implementation of a strategy –

- (1) For each area there shall be a strategy group whose functions shall be to
 - (a) prepare strategic assessments; and
 - (b) prepare and implement a partnership plan, for that area on behalf of the responsible authorities.

Regulation 5.—

- (1) During each year the strategy group shall prepare a strategic assessment on behalf of the responsible authorities.
- (2) The purpose of the strategic assessment is to assist the strategy group in revising the partnership plan.

Members were advised that the approval of the Strategy/Partnership Plan was a function which must go to Full Council for approval, and whilst this was set out in the Council's Constitution, as part of the Council's Policy Framework, this was because it was a statutory requirement under Regulation 4(1) and Schedule 3 (Functions not to be the Sole Responsibility of an Authority's Executive) under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000). Schedule 3 specifically referred to the Crime and Disorder Reduction Strategy under Sections 5 and 6 of the Crime and Disorder Act 1988 and this remained current law and in force.

Cabinet had before it within the joint report the following written statement of the Monitoring Officer:-

"I have made enquiries with the relevant department in respect of the current position with regards to the Crime and Disorder Reduction Strategy required under the Crime and Disorder Act 1998 and to date have been informed the Council does not have an up to date approved Strategy or Partnership Plan approved. Reference has been made to the Crime and Safety Partnerships Strategic Assessment however, as the legislation as set out above confirms, the purpose of this assessment is to assist the strategy group in revising the partnership plan. Further information is required to determine how this omission will be resolved.

The Crime and Disorder Act 1998 imposed a duty on certain key public sector organisations to work together to make places safer. The Act created Crime and Disorder Reduction Partnerships (now known as Community Safety Partnerships or CSPs), which brought together the police, local authority, fire and rescue services, health, and probation to formulate strategies for the reduction of crime & disorder. Tendring has a CSP and may have produced a strategy or priorities setting out an overarching framework for the Tendring CSP to reduce crime & disorder in the coming years, however this must be approved and adopted by the Council, following a recommendation from Cabinet. Upon approval of the strategy, an annual Strategic Assessment would inform the Partnership action plan and overseen by the partnership to drive focussed action and resource deployment for the coming year.

This is a report issued under Section 5 of the Local Government and Housing Act 1989 to inform Members that Tendring District Council, has omitted to comply with the legal requirement to approve and adopt a Crime and Disorder Reduction Strategy. 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."

Through the joint report, the progress with the approved specific highlight priorities to deliver against the Corporate Plan 2024-28 Themes were set out for the public record. Accordingly, the report provided the opportunity to review progress with a number of initiatives and projects specifically identified for 2024/25 towards the ambitions in the 2024/28 Corporate Plan. Additionally, and in order to formally receive the Section 5A report from the Council's Monitoring Officer and to consider its contents and Cabinet's response thereto:-

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

RESOLVED that Cabinet -

- (a) notes the contents of the report together with the highlighted realignment of particular milestones for particular highlight priority actions, as set out in the Appendix to the Portfolio Holder's report (A.1);
- (b) formally receives and notes the Monitoring Officer's report issued under Section 5A of the Local Government and Housing Act 1989 in respect of the position in relation to Council's omission regarding the formulation and implementation of a Crime and Disorder Strategy for the Council, as required under Sections 5 and 6 of the Crime and Disorder Act 1998; and

- (c) in response, requests an update from the Portfolio Holder for Partnerships on the proposed form of action to resolve the historical omission at the next meeting of Cabinet complete with timescales.

64. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.2 - FINANCIAL PERFORMANCE REPORT 2024/25 - GENERAL UPDATE AS AT THE END OF JULY 2024

Earlier on in the meeting as detailed in Minute 57 above, Councillor Barry had declared a Discloseable Pecuniary Interest in respect of this item insofar as he was a Trustee of the Brightlingsea Lido which was referred to in Appendix 1D. Councillor Barry had been granted a Dispensation by the Monitoring Officer pursuant to Section 33(2)(e) of the Localism Act 2011, that enabled him to stay in the room and vote on this item as the reference to the Brightlingsea Lido, of which he was a Trustee regarded noting a factual position, rather than making any new decisions about the Lido.

Cabinet considered a detailed report of the Corporate Finance and Governance Portfolio Holder (A.4), which provided it with a general update and overview of the Council's financial position against the 2024/25 budget as at the end of July 2024 and looking ahead to 2025/26 and beyond.

SECTION 1 - In respect of the in-year financial position at the end of July 2024:

It was reported that the position to the end of July 2024, as set out in more detail within the appendices to the Portfolio Holder's report showed that, overall, the General Fund Revenue Account was overspent against the profiled budget by £0.480m. However, it was important to highlight that this was primarily due to the timing of when the Government reimbursed the Council for the cost of meeting housing benefit claims and the Parliamentary General Election expenses incurred earlier in the year.

No significant new issues had emerged to date in terms of the underlying budget, albeit a number of cost pressures had been identified as set out within Appendix 1H. Those cost pressures were largely unavoidable, and it was both timely and prudent to respond to such issues as early as possible in the year. It was acknowledged that other expenditure or income trends might still emerge / develop over the remainder of the year, which would be included in future financial performance reports as necessary.

In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out within the Portfolio Holder's report, there were no other major issues that had been identified to date.

As highlighted in Appendix 1H, a total of £0.250m had been transferred to the Forecast Risk Fund. This was in effect the annual required contribution highlighted within the long-term forecast which was a 'banking for the future' adjustment and was therefore prudent to make at this time.

In addition to the above, it was also proposed to continue to be a member of the Essex Business Rates Pool if it remained advantageous to do so in 2025/26.

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

Members were made aware that the forecast had been reviewed and updated at the end of July 2024 and was set out in Appendix 2A. It continued to reflect the very challenging financial position faced by Local Authorities, which included on-going inflationary pressures.

As committed to within earlier reports, the forecast had been extended out to 2033/34 to support the Council in managing its budget sustainability and financial resilience over a longer term period. Although further information was set out in Section 2 of the Portfolio Holder's report, there remained some potentially tough decisions that lay ahead. However, against this backdrop, it would be important that the development of the forecast was based on engagement with as many stakeholders as possible, including Members and residents to support the Council in balancing the provision of services with the need to deliver long-term financial sustainability.

The revised forecast also remained based on balancing optimism / pessimism bias that was inherent in any forecasting process and included the on-going use of one-off funding such as the New Homes Bonus.

Cabinet was advised that work remained ongoing within Departments and with Portfolio Holders to identify the longer-term impact of issues emerging to date along with remaining sighted on potential future cost pressures. With this in mind, it was important to highlight that the long-term forecast did not currently reflect the potential increase in costs expected from the retender of the Council's waste, recycling and street cleansing contract. This could place a significant level of additional financial burden on the financial forecast.

However, the long-term approach alongside the Forecast Risk fund remained a key element of providing additional flexibility and time to make better-informed decisions. However, significant on-going savings were still required, with the first iteration of the Council's savings plan set out in Appendix 2B.

It was felt that the potential savings identified to date of just under £2.500m broadly meet the 'target' set out in the forecast covering the years 2025/26 and 2026/27. The savings proposed represented a credible financial plan and work would remain on-going to deliver the various items over the coming months. It was important to highlight that the savings did not necessarily have to accrue from 1 April 2025, given the flexibility provided by the Forecast Risk Fund, but the earlier they could be delivered would be helpful in terms of supporting the later years of the plan.

As previously highlighted, a structural budget deficit was forecast to remain at the end of 2026/27 even after the delivery of the savings mentioned earlier. This presented further significant challenges as this had to be addressed via the identification of additional on-going savings. As set out in the forecast, this remained the case until such time as the Council delivered an underlying annual balanced budget. In terms of this latter point, the forecast showed that the level of inflation, especially pay inflation, outstripped the estimated level of forecast increases in income from council tax and business rates, which was clearly not sustainable without significant 'corrections' to the budget in future years.

The above remained subject to any intervention from the Government, who themselves had a very challenging financial question to resolve in the context of many Councils up and down the country potentially running out of money in the coming months and years.

It was pointed out that the challenges faced by the Housing Revenue Account (HRA) were also significant and included increased expectations and requirements that continued to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan would be developed over the coming weeks 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.

In order to set out the latest financial position for the Council and to respond to emerging issues in 2024/25 and to develop the budget and long-term forecast from 2025/26:-

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

RESOLVED that Cabinet:-

- (a) notes the Council's in-year financial position at the end of July 2024;
- (b) approves the proposed adjustments to the 2024/25 budget, as set out in Appendix 1H to the Portfolio Holder's report (A.2), and requests Officers to review the potential on-going impact in 2025/26 and beyond where necessary as part of developing the forecast and detailed estimates for further consideration by Cabinet later in the year;
- (c) agrees that the Council continues to be a member of the Essex Business Rates Pool in 2025/26 if it remains financially advantageous to do so;
- (d) notes that £0.165m of unspent external funding previously received via the North Essex Health & Wellbeing Alliance, that has subsequently been carried forward into 2024/25, is being returned to them in accordance with the original agreement / MOU agreed by Cabinet on 17 September 2021;
- (e) notes the payment of £0.092m to East Suffolk District Council in-line with the previously agreed Freeport East Local Growth and Investment Strategy;
- (f) notes the updated financial forecast, as set out in this report, and requests Officers, in consultation with Portfolio Holders to further develop the financial forecast proposals alongside the development of the Council's priorities; and
- (g) 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.

65. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING AND PLANNING PORTFOLIO HOLDER - A.3 - TENDRING DISTRICT COUNCIL'S INTERIM POLICY ON BIODIVERSITY NET GAIN (BNG)

Cabinet considered a detailed report of the Housing and Planning Portfolio Holder (A.3), which sought its agreement to adopt a policy statement on 'Biodiversity Net Gain' (BNG) which would serve as the Council's interim corporate position on the subject, pending detailed consideration as part of the forthcoming Local Plan review. Having an interim policy would enable the Council to respond positively and constructively in its consideration of BNG as part of the planning process; and in the consideration of

proposals to set up 'Habitat Banks' by Tendring landowners and, potentially, on Council-owned land.

It was reported that Biodiversity Net Gain (BNG) was a legal requirement of the national planning system which had applied to most proposals for major development since February 2024 and most proposals for smaller developments since April 2024. It required developers to deliver a minimum 10% uplift in biodiversity (wildlife) value over and above what was present on site prior to development. In very simple terms, it was no longer just a requirement for development to minimise or mitigate its impact on wildlife; it must now, by law, bring about an improvement – a minimum 10% net increase in biodiversity habitat which was calculated, measured and monitored using a complex biodiversity metric set out in national guidance.

Members were informed that, to achieve 10% BNG, development proposals were required to deliver as much of it as possible on the site that was being developed. Where it was not possible to achieve all the necessary BNG on-site, developers could create the necessary habitat off-site either on other land they controlled (which would be tied through a legal agreement on the grant of planning permission) or by purchasing 'biodiversity units' from a 'Habitat Bank' – i.e. a wildlife habitat set up and maintained by third-party landowners for the purposes of BNG and where units could be sold to developers on the open market. In the rare cases where on-site or off-site BNG provision was not possible, developers must – as a last resort – buy statutory biodiversity credits from the Government.

Cabinet was made aware that in order to set up a Habitat Bank and lawfully enter the market for selling biodiversity units to developers, a landowner must register their site with Natural England – which first required them to either enter into a legal agreement with the local authority or a 'conservation covenant' with another responsible body recognised by Natural England. In doing so, the local authority (or other responsible body) took on a responsibility to monitor and enforce the obligations set out in any legal agreement.

Cabinet was advised that a number of landowners in Tendring had expressed a keen interest in setting up Habitat Banks and some had already carried out much of the preparatory work required for entering into a legal agreement with the Council, registering with Natural England and entering into the market for selling biodiversity units. However, like many local authorities, this Council had not been in a position to progress discussions with landowners about entering into the necessary legal agreements because Officers had needed time to research, consider and fully understand both the Council's legal duties and implications for resources – particularly in relation to its responsibilities around monitoring.

Now that there was a better understanding of the requirements around BNG and the process for setting up Habitat Banks, Officers had designed a planning policy on BNG (attached as Appendix 1 to the Portfolio Holder's report for Members' consideration) which, in summary, covered the following:

- the Council's legal obligations to secure 10% BNG – without unnecessarily duplicating the detail of legislation of national guidance;
- the ambition (which aligned with the ambition of Essex County Council) to increase the BNG requirement to 20% at an appropriate point in the future; and

- the criteria under which the Council could be willing to enter into a s106 legal agreement with a landowner for the purpose of setting up Habitat Banks for registration with Natural England and the selling of BNG units to developers on the open market which:
 - reflected the benefit of expanding and connecting up existing protected wildlife habitats;
 - promoted a scale of site that could better foster the creation of viable habitats than smaller more vulnerable sites;
 - supported the objectives of the emerging Essex Local Nature Recovery Strategy (LNRS) and the locations identified for their opportunity for habitat creation in that strategy;
 - supported Local Plan policy e.g. strategic green gaps and protected open spaces, and avoiding Habitat Banks in locations that could prejudice the proposals and policies in the Local Plan; and
 - allowed the Council to establish Habitat Banks on its own land, in due course, allowing time to carry out due internal processes in relation to assets and Member approvals – without holding up the opportunity for third-party private landowners to progress Habitat Banks on their sites, to the benefit of wildlife in the District and the diversification of the rural economy.

It was reported that the Portfolio Holder's intention was that the proposed policy was agreed by the Cabinet for referral to the Planning Policy and Local Plan Committee for its full consideration for inclusion in the Local Plan through the forthcoming review process; but that it be adopted, in the interim, as the Council's corporate position on BNG which, amongst other things, would enable Officers to progress discussions with landowners about setting up and registering Habitat Banks in Tendring and negotiating the necessary legal agreements. It was also recommended that the Planning Committee be invited to give consideration to how it exercised its decision-making powers in respect of relevant legal agreements; the extent to which such powers were to be delegated, if at all, to Officers; and whether any public consultation arrangements should be put in place for the consideration of Habitat Bank proposals.

Being cognisant that in the absence of a clear local policy or position on the subject of Biodiversity Net Gain (BNG) or any published expectations or criteria for the consideration of proposals for Habitat Banks, the Council could only refer to legislation and guidance produced by the Government when dealing with planning proposals that had BNG requirements and proposals for Habitat Banks from Tendring landowners and that it was therefore difficult for Officers to have constructive conversations with landowners looking to set up Habitat Banks on the necessary content of legal agreements and associated expectations around monitoring fees – which was holding up the opportunity for local landowners to contribute towards BNG and enter into the market for biodiversity units to the benefit of the rural economy:-

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

RESOLVED that Cabinet -

- 1) notes the contents of this report which, amongst other things, explains the Council's obligations around Biodiversity Net Gain (BNG), the role of Habitat Banks and the potential consideration of Council-owned land for BNG purposes;
- 2) agrees that proposed 'Policy on Biodiversity Net Gain (BNG)' (attached as Appendix 1 to the Portfolio Holder's report (A.1)) is adopted as the Council's interim corporate position pending the outcome of the Local Plan review, for the purposes of dealing with matters relating to BNG;
- 3) refers the aforementioned policy to the Planning Policy and Local Plan Committee for its consideration for inclusion in the Tendring District Local Plan as part of its current review;
- 4) invites the Planning Committee, at its earliest convenience, to consider and determine how it will exercise its power in respect of Council decisions on entering into legal agreements with landowners under Section 106 of the Town and Country Planning for the purposes of setting up Habitat Banks, guided by the aforementioned policy and the advice of Officers – including the extent to which the Committee deems it appropriate for such decision-making powers to be delegated to Officers; and any arrangements for public consultation on specific proposals; and
- 5) notes that the Portfolio Holder responsible for Housing and Planning in liaison with Officers will, in due course, consider and publish details of the fees to be charged to developers and landowners to cover the Council's costs in respect of monitoring BNG in line with its statutory obligations.

66. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING AND PLANNING PORTFOLIO HOLDER - A.4 - MAKING (ADOPTION) OF THE ARDLEIGH NEIGHBOURHOOD PLAN

Cabinet considered a report of the Housing and Planning Portfolio Holder (A.4), which sought its agreement to 'make' (adopt) the Ardleigh Neighbourhood Plan as part of the Council's statutory development plan and for it to therefore become a material consideration in planning decisions alongside the Tendring District Local Plan. This followed a local referendum in which a clear majority of residents that turned out had been in favour of the Plan.

It was reported that Ardleigh Parish Council had prepared a 'Neighbourhood Plan' for its area that had passed through all the necessary stages of the plan-making process set out in the Town and Country Planning Act 1990 ("the Act") and the Neighbourhood Planning (General) Regulations 2012 (as amended) including public consultation, independent examination and a referendum.

In an official referendum held on Thursday 12th September 2024 and administered by Tendring District Council, residents of the Parish of Ardleigh had been asked "Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Ardleigh to help it decide planning applications in the neighbourhood area?" With an overall turnout of 13%, 257 residents had voted 'YES' and 40 residents had voted 'NO' – a vote of 86.5% in favour of the plan.

Cabinet was informed that if the majority of those who voted in a referendum were in favour of the Neighbourhood Plan, it must be 'made' (adopted) by the Local Planning

Authority within 8 weeks of the referendum. An Order must be made by the local authority before it had effect. Decisions in relation to the making of Neighbourhood Plans were an executive function and it therefore fell to the Cabinet to confirm the making or adoption of the Neighbourhood Plan. It would then become part of the 'Development Plan' and would be a material consideration, alongside the District Council's Local Plan, in the determination of planning applications and in making other planning decisions.

In order to comply with the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012 – ensuring that the Council, as Local Planning Authority, had made (adopted) the Neighbourhood Plan within 8 weeks of the successful referendum held on 12 September 2024:-

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

RESOLVED that Cabinet -

- (a) notes the result of the referendum held on Thursday 12th September 2024; and
- (b) duly agrees that the Ardleigh Neighbourhood Plan (attached as Appendix 1 to the Portfolio Holder's report (A.4)) be 'made' and that the necessary publicity and notifications are administered in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.

67. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING AND PLANNING PORTFOLIO HOLDER - A.5 - MAKING (ADOPTION) OF THE ELMSTEAD NEIGHBOURHOOD PLAN

Cabinet considered a report of the Housing and Planning Portfolio Holder (A.5), which sought its agreement to 'make' (adopt) the Elmstead Neighbourhood Plan as part of the Council's statutory development plan and for it to therefore become a material consideration in planning decisions alongside the Tendring District Local Plan. This followed a local referendum in which a clear majority of residents that turned out had been in favour of the Plan.

It was reported that Elmstead Parish Council had prepared a 'Neighbourhood Plan' for its area that had passed through all the necessary stages of the plan-making process set out in the Town and Country Planning Act 1990 ("the Act") and the Neighbourhood Planning (General) Regulations 2012 (as amended) including public consultation, independent examination and a referendum.

In an official referendum held on Thursday 12th September 2024 and administered by Tendring District Council, residents of the Parish of Elmstead had been asked "Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Elmstead to help it decide planning applications in the neighbourhood area?" With an overall turnout of 21.4%, 389 residents had voted 'YES' and 31 residents had voted 'NO' – a vote of 92.6% in favour of the plan.

Cabinet was reminded that if the majority of those who voted in a referendum were in favour of the Neighbourhood Plan, it must be 'made' (adopted) by the Local Planning Authority within 8 weeks of the referendum. An Order must be made by the local

authority before it had effect. Decisions in relation to the making of Neighbourhood Plans were an executive function and it therefore fell to the Cabinet to confirm the making or adoption of the Neighbourhood Plan. It would then become part of the 'Development Plan' and would be a material consideration, alongside the District Council's Local Plan, in the determination of planning applications and in making other planning decisions.

In order to comply with the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012 – ensuring that the Council, as Local Planning Authority, had made (adopted) the Neighbourhood Plan within 8 weeks of the successful referendum held on 12 September 2024:-

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

RESOLVED that Cabinet -

- (a) notes the result of the referendum held on Thursday 12th September 2024; and
- (b) duly agrees that the Elmstead Neighbourhood Plan (attached as Appendix 1 to the Portfolio Holder's report (A.5)) be 'made' and that the necessary publicity and notifications are administered in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.

68. MANAGEMENT TEAM ITEMS

There were no matters referred to the Cabinet by the Council's Management Team on this occasion.

The Meeting was declared closed at 11.40 am

Chairman

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CABINET

15 NOVEMBER 2024

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.1 PORTFOLIO HOLDERS' REVIEW OF PERFORMANCE AND MANAGEMENT OF PROJECTS UNDER THEIR RESPECTIVE PORTFOLIOS

(Report prepared by Ian Ford)

BACKGROUND

The Resources and Services Overview and Scrutiny Committee ("the Committee") at its meeting held on 23 September 2024 considered a standing agenda item in respect of reviewing its work programme.

That report had included the Portfolio Holder for Housing and Planning's response to the Committee's recommendations that had arisen from the Committee's enquiry into the Spendells Project and an unauthorised expenditure of several hundreds of thousands of pounds, which had resulted in a report to the Cabinet on 24 May 2024 under section 5A of the Local Government and Housing Act 1989. That enquiry had taken place at the meeting of the Committee held on 22 July 2024.

The Housing and Planning Portfolio Holder's formal response (as endorsed by Cabinet on 20 September 2024) had been as follows:-

"I would like to begin by thanking the Committee for its consideration and recommendations.

As I have said on more than one occasion that the reasons for undertaking the Spendells project are never more valid. It will provide temporary accommodation for up to 30 families with children, a better place for them to be accommodated, than a hotel room, reducing the impact on both the children's education and the family's overall health.

This Council continues to face, as does the rest of the country, homelessness issues along with the provision of temporary accommodation, together with ongoing, and increasing, financial costs.

This project, even at an increased cost, remains the right thing to do.

An internal review is currently ongoing and we will understand in due course, fully, what has happened and what lessons there are to be learned.

Without seeking to deny the particular issues in relation to this project, particularly the unauthorised expenditure, it must be understood that all construction and major projects, such as this one, all carry inherent risks.

It is unfortunate that this project has had particular difficulties, but in line with the Committee's recommendations I am content to recommend to Cabinet that:

- a) *the Chief Executive's formal review, when completed, be reported to the Cabinet including:*
- i) *a more detailed financial breakdown of the seven items not included in the original specification, of additional expense itemised in the previous report to Cabinet;*
 - ii) *the lessons learnt;*
 - iii) *articulating a robust response and action plan for going forward;*
- b) *Portfolio Holders should review, with their Corporate Directors, the performance and project management of all existing projects within their respective portfolios and report their findings to the Leader of the Council and the Resources and Services Overview and Scrutiny Committee together with such additional actions as the Leader wishes to undertake in response."*

At its meeting held on 23 September 2024 the Committee had enquired whether the investigation into the Spendells project had been completed and Members had been advised that the investigation was still ongoing. The Committee had then discussed their concerns around not having a timescale for when the findings of the aforementioned project management reviews would be reported and that whilst there was not a timescale in place monies could still be being spent and potentially lost.

The Committee was advised that they could indicate a timeframe to Cabinet to receive those reviews. The Committee had then confirmed that it would like to receive an update on the review at its next meeting on 17th December 2024 and that the Committee wished to invite the Leader of the Council to discuss those reviews.

The Monitoring Officer had also provided assurance that, as promised at the Committee's meeting in July 2024, the Statutory Officers, Ian Davidson, Richard Barrett and herself had delivered the session to senior managers on the strong instructions around expenditure on projects.

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

The Committee had resolved to RECOMMEND to Cabinet that –

- (a) Portfolio Holders must ensure that their respective reviews, with their Corporate Directors, of the performance and project management of all existing projects within their respective portfolios must be completed in good time so that their findings together with such additional actions as the Leader wishes to undertake in response can be reported to the Resources and Services Overview and Scrutiny Committee at its meeting due to be held on 17 December 2024;
- (b) it notes that the Leader of the Council will be invited to attend that meeting of the Committee to discuss the outcomes of those reviews.

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

The response of the Portfolio Holder for Housing and Planning is as follows:-

“As I have stated on more than one occasion I meet weekly with the Corporate Director (Operations and Delivery) along with the Director for Planning and Communities, to discuss the situation, at that time, of ongoing projects within the Housing and Planning Portfolios, along with many other issues.

Within the Housing Portfolio there are currently two major projects, one being the Honeycroft development of 13 bungalows in Lawford, and the other the refurbishment of Spendells House to temporary accommodation for families, which are both discussed at the weekly meetings, covering the progress, and finances of both. Having visited both sites recently, I can say that work is progressing very well, and although I have been informed of potential dates of opening, I would not want to commit to those publicly until they are a certainty.

As the Committee have been advised, there is a review of the Spendells project, which is still ongoing, and it would be wrong of me to comment on that process, which is being undertaken under the direction of the Chief Executive.

Once the conclusions, and any recommendations, of the review have been made available to both myself and Cabinet, I will be in a better position to identify what actions must be taken in relation to any similar projects that come forward.”

RECOMMENDATION TO CABINET:

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

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CABINET

15 NOVEMBER 2024

REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

A.2 SCRUTINY OF FLY TIPPING AND MOBILE CCTV ENFORCEMENT

(Report prepared by Ian Ford)

BACKGROUND

The Resources and Services Overview and Scrutiny Committee (“the Committee”) at its meeting held on 23 September 2024, considered a second final report from its Council’s Enforcement Arrangements Task and Finish Group, which had been submitted following that Group’s conclusion of its enquiry concerning fly tipping and mobile CCTV enforcement. That report is attached as an Appendix.

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

RECOMMENDED TO CABINET THAT:-

- (1) in order to develop a more holistic picture of the issues involved and the development of strategies to address them, in addition to highway fly-tipping incidents, records be kept and analysed for fly-tipping on other public land such as open spaces, public realm, Council assets, Beachfronts et cetera;
- (2) further steps be undertaken to engage with volunteer litter picking groups to ensure there is greater awareness of the issues around taking waste from private property and of the steps taken by Officers to identify perpetrators of fly-tipping (and the need to preserve that evidence to ensure it can be used in action against perpetrators);
- (3) it develop a similar approach to that of the London Borough of Redbridge with its online ‘Wall of Shame’ showing footage of fly-tipping with a view to encouraging understanding of the issue, the Council’s efforts to address fly-tipping and to receive information on perpetrators;
- (4) it encourage residents to supply their own footage, possibly through ‘RING’ (or other manufacturers) camera-door bells of fly-tipping captured by them;
- (5) it inform Councillors that if they notice dog fouling, un-retrieved dog waste, they should inform the Council’s Community Safety Team who can look at deployment of Ambassadors with a view to detecting the perpetrators and, in the issues persist, to evidence a decision to deploy mobile CCTV cameras to address the problem;
- (6) consideration be given to the deployment of a mobile ‘phone application for reporting incidents of fly-tipping and other crimes such as dog fouling and graffiti similar to that in place in Cheshire West and Chester Council;
- (7) consider how best to support members of the public to find details of licensed waste carriers (after the UK Government has concluded its review of the online access to that data);
- (8) details of fly-tipping hot spots on the highway/public land in the District be circulated to Councillors together with the stepped approach to enforcement

relevant to that hot spot site and that this should be alongside summary details of the deployment of mobile CCTV cameras as part of addressing environmental crimes such as fly-tipping;

- (9) the reasons for the non-deployment of a mains powered or a battery powered CCTV camera in the High Street, Clacton-on-Sea with a view to deterring and/or detecting fly-tipping at the junction with Beach Road be set out and addressed with the relevant decision makers.
- (10) on the basis that the Council's policies, procedures and codes in respect of CCTV are reviewed in this current calendar year, they be amended to provide that as and when CCTV cameras are to be purchased, or grant applications made to fund CCTV cameras, consideration be given to the relative benefit of those cameras having AI functionality that can be deployed and that for mobile CCTV cameras consideration should also be given to alternative acquisition options such as rental rather than purchase.

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

Environment Portfolio Holder

"I note the recommendations of the Committee and thank them for work they have carried out.

I have been in discussion with the relevant service to explore the feasibility and resource implications of adopting the Committee's recommendations."

Partnership Portfolio Holder

"I also note the recommendations and thank the Committee.

I have raised the recommendations within the report with the relevant service. I am happy to explore the option to use AI functionality, where appropriate. I have asked the service to assess the impact of using AI on our existing policies and delivery of service."

RECOMMENDATIONS TO CABINET:

That the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the responses of the Environment Portfolio Holder and the Partnerships Portfolio Holder thereto be endorsed.

SECOND REPORT OF THE

COUNCIL ENFORCEMENT ARRANGEMENTS

TASK & FINISH GROUP

**FOLLOWING THE ELEMENT OF ITS
ENQUIRY CONCERNING FLY TIPPING
AND MOBILE CCTV ENFORCEMENT**

DATE: 22 JULY 2024

TERMS OF REFERENCE OF THE TASK & FINISH WORKING GROUP

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

- (c) *The extent to which enforcement powers are looked at in a silo or corporate way to ensure that (within the purposes of particular enforcement powers) the Council considers the ability to address non-compliances robustly.* (d) *The experience of fly tipping on public land and the actions to deter such fly tipping*
(e) *The use of mobile CCTV cameras openly and covertly to identify offences and, potentially, offenders."*

This second report seeks to set out the process of the enquiry into the above (to this point) and its conclusions and recommendations concerning fly-tipping and the use of mobile CCTV.

The terms of reference for the Task and Finish Group also included consideration of matters relating to Planning Enforcement. This second report does not cover this element of the complete enquiry as it was the subject of an interim report concluded in December 2023.

THE AIMS AND OBJECTIVES OF THE ENQUIRY

The enquiry scope was considered to be directed towards the following Corporate Plan 2020-24 Theme: ***"Delivering High Quality Services - Effective regulation and enforcement"***. The Council adopted a new Corporate Plan (for the period 2024-28) at its meeting on 28 November 2023 (Minute 76 refers). The following themes appropriately relate to the ongoing enquiry in respect of the Council's Enforcement Arrangements:

- **Pride in our area and services to residents** - encouraging everyone to take responsibility for keeping their area a pleasant place in which to live and work
- **Championing our local environment** – We will be tough on those who do not respect our environment.

In approving the scope for this enquiry, Council recorded that the anticipated value of it was: ***"To identify the extent to which there are further steps that can be taken to further achieve a fair and equitable use of enforcement powers, taking account of relevant information and that the resources made available for enforcement are used to best effect."***

MEMBERSHIP OF THE TASK & FINISH WORKING GROUP

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

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

OFFICER SUPPORT FOR THE TASK & FINISH GROUP

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

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

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

& Elections (Keith Simmons).

INVITEES AND PARTICIPANTS (TO THIS POINT)

In addition to the officers identified in the section headed "Officers support for the Task & Finish Group", this element of the enquiry was assisted by Leanne Thornton, Community Safety & Safeguarding Manager at the Council.

EXPECTED OUTCOME(S) OF THIS ELEMENT OF THE ENQUIRY

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

By considering:

1. Details of the extent to which the Corporate Enforcement Group has provided the route to ensuring a corporate consideration to utilising different enforcement powers to address e.g. problem premises.
2. Numbers of fly tipping instances recorded by the Council by quarter for the past five years in respect of public land and the measures taken to deter fly tipping.
3. The policy and experience of the use of deployable CCTV cameras as part of enforcement (including covert and overt use).

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

ACTUAL OUTCOME(S) OF THIS ELEMENT OF THE ENQUIRY

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

RECOMMENDATION(S) FROM THIS ELEMENT OF THE ENQUIRY

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

- (1) That, in order to develop a more holistic picture of the issues involved and the development of strategies to address them, in addition to highway fly-tipping incidents, records be kept and analysed for fly-tipping on other public land such as open spaces, public realm, Council assets, Beachfronts etc;**
- (2) That further steps be undertaken to engage with volunteer litter picking groups to ensure there is greater awareness of the issues around taking waste from private property and of the steps taken by officers to identify perpetrators of fly-tipping (and the need to preserve that evidence to ensure it can be used in action against perpetrators);**
- (3) To develop a similar approach to that of the London Borough of Redbridge with its online 'Wall of Shame' showing footage of fly-tipping with a view to encouraging understanding of the issue, the Council's efforts to address fly-tipping and to receive information on perpetrators;**
- (4) To encourage residents to supply their own footage, possibly through 'RING' (or other manufacturers) camera-door bells of fly-tipping captured by them;**
- (5) To inform Councillors that if they notice dog fouling, un-retrieved dog waste, they should inform the Council's Community Safety Team who can look at deployment of Ambassadors with a view to detecting the perpetrators and, in the issues persist, to evidence a decision to deploy mobile CCTV cameras to address the problem;**
- (6) That consideration be given to the deployment of a mobile 'phone application for reporting incidents of fly-tipping and other crimes such as dog fouling and graffiti similar to that in place in Cheshire West and Chester Council;**
- (7) To consider how best to support members of the public to find details of licensed waste carriers (after the UK Government has concluded its review of the online access to that data);**
- (8) That details of fly-tipping hot spots on the highway/public land in the District be circulated to Councillors together with the stepped approach to enforcement relevant to that hot spot site and that this should be alongside summary details of the deployment of mobile CCTV cameras as part of addressing environmental crimes such as fly-tipping;**
- (9) That the reasons for the non-deployment of a mains powered or a battery powered CCTV camera in the High Street, Clacton-on-Sea with a view to deterring and/or detecting fly-tipping at the junction with Beach Road be set out and addressed with the relevant decision makers.**
- (10) That, on the basis that the Council's policies, procedures and codes in respect of CCTV are reviewed in this current calendar year, they be amended to provide that as and when CCTV cameras are to be purchased, or grant applications made to fund CCTV cameras, consideration be given to the relative benefit of those cameras having AI functionality that can be deployed and that for mobile CCTV cameras consideration should also be given to alternative acquisition options such as rental rather than purchase.**

CHRONOLOGY

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

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

[Between 14 September and 4 December 2023, the Task and Finish Group undertook the first element of its enquiry and this related to Planning Enforcement and culminated in the publication of its interim report on that subject. In that phase of the entire enquiry the Task and Finish Group met three times. As such, this phase of the enquiry commenced with meeting four of the Task and Finish Group.]

The fourth meeting of the Task and Finish Group took place on 29 February 2024.

The fifth meeting of the Task and Finish Group took place on 5 March 2024.

The sixth meeting of the Task and Finish Group took place on 15 July 2024.

In part, the period of this enquiry was prolonged due to the scheduled Police, Finance and Crime Commissioner election on 2 May 2024 and then the calling of the snap United Kingdom Parliamentary General Election on 4 July 2024. The pre-election periods for both and the capacity of the organisation during those periods prevented further progress during those periods.

The Members of the Task and Finish Group approved this report by email exchange between 26 July 2024 – 21 August 2024.

DETAILED FINDINGS OF THE ENQUIRY

Through the several meetings of the task and Finish Group it received a great deal of information around the issue of fly-tipping and mobile CCTV provision. This included the following grouped under the sub-headings shown:

Waste/Fly Tipping

The Waste Team deal with incidents of flytipping on the highway and land subject to the street sweeping contract. These incidents have reduced by 50% since 2019. During the pandemic, and 2020 in particular, it was clearly a difficult time for flytipping, but outside of this, the reduction has been steady. A small amount of this reduction is down to tighter recording (avoiding duplicated incidents being the primary issue here) and this reflects the work undertaken over the last five years, as previously highlighted in previous reports.

Interestingly, the ratio of reported incidents, as a ratio of actual flytips, is increasing. This could be for many reasons and we feel a revised message on our website supported by a press release \ social media campaign would be useful in the near future.

Reporting Methods

Incidents are reported via:

Telephone call through to the Helpdesk: This is a preferred method but a number of these calls will be filtered by the helpdesk staff, at the point of contact.

Emails to individual officers: These are received via Councillors, members of the public who have historically emailed that staff member and retained their details, referrals from other agencies, internal reports from other teams/departments and so on. This is the least

preferred method as individual officers may be out of office, or off sick and this could introduce a delay in responding, which of course leads to potential customer/resident dissatisfaction.

Via the Report It form on TDCs website. This is our most preferred method and seems to be the most prevalent method used. The forms allow for a specific location to be added, full contact details, and for photos/videos to be uploaded. This is extremely helpful as all information is correlated in one document/file which in turn aides the investigating officer in dealing with the case in a timely manner.

Incident Numbers

Numbers of reported incidents vs Number of actual incidents (please note that prior to April 2021 all reports that passed through the Helpdesk filter, were logged as reports of flytipping as opposed to actual flytips (From April 2021 we differentiate between reports and actual.)

YEAR	REPORTED	CONFIRMED	PERCENTAGE
2017	1342		
2018	1221		
2019	1120		
2020	1952		
2021 (Jan-Mar)	402		
2021 (Apr-Dec)	2308	562	24.35%
2022	2878	605	21.02%
2023	3420	550	16.08%

Numbers of reported incidents vs Number of duplicate reports
(Note: that previous double-recording would be a very time-consuming exercise to go back several years and isolate but the above statistic should give an indication of how many doubled-up reports. (Also as noted above, full categorisation and separation of report type did not begin until April 2021)

YEAR	REPORTED	ACTUAL	PERCENTAGE
2017	1342		
2018	1221		
2019	1120		
2020	1952		
2021 (Jan-Mar)	402		
2021 (Apr-Dec)	2308	873	37.82%
2022	2878	500	17.37%
2023	3420	540	15.79%

As the tables indicate there is a rough correlation between the number of actual flytips and the number of duplicates (suggesting that for every flytip we are responsible, we receive roughly two reports).

In addition, the Task and Finish Group were advised of efforts to map private sector landlord properties and instances of fly-tipping in order to look at any correlation and then address relevant instances with the landlord concerned.

HOT SPOTS FOR LITTERING

Fly-tipping on the highway hotspots across 2021-2023, namely:

- Mill Lane, Harwich
- Holland Marshes
- Crockleford Heath
- Emperor House, Parkeston
- Mill Lane, Walton
- Rosemary Road (service road adjacent to the public toilets), Clacton-on-Sea
- Bathside area, Harwich

LITTER PICKING GROUPS

There are approximately x25 litter picking groups in Tendring, covering the following areas: Clacton, Holland-on-Sea, Great Bentley, Tendring, Wrabness, Frinton-on-Sea, Walton-on-the-Naze, Little Bentley, Elmstead Market, Crockleford Heath, Little Oakley, Harwich, Dovercourt, Jaywick, Thorpe, Weeley, Great Oakley, Wix, Bradfield, Mistle and Beaumont.

Since 2021, the groups have undertaken a total of 568 litter picking events:

2021:	52
2022:	62
2023:	251
2024:	203 (to 6th August 2024)

In November 2022, the authority ordered 10,000 purple community litter picking bags (TDC Logo branded on the front of bag) from an external supplier and began distributing them, to date, approximately 5,500 have been allocated. Prior to November 2022, litter picking groups were allocated black bags which we supplied from our Veolia stock pile.

This change was implemented to aide with differentiating between waste that had been collected via a community litter pick and waste that had been fly tipped. The new distinctive and recognisable purple bags clearly do this and this also prevents confusion with residents and also highlights the great work, conducted by the volunteers/groups.

This year the authority applied for and received 2,000 free clear sacks from Keep Britain Tidy, all of which have been allocated to the named groups above. Each year, when the Great British Spring Clean is scheduled, we ensure we re-apply to Keep Britain Tidy for the 2,000 free bags and we generally are awarded the full 2,000 per year (please be aware the total is not always guaranteed)

The authority does not undertake briefings with all Community Litter Picking Groups but we do have a webpage that informs the groups, that we can lend equipment, provide bags and arrange the collection and disposal of the collected waste. It also highlights the safety aspects and requirements that the groups should consider and adhere to, whilst conducting their litter picks and a full list of TDC contact details are also provided.

The authority will also communicate to all groups individually when new legislation, e.g. Persistent Organic Pollutants (POPs), or relevant information/government guidance is provided/comes into effect, this is always communicated in a timely and detailed manner.

SMART BINS

There are currently no service requirements for the installation of smart bins, however the future service requirements for the street cleaning contract will be output based, so that during the operating hours of the contract, it will be the responsibility of the contractor to ensure that no litter bin is ever more than 90% full. Where this occurs and depending on the area we are working on the service specification to reduce the time taken for the contractor to rectify such incidents.

Through continuous development of the services there will be a mechanism in place where the contractor may introduce technology to improve the service.

The next contract will also have greater enforcement mechanism in place with financial penalties placed on the contractor for full bins etc.

INCREASE IN HOUSING VARIATION ORDERS

The housing department have recruited four Tenancy Engagement Officers (TEOs) who are visiting all our tenants in the district. Whilst on the estates they are liaising with the Tenancy Management Officers (TMOs) and raising VOs for any fly tipping or littering seen, that hasn't already been dealt with/reported. Along with the Community Safety ambassadors and our Tenancy Management Officers visits, the estates receive an increased visible presence as well as responding to the residents' concerns direct.

MOBILE CCTV

The Council has four Rapid Deployment Cameras. The number of deployments of the Cameras has been as follows:

2022 – 11 deployments

2023 – 5 Deployments

2024 – 1 deployment (so March 2024)

Since those figures were presented, there had been a further two deployments of Cameras in Dovercourt (July 2024) and two more would be in place for the Clacton Air Show.

The Council's Rapid Deployment Cameras could be moved to agreed sites following identification of an increase in incidents in that specific locality.

To ensure that the deployment of the Rapid Deployment Cameras complies with legislation, checklists will be followed and these form part of the documentation that will be maintained to form an audit record.

Deployment of the Rapid Deployment Cameras is carried out by the Council's appointed Installation and Maintenance Contractor who complies with all relevant safety procedures, will wear appropriate protective equipment, and clothing that clearly identifies the company they are employed by.

The Task and Finish Group looked at the potential use of artificial intelligence (AI) in mobile CCTV Cameras and was advised that the Council's CCTV Code would be reviewed in 2024. This could then address the use of AI.

In addition to the wire powered Rapid Deployment Cameras, the Council had a battery powered deployable camera, which was being stored by the Council's contractor. It has been considered as not suitable for deployment as it only records on motion to an SD card

and it doesn't have a data plan to allow it to be remotely accessed once deployed. The specification had been agreed with this Council prior to purchase (using funds secured from Essex County Council).

OTHER AUTHORITY EXPERIENCE

The Task and Finish Group was provided with details of the London Borough of Redbridge with its online 'Wall of Shame' and smart 'phone applications for reporting fly-tipping (such as that used by Cheshire West and Chester Council).

There was also a discussion around the difficulty for residents to confirm that a waste carrier is properly regulated. This was problematic for residents seeking to dispose of waste lawfully.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

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CABINET

21 NOVEMBER 2024

REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE

A.3 ADOPTION OF A REVISED GAMBLING LICENSING POLICY STATEMENT

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a revised Gambling Licensing Policy Statement (the Policy Statement recommended for adoption is set out as an Appendix to this report).

EXECUTIVE SUMMARY

The Gambling Act 2005 ("the Act") places a statutory responsibility on all Local Authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities:-

- a) Consideration of applications for premises licences for:
 - Casinos
 - Bingo premises
 - Betting premises and Race tracks
 - Adult gaming centres
 - Family entertainment centres
- b) Consideration of applications for permits for:
 - Gaming machines in alcohol-licensed premises, such as pubs
 - Gaming machines for members clubs
 - Gaming in members clubs
 - Unlicensed family entertainments centres (category D machines only – i.e. those that have the lowest level of stakes and prizes)
 - Prize gaming
- c) Temporary use notices
- d) Occasional use notices
- e) Provisional Statements
- f) Registration of small society lotteries

Each Authority is legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed and re-published every three years in accordance with Section 349 of the Act.

The policy must be based on the three licensing objectives set out in the Gambling Act 2005, which are:-

- **Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;**
- **Ensuring that gambling is conducted in a fair and open way;**

- **Protecting children and other vulnerable people from being harmed or exploited by gaming.**

The review and renewal of the policy is subject to public consultation and must be adopted by Full Council on recommendation from the Licensing and Registration Committee and Cabinet.

The review was last undertaken three years ago and no significant issues have arisen through use of the current policy since that last review. The proposed changes are considered minor however, internal consultation has been undertaken with the Council's Corporate Enforcement Group through this review process.

The then Government introduced a Gambling White Paper in April 2023. Should the current Government pursue those proposals it is likely that there would be changes to the Gambling Commissions Guidance issued to Local Authorities, which in turn will have an impact on the Council's Gambling Policy. This, therefore, could require a further "mid-term" review of the Gambling Policy.

The Council is unable to extend the term of its existing Gambling Act policy and must review its existing policy within the Statutory period.

This proposed Policy Statement will be the sixth that has taken place since the first policy was adopted in 2006.

A draft Policy Statement had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024. A page was created for the consultation on the Council's website and a public notice was displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea.

The below were written to inviting them to comment on the draft policy:-

- All Tendring District Councillors
- All Parish Councils
- Responsible Authorities under the Gambling Act 2005 (including Essex Police)
- Institute of Licensing
- A number of licensing solicitors
- A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)

In addition to the consultation letters, the licensing team also visited a number of licence holders within the District handing out consultation postcards to bring the consultation to the attention of the trader to voice their opinions.

Gosschalks LLP, acting on behalf of the Betting and Gaming Council, submitted a consultation response. As part of that response, Gosschalks put forward amendments to paragraphs 15.11 and 24.2 of the Policy Statement.

The draft Policy Statement was seeking to set out how this Council (as the licensing authority) will regulate gambling activities within the District. Whilst for the majority of the general public, gambling is an enjoyable and often social experience, it is for some individuals a largely hidden addiction which taken to excess has an adverse impact on their

finances, health, wellbeing and relationships. The wellbeing of our residents is a key priority for the Council and the Gambling Policy has a role to play in supporting this priority through its control of gambling premises. It is hoped that the new revised policy statement is clear and easily understood and will be of significant use to the Council, its partners and operators when considering gambling matters.

This Council's Licensing and Registration Committee ("the Committee"), at its meeting held on 2 October 2024 (Minute 23 refers), considered the matter again (including the response received during the consultation). Through the report, the Committee was invited to determine its recommendation to Cabinet. The Committee's decision was as follows:-

"RESOLVED that the Committee recommends the revised Gambling Licensing Policy Statement 2025 - 2028, as attached as Appendix A to the report (A.3), to Cabinet and thence Full Council for its formal adoption."

The Policy Statement referred to in the above decision of the Licensing and Registration Committee is set out as an Appendix to this report.

Housing and Planning Portfolio Holder's Comments

"I thank the Licensing and Registration Committee for its oversight of the development of this revised policy statement on behalf of the Council. It is important that we operate the Council's gambling licensing functions in a way that promotes the Gambling Act 2005's objectives of:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*
- ensuring that gambling is conducted in a fair and open way*
- protecting children and other vulnerable people from being harmed or exploited by gambling.*

I am pleased to be able to support the adoption of this revised policy statement and urge Cabinet to recommend this to Full Council."

RECOMMENDATION

That, subject to Cabinet's consideration of the recommendation of the Licensing and Registration Committee arising from its meeting held on 2 October 2024, Cabinet recommends to Full Council that the Gambling Licensing Policy Statement, as set out in the Appendix hereto, be adopted.

CURRENT POSITION

Cabinet is now requested to consider the recommendation submitted to it by the Licensing and Registration Committee.

The Assistant Director (Governance)'s Report and accompanying Appendix which was considered by the Licensing and Registration Committee at its meeting held on 2 October 2024 is available using this link:

[Agenda for Licensing and Registration Committee on Wednesday, 2nd October, 2024, 6.30 pm \(tendingdc.gov.uk\)](#)

Under the Leader of the Council's approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution, the Portfolio Holder for Housing and Planning is the designated Executive Member for overseeing licensing policy matters.

BACKGROUND PAPERS

None. However, the published Minutes of the meeting of the Licensing and Registration Committee held on 2 October 2024 have been referred to in the preparation of this report.

APPENDICES

A.3 Appendix – Gambling Licensing Policy Statement (recommended for approval by the Licensing and Registration Committee)

A.3 APPENDIX

Tendring District Council



GAMBLING LICENSING POLICY STATEMENT

2025–2028

Adopted XXXX
Tendring District Council: www.tendringdc.gov.uk

FOREWORD

Welcome to the latest review of the Council's Licensing Policy for Gambling. The policy sets out how the Council will regulate gambling activities within the District.

Whilst for the majority of the general public gambling is an enjoyable and often social experience, it is for some individuals a largely hidden addiction which taken to excess has an adverse impact on their finances, health, wellbeing and relationships.

The wellbeing of our residents is a key priority for the Council and the Gambling Policy has a role to play in supporting this priority through its control of gambling premises.

We hope that the new revised policy is clear and easily understood and will be of significant use to the Council, its partners and operators when considering gambling matters.

Chairman, Licensing and Registration Committee

**TENDRING DISTRICT COUNCIL
GAMBLING LICENSING POLICY STATEMENT**

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PART A

1.0 INTRODUCTION

1.1 This Statement of Licensing Policy sets out the principles that Tendring District Council, as the Licensing Authority under the Act (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2.0 THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.0 DESCRIPTION OF THE DISTRICT

3.1 The Tendring District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities.



4.0 RESPONSIBILITIES UNDER THE ACT

4.1 When the Gambling Act 2005 (the Act) came into force in late 2007, it brought in a new, comprehensive system for gambling regulation in Great Britain. For the first time, the vast majority of commercial gambling was brought together in a single regulatory framework. The Act established a dedicated regulator, at a national level, in the form of the Gambling Commission (the Commission). But it also recognised the potential local impact and importance of regulating gambling as a result of which it created many local regulators, whose job it is to manage gambling locally, and in line with local circumstances. Those local regulators are the 368 licensing authorities of England, Wales and Scotland and in doing this the Act established a strong element of local decision-making and accountability in gambling regulation.

4.2 The Act gives local regulators discretion to manage local gambling provision, including discretion as to the level of fees set to cover the cost of administering the local system of regulation within limits set by The Department for Digital Culture Media and Sport (DCMS) in England and Wales. It also sets out some boundaries to that discretion, consistent with the recognition of gambling as a mainstream leisure activity.

4.3 The Act also provides scope for the Commission to act to set an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission. This Guidance, to which licensing authorities must have regard, is an important part of those arrangements

4.4 The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:-

- operate a casino;
- provide facilities for playing bingo or for pool betting;

- provide betting or act as intermediaries for betting;
- make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

4.5 The Licensing Authority is responsible for licensing premises in which gambling takes place and covers. All types of gambling, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.

4.6 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-

- in accordance with any relevant Code of Practice under Section 24 of the Act;
- in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
- reasonably consistent with the Licensing Objectives (subject to the above paragraphs, and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5.0 STATEMENT OF LICENSING POLICY

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

5.2 In this document this is referred to as 'the Policy'. This Policy must be reviewed and published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.

5.3 This Policy takes effect on **XXXX 2025** and replaces the Policy previously in force.

6.0 CONSULTATION

6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals.

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 The other groups and people consulted were:-

- Organisations, including faith groups and voluntary organisations working with people who have gambling addictions, medical practices or primary care trusts and the Citizens' Advice Bureau;
- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 The Licensing Authority's consultation took place between **XXXX 2024 and XXXX 2024**.

7.0 APPROVAL OF POLICY

7.1 This Policy was approved at a meeting of the full Council on **XXXX 2024** and was published via its website on **XXXX 2024**. Copies are available on request.

7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8.0 DECLARATION

- 8.1** In this Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.
- 8.2** The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Race Equality Scheme and the Disability Equality Scheme.
- 8.3** Appendices have been attached to this Statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act, or the guidance or regulations issued under the Act.

9.0 RESPONSIBLE AUTHORITIES

- 9.1** A full list of the Responsible Authorities designated under the Act and their contact details are given in Annex 'A'. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.
- 9.2** The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-
- the competency of the body to advise the Licensing Authority;
 - the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons rather than any particular interest group etc.
- 9.3** In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates the Essex County Council Children's Safeguarding Service for this purpose.

10.0 INTERESTED PARTIES

- 10.1** Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) has business interests that might be affected by the authorised activities,*
- c) represents persons who satisfy paragraphs (a) or (b).'*

- 10.2** Interested Parties can be persons who are democratically elected, such as District and Parish Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties.
- 10.3** District Councillors who are members of the Licensing and Regulations Committee will not qualify to act in this way.
- 10.4** Other than persons mentioned in 10.2 and 10.3, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.
- 10.5** The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.
- 10.6** In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-
- The size of the premises;
 - The nature of the premises;
 - The distance of the premises from the location of the person making the representation;
 - The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
 - The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
 - The catchment area of the premises (i.e. how far people travel to visit); and
 - Whether the person making the representation has business interests in that catchment area that might be affected.

The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious.
- It raises issues that relate to Guidance issued by the Gambling Commission.
- It raises issues that relate to this policy.
- It relates to the Licensing Objectives.

11.0 EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the Data Protection Act 1998 and the General Data Protection Regulations 2016 will not be contravened;
- the guidance issued by the Gambling Commission;
- Relevant Legislation and Regulations

- 11.2** In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:
- A constable or police force
 - An enforcement officer
 - A licensing authority
 - Her Majesty's Revenue and Customs
 - The Gambling Appeal Tribunal
 - The Secretary of State
 - Scottish ministers
 - Any other person or body designated by the Secretary of State in accordance with the Act
- 11.3** The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.
- 12.0** **PUBLIC REGISTER**
- 12.1** The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.
- 13.0** **COMPLIANCE AND ENFORCEMENT**
- 13.1** In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice. This requires that actions should be:
- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
 - Accountable – The Authority must be able to justify decisions and be subject to public scrutiny.
 - Consistent – Rules and standards must be joined up and implemented fairly.
 - Transparent – Enforcement should be open and regulations kept simple and user friendly.
 - Targeted – Enforcement should be focused on the problems and minimise side effects.
- 13.2** The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.
- 13.3** The main enforcement and compliance role of the Licensing Authority in terms of the Act, will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. It is also worth noting that concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 13.4** The Licensing Authority will keep itself informed of developments as regard to the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of Local Authorities, and will have regard to best practice.

- 13.5** Where appropriate, complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.
- 13.6** As part of its ongoing inspection regime, The Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the test. The Licensing Authority expects to be advised of results where operators carry out their own test purchasing. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.
- 13.7** Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Coral – London Borough of Newham
 - Ladbrokes – Milton Keynes
 - Paddy Power – Reading
 - William Hill – City of Westminster

14.0 DELEGATION OF POWERS

- 14.1** The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in Annex 'D'.

PART B PREMISES LICENCES

15.0 GENERAL PRINCIPLES

15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is thought appropriate.

15.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:

- Casino premises
- Bingo premises
- Betting premises, including tracks and premises used by betting intermediaries
- Adult Gaming Centre premises (for category B3, B4, C and D machines)
- Family entertainment centre premises (for category C and D machines) (it is worthy of note that separate to this category, the Licensing Authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).

15.3 Each case will be decided on its individual merits, and will depend upon the type of gambling that is proposed. Also taken into account will be how the applicant proposes that the Licensing Objective concerns can be overcome.

15.4 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks fit:-

- in accordance with any relevant Code of Practice under Section 24 of the Act;
- in accordance with any relevant guidance issued by the Gambling Commission under Section 25;
- to be reasonably consistent with the Licensing Objectives; and
- in accordance with the Licensing Authority's Statement of Licensing..

15.5 Definition of Premises

In the Act 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard to the gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licenced or unlicensed).

15.6 Demand

Demand is a commercial consideration and is not an issue for the Licensing Authority.

15.7 Location

Location will only be a material consideration in the context of the Licensing Objectives.

- 15.8** The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority expects the licence holder to carry out a risk assessment that should be reviewed if there is a significant change in local circumstances. The Licensing Authority will pay particular attention to the objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 15.9** In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 06 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) under Section 10; that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licences must take into account relevant matters identified in this policy.
- 15.10** The LCCP also states that licences must review and update (as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstance, including those identified in this policy
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks
 - c) when applying for a variation of a premises licence
 - d) in any case, undertake a local risk assessment when applying for a new premises licence
- 15.11** The Licensing Authority expects the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
 - whether the premises is in area subject to high levels of crime and disorder
 - the ethnic profile of residents in the area and how game rules, self-exclusion material are communicated to these groups
 - the demographics of the area in relation to vulnerable groups
 - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- 15.12** In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected
- 15.13** Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of the premises affects this
 - Details as to the location and coverage of working CCTV cameras and how the system will be monitored
 - The layout of the premises so that staff have an unobstructed view of persons using the premises
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises an observing those persons using the premises
 - Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
 - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines

- The provision of signage and documents relating to games rules, gambling care providers and other relevant information being provided in both English and the other prominent first language for that locality.

The Licensing Authority expects all licensed premises to make their local area risk assessment available on site for inspection on the request of an authorised officer.

15.14 Such information may be used to inform the decision the council makes about whether to grant a licence with special conditions or to refuse an application.

15.15 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

15.16 Licensing Objectives

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime –**

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of Door Supervisors.

- **Ensuring that gambling is conducted in a fair and open way –**

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**

In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term ‘vulnerable person’ in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

15.17 Conditions

The Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing Objectives

Any conditions attached to Licences will be proportionate and will be:-

- relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In addition, the Licensing Authority will examine how applicants propose to address the Licensing Objectives. In considering applications, the Licensing Authority will particularly take into account the following, if deemed appropriate:-

- Proof of age schemes
- CCTV
- Door Supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self- barring schemes, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

15.18 Decisions upon individual conditions will be made on a case-by-case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

15.19 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make it impossible to comply with an Operating Licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

15.20 Door Supervisors

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

16.0 Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

17.0 Betting Machines [See Annex B for definition]

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or to a Casino Premises Licence (*where betting is permitted in the Casino*).

17.1 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

17.2 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

18.0 PROVISIONAL STATEMENTS

18.1 It is noted that the guidance from the Gambling Commission states that 'It is a question of fact and degree whether the premises are finished to an extent that they can be considered for a Premises Licence rather than a Provision Statement. The Licensing Authority will consider such applications on this basis but will not take into account other permissions that may be required such as Planning Consent'.

19.0 REPRESENTATIONS AND REVIEWS

19.1 Representations and Applications for a Review of a Premises Licence may be made by Responsible Authorities and Interested Parties.

19.2 The Licensing Authority can make a representation or apply for a review of the Premises Licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Authority has designated the Council's Head of Legal Services as being the proper person to act on its behalf.

19.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives.

19.4 There is no appeal against the Authority's determination of the relevance of an application for review.

20.0 ADULT GAMING CENTRES [See Annex B for definition]

20.1 *An Adult Gaming Centre is defined in Annex 'B'. Entry to these premises is age restricted.*

20.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.0 (LICENSED) FAMILY ENTERTAINMENT CENTRES [See Annex B for definition]

21.1 A Licensed Family Entertainment Centre is defined in Annex 'B'. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

22.0 CASINOS [See Annex B for definition]

22.1 The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to pass a casino resolution will only be taken after a full consultation process has been undertaken within the area.

22.2 Casinos and Competitive Bidding

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be noted that at the time this Statement of Licensing Policy was adopted this area had not been so enabled.

23.0 BINGO PREMISES [See Annex B for definition]

23.1 Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

23.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

24.0 BETTING PREMISES [See Annex B for definition]

24.1 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

24.2 B2 & B3 Machines

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact of B2 (often called Fixed Odds Betting Terminals or FOBT's) and B3 machines may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels; in order to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players (particularly in relation to players who are deemed to be vulnerable and to prevent those under 18 years of age accessing gambling facilities).

243 The Licensing Authority expects B2 & B3 machines to be positioned in such a way that they can be appropriately monitored by staff, particularly where those staff are positioned at a counter away from the machines. In general the Licensing Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially 9.11.1. Where an existing licensee adds 'privacy screens' a variation application will be required.

25.0 **TRACKS [See Annex B for definition]**

25.1 Entry to these premises is generally age restricted. On race days, specific areas within the Track may be age restricted dependent on the licensable activities taking place.

26.0 **TRAVELLING FAIRS**

26.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

PART C
PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS

27.0 GENERAL

27.1 The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine Permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.

**28.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE
GAMING MACHINE PERMITS**

28.1 Where a premises does not hold a Premises Licence but wishes to provide Gaming machines, it may apply to the Licensing Authority for a Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

28.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover, together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.

28.3 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic DBS Criminal Records Check for the applicant and the person having the day-to-day control of the premises.
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training covering how staff would deal with:-
 - ❑ unsupervised, very young children being on the premises,
 - ❑ children causing perceived problems on/around the premises, and
 - ❑ suspected truant children
 - ❑ safeguarding training
 - ❑ proof of age scheme

29.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

29.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

29.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

29.3 Premises restricted to selling alcohol only with food, will not be able to apply for a Permit.

29.4 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage; and
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, leaflets/help line numbers for organisations such as Gamcare.
- Relevant codes of practice issued by the Gambling Commission

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

30.0 PRIZE GAMING PERMITS

30.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic DBS Criminal Records check for the applicant and the person having the day-to-day control of the premises.
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises,
 - children causing perceived problems on/around the premises, and
 - suspected truant children
 - safeguarding training
 - proof of age scheme

In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

31.0 CLUB GAMING AND CLUB MACHINE PERMITS

31.1 Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

31.2 Commercial clubs may apply for a club machine permit, subject to restrictions.

31.3 The gambling provided under the authority of a club gaming permit must also meet the following conditions:

- a. in respect of gaming machines
 - no child or young person may use a category B or C machine on the premises
 - that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines

- b. the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

31.4 Section 273 of the Act sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

32.0 TEMPORARY USE NOTICES (TUN) [See Annex B for definition]

32.1 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

32.2 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

32.3 The definition of a "set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

32.4 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

33.0 OCCASIONAL USE NOTICES [See Annex B for definition]

33.1 Occasional Use Notices (OUN) apply only to Tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.

33.2 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.

33.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

33.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

33.5 The person designated to receive the OUN's and to assess its validity is the Head of Customer and Commercial Services. (A copy to be served on local Chief of Police).

34.0 SMALL SOCIETY LOTTERIES [See Annex B for definition]

34.1 A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission, or it is exempt. This advice covers only those categories of lottery that are exempt. For more information on the licensing requirements for lotteries, see the Gambling Commission's website.

The Act defines 4 categories of lottery that are exempt from needing an operating licence:-

- Incidental non-commercial lottery
- Private lottery
- Customer lottery
- Small society lottery

34.2 External Lottery Managers require Operators' Licences issued by the Gambling Commission. For more information, see the Gambling Commission's website.

35.0 **FEES**

Non-statutory fees are reviewed by the Licensing authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of the current fees can be obtained by viewing the Council's website. www.tendringdc.gov.uk

36.0 **USEFUL CONTACTS**

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk Some of these organisations provide codes of practice on their particular interest area.

ANNEX 'A'

RESPONSIBLE AUTHORITIES

ORGANISATION	CONTACT AND ADDRESS
Tendring District Council [Licensing Section]	The Licensing Team Town Hall Station Road Clacton on Sea Essex CO15 1SE Email: licensingsection@tendringdc.gov.uk
Essex Police	The Licensing Department [Alcohol] Essex Police Braintree CM7 3DJ
Essex County Fire and Rescue Service	Fire Station Colchester Cowdrey Avenue Colchester Essex CO1 1XT
Essex County Council Children's Safeguarding Service	Local Authority Designated Officer FAO. Licensing Quality Assurance and Safeguarding Service Family Operations Essex County Council 70 Duke Street Chelmsford Essex CM1 1JP
Trading Standards [Essex]	The Business Support Team Essex Trading Standards Essex County Council CG 32 County Hall Chelmsford Essex CM1 1QH
Tendring District Council - [Planning]	Planning Support Team Leader Planning Services Town Hall Station Road Clacton on Sea Essex CO15 1SE

Tendring District Council – [Environmental Health]	Environmental Health 88-90 Pier Avenue Clacton on Sea Essex CO15 1TN
The Gambling Commission	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP
HM Revenue & Customs	Excise Processing Teams BX9 1GL Email: nrubetting&gaming@hmrc.gsi.gov.uk

Any further enquiries or assistance can be obtained from the Licensing Authority on the contact details given above. Addresses were correct at the time of publishing but are subject to change without notice. Any change made will not form part of a review of the Council’s Statement of Licensing.

ANNEX 'B'
DEFINITIONS

Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Code of Practice	Any relevant code of practice under Section 24 of the Act
Conditions	<p>Conditions to be attached to licences by way of:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> Automatic provision <input type="checkbox"/> Regulations provided by Secretary of State <input type="checkbox"/> Conditions provided by Gambling Commission <input type="checkbox"/> Conditions provided by Licensing Authority <p>Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.</p>
Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Small Society Lottery [required to register with Licensing Authorities. <input type="checkbox"/> Incidental Non Commercial Lotteries. <input type="checkbox"/> Private Lotteries. <input type="checkbox"/> Customer Lotteries. 																																										
External Lottery Manager	<p>An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.</p>																																										
Gaming	<p>Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.</p>																																										
Gaming Machine	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <p><u>Categories</u></p> <table border="1" data-bbox="632 999 1442 2029"> <thead> <tr> <th>Category</th> <th>Maximum Stake</th> <th>Maximum Prize</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Unlimited</td> <td>Unlimited</td> </tr> <tr> <td>B1</td> <td>£5</td> <td>£10,000*</td> </tr> <tr> <td>B2</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B3A</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B3</td> <td>£2</td> <td>£500</td> </tr> <tr> <td>B4</td> <td>£2</td> <td>£400</td> </tr> <tr> <td>C</td> <td>£1</td> <td>£100</td> </tr> <tr> <td>D</td> <td>30p</td> <td>£8</td> </tr> <tr> <td>Non Money Prizes</td> <td></td> <td></td> </tr> <tr> <td>D Prize (Crane/Grab machine only)</td> <td>£1</td> <td>£50</td> </tr> <tr> <td>D Money Prize</td> <td>10p</td> <td>£5</td> </tr> <tr> <td>D Combined Money and Non Money Prize</td> <td>10p</td> <td>£8 (of which no more than £5 may be money prize)</td> </tr> <tr> <td>D Combined Money and Non Money Prize (Coin Pusher/Penny Fall machines only)</td> <td>20p</td> <td>£20 (of which no more than £10 may be money prize)</td> </tr> </tbody> </table> <p>*With option of maximum £20,000 linked progressive Jackpot on pre-arranged basis only</p>	Category	Maximum Stake	Maximum Prize	A	Unlimited	Unlimited	B1	£5	£10,000*	B2	£2	£500	B3A	£2	£500	B3	£2	£500	B4	£2	£400	C	£1	£100	D	30p	£8	Non Money Prizes			D Prize (Crane/Grab machine only)	£1	£50	D Money Prize	10p	£5	D Combined Money and Non Money Prize	10p	£8 (of which no more than £5 may be money prize)	D Combined Money and Non Money Prize (Coin Pusher/Penny Fall machines only)	20p	£20 (of which no more than £10 may be money prize)
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Guidance to Licensing Authorities	Guidance issued by the Gambling Commission.
Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions. Article 6: The right to a fair hearing. Article 8: The right of respect for private and family life. Article 10: The right to freedom of expression.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- <ul style="list-style-type: none"> ❑ Lives sufficiently close to the premises to be likely affected by the authorised activities. ❑ Has business interests that might be affected by the authorised activities. ❑ Represents persons in either of the above groups.
Licensed Family Entertainment Centre	Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.
Licensed Lottery	A large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
Licensing Authority	Tending District Council acting under Section 2 of the Act.
Licensing Objectives	<ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must:- <ul style="list-style-type: none"> ❑ Identify the promoting society; ❑ State the price of the ticket, which must be the same for all tickets; ❑ State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and ❑ State the date of the draw, or enable the date of the draw to be determined.

Mandatory Conditions	Specified conditions provided by regulations under Section 176 of the Act to be attached to Premises Licences.
Members' Club	A club that must:- <ul style="list-style-type: none"> <input type="checkbox"/> Have at least 25 members; <input type="checkbox"/> Be established and conducted 'wholly or mainly' for purposes other than gaming; <input type="checkbox"/> Be permanent in nature; <input type="checkbox"/> Not be established to make commercial profit; <input type="checkbox"/> Be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in a self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	There are three types of Private Lotteries: <ul style="list-style-type: none"> <input type="checkbox"/> Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society; <input type="checkbox"/> Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; <input type="checkbox"/> Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.

Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he:- <input type="checkbox"/> Expects to be constructed. <input type="checkbox"/> Expects to be altered. <input type="checkbox"/> Expects to acquire a right to occupy.
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:- <input type="checkbox"/> The Licensing Authority in whose area the premises is partly or wholly situated <input type="checkbox"/> The Gambling Commission <input type="checkbox"/> The Chief Officer of Police <input type="checkbox"/> Fire and Rescue Service <input type="checkbox"/> The Planning Authority for the local authority area <input type="checkbox"/> Environmental Health Service for the local authority area <input type="checkbox"/> The Body competent to advise on the protection of children from harm <input type="checkbox"/> HM Revenue and Customs <input type="checkbox"/> Authority in relation to vulnerable adults <input type="checkbox"/> Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency Full details of Responsible Authorities for the Tendring District are contained in Appendix 'B' to this Policy.
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society, or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To allow the use of a premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
The Act	The Gaming Act 2005
The Council	Tendring District Council

The Commission	The Gambling Commission
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> <input type="checkbox"/> gamble more than they want to <input type="checkbox"/> gamble beyond their means <input type="checkbox"/> who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

ANNEX 'C'

SUMMARY OF MACHINE PROVISIONS BY PREMISES

Machine category							
Premises type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)				Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)			
Small casino (machine/table ratio of 2-1 up to maximum)				Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)			
Pre-2005 Act casino (no machine/table ratio)				Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead			
Betting premises and tracks occupied by pool betting				Maximum of 4 machines categories B2 to D (except B3A machines)			
Bingo premises¹		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4			No limit on category C or D machines		
Adult gaming centre²		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4			No limit on category C or D machines		
Licensed family entertainment centre³				No limit on category C or D machines			
Family entertainment center (with permit)³				No limit on category D machines			
Clubs or miners' welfare institute (with permits)⁴				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification			
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)				Number of category C-D machines as specified on permit			
Travelling fair		No limit on category D machines					

ANNEX 'D'

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	-	X	-
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Consideration of an Occasional Use Notice			X

CABINET

21 NOVEMBER 2024

REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE

A.4 ADOPTION OF A LICENSING ENFORCEMENT AND INSPECTION POLICY 2024-2028

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Licensing Enforcement and Inspection Policy 2024 – 2028 (the Policy recommended for adoption is set out as an Appendix to this report).

EXECUTIVE SUMMARY

Tendring District Council as the Licensing Authority has responsibility for licensing and registering a range of functions in the interests of public safety and protection. As such, it has a legal duty to uphold the requirements of various sets of legislation in which the Council is governed.

Decisions in relation to a licence holder following matters coming to light will be determined in relation to the specific licensing legislation provisions. They are likely to also amount, amongst other things, to consideration of civil rights and obligations under the Human Rights Act 1998. This policy assists in ensuring that these rights are fully considered. Those considerations will, to the extent that they apply, also be given to those raising matters with the Authority in connection with a licensee. A reasonable and proportionate policy will ensure that the Authority considers and take action against infringements of legislation in a robust, consistent, transparent and proportionate manner which will assist in ensuring that they are defensible in a Court of Law.

The express powers of the Council in relation to inspection for licencing permits, consents and licences are set out in the various separate licensing statutes and include the following:

Licence Type	Powers to Inspect
Street Collections	Section 5 of the Police, Factories, & c. (Miscellaneous Provisions) Act 1916 provides for Councils to adopt Regulations concerning Street Collections. Section 6 of the Tendring District Council Regulations requires Street Collectors to produce written authority to a duty officer. The regulation also sets out a range of requirements on collectors and a breach of requirements is an offence under regulation 18.
House to House Collections	There are no express powers in the House to house Collections Act 1939. There are though powers in that Act that are exercisable by a Police Constable.
Private Hire and Hackney Carriage Vehicles	Section 73(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976 – It is an (6)(3) Vehicles

	<p>Licences offence to wilfully obstruct a duly authorised Council Officer or Police Officer acting in pursuance of the licensing requirements in the 1976 Act or otherwise assist them or provide information reasonably required.</p> <p>Section 50(1) – proprietors of licensed vehicles shall present for inspection their vehicle upon a notice from the Council (up to three times a year). Section 50(4) – the insurance documents for the licensed vehicle shall be produced upon request of a duly appointed Council Officer. Section 68 – Duly authorised Council Officers or Police Officers may inspect a licensed vehicle at all reasonable times and suspend the vehicle licence if the vehicle is not fit for use.</p>
Private Hire Operators	<p>Section 73(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976 – It is an offence to wilfully obstruct a duly authorised Council Officer or Police Officer acting in pursuance of the licensing requirements in the 1976 Act or otherwise assist them or provide information reasonably required. Section 56(2) – operators shall produce records of bookings on request to a duly authorised Council Officer or Police Officer. Section 56(4) – operators shall produce their licence on request to a duly authorised Council Officer or Police Officer.</p>
Private Hire and Hackney Carriage (Drivers Licence concluding a Dual Licence)	<p>Section 73(1) of Part II to the Local Government (Miscellaneous Provisions) Act 1976 – It is an offence to wilfully obstruct a duly authorised Council Officer or Police Officer acting in pursuance of the licensing requirements in the 1976 Act or otherwise assist them or provide information reasonably required. Section 51(3) – licensed drivers shall produce their licence badge upon request within five days.</p>
Sex shops/Sexual Entertainment Venues	<p>Paragraph 25 of Schedule 3 to Part II of the Local Government (Miscellaneous Provisions) Act 1982 – A duly authorised Council Officer or Police Officer may enter and inspect a licensed premises. It is an offence (without reasonable excuse) to obstruct such an inspection.</p>
Street Trading Consent	<p>There are no express powers in Schedule 4 to Part III of the Local Government (Miscellaneous Provisions) Act 1982</p>
Scrap Metal Site Licence	<p>Section 16(1) of the Scrap Metal Dealers Act 2013 – Police and Council Officer may enter and inspect on notice to the site manager. Section 16(9) - The officers may inspect scrap metal and records of the licensees including of payments. Section 16(13) – obstruction of an inspecting officer is an offence.</p>
Temporary Event Notice	<p>An authorised Council Officer may enter the premises to which a temporary event notice relates. Where an authorised Council Officer has reason to believe that premises are</p>

(TENS) under Licensing Act 2003	being/to be used for a licensable activity, he may enter the premises to check authorisation.
Personal Licences under Licensing Act 2003	An authorised Council Officer may require the holder of the personal licence to produce that licence for examination.
Premises Licences under Licensing Act 2003	An authorised Council Officer has the power to require production of a Premises Licence from the Licensee (or nominee). Where an authorised Council Officer has reason to believe that premises are being/to be used for a licensable activity, he may enter the premises to check authorisation.
Club Premises Certificates under Licensing Act 2003	An authorised Council Officer has the power to require production of a Club Premises Certificate from the nominee of the Club. Where an authorised Council Officer has reason to believe that premises are being/to be used for a licensable activity, he may enter the premises to check authorisation.
Club Permits under Gambling Act 2005	An authorised officer may undertake activities for the purpose of assessing compliance with the Act. They may enter premises: (a) to discover whether facilities for gambling other than private and non-commercial gaming or betting are being provided, are about to be provided or have been provided on the premises, (b) to determine whether an operating licence or premises licence is held in respect of the provision of facilities for gambling on the premises, and (c) to determine whether facilities are being, will be or have been provided in accordance with the terms and conditions of an operating licence or premises licence.
Gaming Machine Permits under Gambling Act 2005	See above
Premises Licences under Gambling Act 2005	See above
Gaming Notifications under Gambling Act 2005	See above
Boats and Boatman	There are no express powers in Section 94 of the Public Health Acts, Amendment Act 1907.
Pavement Licence	Section 13 of Levelling Up and Regeneration Act 2023 – Enforcement powers for licensed and unlicensed pavement licences.

It is best practice to be transparent and consistent in how the Licensing Authority achieves compliance and enforcement. It is important the Authority revises its policy on its approach to compliance and enforcement matters to reflect change over time, changes in resources and to reflect changes in legislation in order to maintain public confidence, continue to achieve public safety and prevent offences being committed under the various Acts.

An Enforcement Policy enables clarity on the position of licence holders, what is expected of them, steps the Licensing Authority would expect them to take to rectify an issue and steps we make take to resolve an issue in relation to non-compliance and offences under various Acts.

The Policy will also act as guidance to members of the Miscellaneous Licensing Sub-Committee when making decisions on the status of a licence. The guidance will outline actions that are reasonable and proportionate to ensure decisions are fair, in the public interest and proportionate and that any decision taken will be defensible.

Compliance and enforcement is important to maintain integrity and confidence in the various licensing regimes, and to prevent anyone obtaining an unfair advantage through unlicensed activities and to ensure the security and safety of the public.

Some functions in which the Licensing Authority has a duty to ensure requirements, regulations and various licensing objectives are upheld include:

- a) hackney carriage and private hire drivers and vehicles and private hire operators;
- b) alcohol, entertainment and late night refreshment;
- c) charity collections;
- d) sex establishments;
- e) gambling premises, permits and lottery registrations;
- f) scrap metal dealers and collectors.

In exercising the express powers of the Council as Licensing Authority under the Licensing Act 2003 it must do so with a view to promoting the licensing objectives defined in that Act, as follows:

- *The prevention of crime and disorder;*
- *Public Safety;*
- *The prevention of public nuisance;*
- *The protection of children from harm.*

In respect of the express powers under the Gambling Act 2005, the Licensing Authority must carry out those functions with a view to aiming to permit the use of premises for gambling in so far as the authority think it is, inter alia, reasonably consistent with the licensing objectives defined in that Act, as follows:

- *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;*
- *Ensuring that gambling is conducted in a fair and open way; and*
- *Protecting children and other vulnerable persons from being harmed or exploited by gambling.*

A draft Policy Statement had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024. A page was created for the consultation on the Council's website and a public notice was displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea.

The below were written to inviting them to comment on the draft policy:-

- All Tending District Councillors
- All Parish Councils
- Responsible Authorities under the Licensing Act 2003 (including Essex Police)
- Institute of Licensing
- A number of licensing solicitors
- A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)

In addition to the consultation letters, the licensing team also visited a number of licence holders within the District handing out consultation postcards to bring the consultation to the attention of the trader to voice their opinions.

Two members of the public had sent in responses to that consultation. Their comments were as below:

- *“The policy itself is fine - but without effective enforcement it is just empty words. In my experience, TDC’s enforcement, whether in relation to illegal traders or bylaws is woeful. Unless your enforcement capability is seriously improved, no amount of policy wording will make any difference”.*
- *“We must acknowledge the income licenced premises bring to the locality however they must adhere to licencing rules to protect the community and the most vulnerable persons in the locality”.*

The draft Policy was seeking to set out how this Council (as the licensing authority) would implement a consistent and staged approach to compliance and enforcement matters will assist Officers when engaged in any enforcement process. This will lead to more robust and defensible decisions in relation to action concerning breaches of the legislation, conditions and unlicensed traders. In adopting a compliance and enforcement policy, the Courts will understand the rationale and reason behind Officers’ actions where public / customer safety is at serious risk the Council will act swiftly and robustly.

This Council’s Licensing and Registration Committee (“the Committee”), at its meeting held on 2 October 2024 (Minute 23 refers), considered the matter again (including the above mentioned responses received during the consultation). The Head of Democratic Services & Elections had informed the Committee that the first comment referred to the Council’s resource allocation which was not within the Policy but would be kept under review. In relation to the second comment this referred to the need for balance and the Head of Democratic Services & Elections confirmed that the Policy was intended to apply a balancing act between proportional enforcement action and the public good.

Through the report, the Committee was invited to determine its recommendation to Cabinet. The Committee’s decision was as follows:-

“RESOLVED that –

- (a) the revised draft Licensing Enforcement and Inspection Policy be recommended to Cabinet for its formal adoption; and*
- (b) once adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to that Policy in order to ensure that it reflected the operational positions of the Council and legislative / case law relevant to the Policy.”*

The Policy Statement referred to in the above decision of the Licensing and Registration Committee is set out as an Appendix to this report.

Housing and Planning Portfolio Holder's Comments

"I welcome the submission of this revised Policy. It supports the commitment we gave in the Corporate Plan 2024-28 to support pride in our area and services to residents. Regulatory systems only work properly when enforcement powers are used proportionately and responsibly to protect the public and consumers. This Policy sets out the approach to be taken in Licensing to achieve this. It builds on the programme of routine inspections agreed by the Licensing and Registration Committee through which we take a pro-active approach to checking compliance. I formally invite Cabinet to approve this Policy."

RECOMMENDATION

That, subject to Cabinet's consideration of the recommendation of the Licensing and Registration Committee arising from its meeting held on 2 October 2024, Cabinet resolves that the Licensing Enforcement and Inspection Policy 2024 - 2028, as set out in the Appendix hereto, be adopted.

CURRENT POSITION

Cabinet is now requested to consider the recommendation submitted to it by the Licensing and Registration Committee.

The Assistant Director (Governance)'s Report and accompanying Appendix which was considered by the Licensing and Registration Committee at its meeting held on 2 October 2024 is available using this link:

[Agenda for Licensing and Registration Committee on Wednesday, 2nd October, 2024, 6.30 pm \(tendringdc.gov.uk\)](https://tendringdc.gov.uk)

Under the Leader of the Council's approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution, the Portfolio Holder for Housing and Planning is the designated Executive Member for overseeing licensing policy matters.

BACKGROUND PAPERS

None. However, the published Minutes of the meeting of the Licensing and Registration Committee held on 2 October 2024 have been referred to in the preparation of this report.

APPENDICES

A.4 Appendix – Licensing Enforcement and Inspection Policy 2024 - 2028 (as recommended for approval by the Licensing and Registration Committee)

A.4 APPENDIX

Tendring District Council



LICENSING ENFORCEMENT AND INSPECTION POLICY

Adopted by Cabinet on XXXX

Tendring District Council: www.tendringdc.gov.uk

Introduction

A purpose of licensing is the protection of the public. In order to achieve this, legislation requires licences, permits or registrations to be obtained. These are normally subject to certain conditions.

The effectiveness of legislation and licence conditions in protecting the public depends crucially on persons complying with such legislation and conditions.

The purpose of this policy is to set out what licensees and others can expect from principles and policies which deal with any enforcement and inspection undertaken by the Licensing Section. A review of this policy will take place every five years.

In order to achieve compliance the Licensing Committee and its Officer will assist licensees to meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who break the law or act irresponsibly.

This policy document is provided for the guidance of Members, Officers, consumers and members of the public.

In making decisions about enforcement action the Council is not solely acting on behalf of an individual complainant, but is exercising a wider responsibility to further its primary aim of securing a safe environment for the public consumers and others who may be affected by the actions, inactions or omissions of licensees.

Areas of Licensing included in the Policy

The areas of licensing which are covered by this policy are as follows:

Fundraising

House to House Collections
Street Collections

Licensing Act 2003

Licences under Licensing Act 2003 for supply of alcohol, regulated entertainment and late night refreshment.

Vehicles

Taxis and Private Hire Vehicles
Taxis and Private Hire Drivers
Private Hire Operators

Other Licensing

Boats and Boatmen
Street Trading
Sex Establishment

Gambling Act 2005

Issue premises licences for gambling activities, consider notices for temporary use of premises for gambling, grant permits for gaming and gaming machines in clubs, regulate gaming and gaming

machines in alcohol licensed premises, grant permits to family entertainment centres, grant permits for prize gaming, consider occasional use notices for betting tracks and register small society lotteries.

Investigations

Inspections and investigations will be carried out in a professional and consistent manner as set out below.

Authorisations

Only Officers authorised by the Council will be responsible for undertaking investigations. Officers will only be authorised to deal with such investigations who have the knowledge to undertake such duties. Officers are issued with a personal identity card, which will be carried with them at all times and will be shown upon request.

Covert Surveillance

During an investigation into suspected non-compliance with legislation, the Council may need to undertake directed covert surveillance from time to time. This may include using remote sound or video monitoring equipment but is most likely to involve personal observation.

Targeting

Enforcement activities are targeted towards circumstances which carry high risks or where there is or could be a considerable impact as a result of the non-compliance with the licensing conditions or the general law. Enforcement activities may be targeted towards individuals who are primarily responsible for an activity, who have the greatest responsibility to ensure compliance with the law or who have been the subject of previous enforcement action. From time to time, the Council will engage in enforcement initiatives which are directed towards issues where there is a need to draw attention to the existence of legislation and its enforcement.

The Council aims to undertake a programme of inspection and enforcement on all of its licensing functions.

Each licensing function is assessed against risk and this will be taken into account in establishing the nature and the frequency of any inspection or enforcement activity. The following factors will be taken into account when determining the level of risk associated to the particular licensing function:

- The nature of the licensing function
- The history of the licensing function
- The nature and extent of complaints received by the Council
- Information received from other agencies/departments
- Safety and public protection issues

Any inspection of a licensing function undertaken by the Council which results in the exposure of issues which reveal non-compliance with a licence or its conditions will be recorded. Appropriate action will be taken in relation to any particular issue and the licensee will be given an appropriate

opportunity and time to address the issue. The licensee will be re-inspected in order to ascertain that the issue has been addressed.

Levels of Enforcement

Where informal methods have been unsuccessful, or a serious breach of a licensing condition/objective or regulation is likely to occur which may endanger the safety of the public, formal enforcement will be taken to ensure compliance with the licence. Each case will be considered on its merits. An emphasis of the Council will be the prevention of offences and further alleged offences wherever possible.

Licensees, businesses or persons generally are expected to comply with the law. The term 'enforcement' covers a wide variety of activities, including:

- Warnings
- Formal Cautions
- Hearings and Reviews
- Prosecutions

Minor breaches of licensing requirements will normally give rise to a verbal and/or written warning. More serious breaches or a continual pattern of minor breaches may involve formal cautions, hearings or reviews and even prosecutions.

In the case of the Hackney Carriage and Private Hire this may involve using the enforcement penalty points system which could lead to suspension or revocation of a licence following action by the a Licensing hearing.

In the case of the Licensing Act 2003 this may involve suspension or revocation of a licence following action by the Police or a Licensing hearing.

There are a number of enforcement options and consideration will be given to when we would take action and why we need to take action and the nature of that action. Account will be taken of breaches of legislation and where a person or company has ignored advice or guidance.

Warning

If there has been a minor incident where the law has been broken, it may be decided that the most appropriate course of action is to issue the offender with a verbal and/or written warning. Account will be taken of any previous warnings when we are considering taking formal action.

A written warning will:

- clearly state the nature of the problem and may suggest either specific remedies or a standard which is to be achieved;
- state the actions which may be followed if matters do not improve;
- designate a named officer as a point of contact;
- clearly distinguish between legal requirements and desirable standards;
- indicate any follow up action which may be taken, eg a revisit in 14 days;
- offer to work with the person(s) responsible in finding a solution, if appropriate;

- point the way to specialist advice or additional information, if appropriate;
- be firm, businesslike, unambiguous, polite and helpful.

Formal Cautions

In certain situations, the Council may consider it appropriate to issue a formal caution instead of deciding to prosecute. A formal caution should still be treated as a serious matter and will be recorded.

The issue of a formal caution may influence any future decision to prosecute and may be referred to in any future court proceedings.

Formal cautions may be used to deal with less serious offences quickly. It is unlikely that a formal caution would be given in circumstances where the offender has a history of failing to change their behaviour. When a formal caution is given, the person involved must admit the offence and accept the caution.

Hearings and Reviews

In some circumstances where licence holders have for example:

- been convicted of a relevant offence;
- refused to comply with a condition of the licence;
- behaved in a way which may render that person as unsuitable to hold a licence;
- behaved in a way which is likely to have put the public at risk; or
- appear to breach the Licensing Objectives of the Licensing Act 2003 the licence holder may be reported to the Licensing Committee to review the licence. The Committee may consider that the immediate revocation, suspension or variation of a licence may be the most appropriate course of action.

Where offenders are reported to a Committee for consideration of formal action the Council will:

- give sufficient notice of the date the matter is to be considered;
- give notice to the licence holder of the allegations against them;
- give notice to the Relevant Authorities and Interested Parties;
- provide the opportunity for the licence holder to be represented;
- provide the licence holder with the opportunity to present his/her case and provide supporting evidence;
- ensure the matter is determined in an impartial manner in accordance with the rules of natural justice;
- provide a written notice of the decision with reasons.

Prosecution

The Council will not take prosecution action until the evidence has been assessed. A prosecution will be considered when:

- it will draw attention to the need to follow the law, responsible people would expect prosecution to be appropriate, or where a conviction may deter others from offending;
- the public may have been put in danger or safety may have been compromised;

- the offence is serious;
- there is a history of failure to comply with licensing conditions;
- the evidence is sufficiently strong that the case is likely to result in a conviction;
- a prosecution would be in the public interest.

In general, the more serious the offence, the more likely it is that a prosecution will be considered necessary. The following are examples of factors which may indicate a prosecution is appropriate.

- The overall seriousness of the offence and harm caused.
- The perpetrator has encouraged others to commit offences.
- The offence was pre-meditated.
- The offender showed disregard for the law.
- The offender stood to gain from the offence.
- The victim, if any, was vulnerable, suffered damage or felt threatened by the offence.
- There is significant harm to any person or relevant issue.
- The offence had a discriminatory element, for example, on the basis of race or religion.
- The offender has previous convictions or cautions that relate to similar offences or instances.
- There is likelihood that further offences may be committed.

Human Rights Act

The Provisions of the Human Rights Act 8.1.1 Of particular importance to the Council's enforcement policy, Article 6 (the right to a fair trial) Article 8 (the right to respect for private and family life) and Protocol 1, Article 1 (Protection of property) will be considered and applied in each case. In all cases, the Council will be objective in ensuring that decisions are not influenced in any way by gender, ethnic origin, religious or political beliefs of the alleged offender.

The Council will only act in accordance with the law. The Council will act as is necessary to secure public safety, prevent crime and disorder, to protect health and well being, and to protect the rights of others.

Other Action

Each case will be decided on its merits and an informed decision made which is proportionate to the alleged offence and consistent with other similar cases. When an officer witnesses a breach in licensing legislation he/she is required to make a decision on what correct action should be taken. This could result in a verbal/written warning, formal caution or prosecution. A prosecution will have to be in the public interest. Enforcement activities will be targeted towards situations which carry higher risks to the public.

The Council can sometimes have a shared responsibility for enforcement with another enforcement agency. If this is the case, the other agency will be consulted in order to consider whether the matter should be referred to that authority.

Where the Council take the lead in deciding what enforcement action, if any, is appropriate, it will have regard to this Policy, and any other policy as adopted by the Council as a whole.

In particular the Council will take into account the following factors:

- a) the risk or harm to the public and others;
- b) whether the matter is in the public interest;
- c) the seriousness of the complaint;
- d) any explanation of the offender;
- e) whether the matter is a recurrence;
- f) whether there has been previous contravention of the legislation and/or licence conditions;
- g) the willingness of the alleged offender to prevent a recurrence of the problem;
- h) the availability of witnesses;
- i) the reliability of witnesses;
- j) the sufficiency of the evidence.

All available evidence will be evaluated before a decision on what course of action to take is chosen. This can involve the Council's legal advisers.

A joint approach with other agencies will be used when it is deemed necessary because of the nature of the particular issue and to increase the overall impact of the matter, ie joint letter (or campaign) organised by the licensing authority and police or other relevant authorities.

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Tendring District Council
Town Hall
Clacton on Sea
Essex CO15 1SE

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CABINET

21 NOVEMBER 2024

REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE

A.5 ADOPTION OF A SEX ESTABLISHMENT POLICY

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Sex Establishment Policy (the Policy recommended for adoption is set out as an Appendix to this report).

EXECUTIVE SUMMARY

The current policy on licensing Sex Establishments was published in 2018.

This Council currently has one licensed sex shop and this is located within Clacton-on-Sea. There are no Sexual Cinemas or Sexual Entertainment Venues currently operating within the District.

Since November 2005, the Licensing Act 2003 (the 2003 Act) has required a wide range of regulated entertainment to be licensed by the Council acting as the Licensing Authority.

Members will be familiar with the restrictions in the 2003 Act which means that any representation against a premises licence can only be based on the four licensing objectives. Whilst licences can be subject to a review procedure they otherwise continue in force for the life of the business.

Sex Shops and Sex Cinemas are licensed under the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"). This regime gives licensing authority a wider discretion in determining whether to grant or refuse licence than is provided for in the 2003 Act, a power to set a limit on the number of premises that may be suitable for a particular location, greater flexibility of applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop and sex cinema licences are only valid for one year at a time.

Schedule 3 of the 1982 Act as amended by Section 27 of the Policing and Crime Act 2009 extended the definition of Sex Establishments from sex shops and sex cinemas to include sexual entertainment venues. Consequently, from that point on, lap dancing venues and similar premises required licensing under the 1982 Act provisions and the Licensing Act 2003 for alcohol sales etc.

The policy has been developed taking full account of the requirements of the legislation and guidance.

The policy provides that each application will be judged on its own merits but taking into account the various criteria laid out within the policy document. In this way each application will be considered as to whether it is suitable given the nature of the particular locality in question.

A draft Policy Statement had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation

on the draft for a period of five weeks from 30 July 2024 to 3 September 2024. A page was created for the consultation on the Council's website and a public notice was displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea.

The below were written to inviting them to comment on the draft policy:-

- Licensed Sex Establishment Premises
- All Tendring District Councillors
- All Parish Councils
- Responsible Authorities (including Essex Police)
- Institute of Licensing
- A number of licensing solicitors
- A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)

In addition to the consultation letters, the licensing team also visited a number of licence holders within the District handing out consultation postcards to bring the consultation to the attention of the trader to voice their opinions.

One member of the public sent in responses to the consultation. Their comments are as below:

“Although, there are only one such premises within the locality it is essential that the policy framework exists to ensure should there be an increase in such venues wishing to establish themselves that the local authority has the tools available to ensure adherence to their rules and to maintain the King's peace without causing intentional outrages of public decency. On the other hand, there must also be provision made to ensure the welfare of those employed in these premises to protect them from any abuses from employers due to the taboo nature of sex establishments”.

The draft Policy was seeking to set out how this Council (as the licensing authority) would approach to regulating sex establishments and the procedures it will adopt in relation to applications for sex establishment licences.

This Council's Licensing and Registration Committee (“the Committee”), at its meeting held on 2 October 2024 (Minute 22 refers), considered the matter again (including the above mentioned responses received during the consultation). The Licensing Manager considered that the above mentioned response was a generalised comment that did not require any amendment to the Policy as presented. A Member and the Head of Democratic Services & Elections had highlighted a small number of formatting errors and a textual amendment.

Through the report, the Committee was invited to determine its recommendation to Cabinet. The Committee's decision was as follows:-

“RESOLVED that –

- (a) the Committee recommends to Cabinet that the revised draft Sex Establishment Policy, as attached to this report (A.2) but subject to the amendments highlighted at the meeting, be adopted; and*
- (b) once adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to that Policy to ensure that it reflects the operational positions of the Council and legislative / case law relevant to the Policy.”*

The Policy referred to in the above decision of the Licensing and Registration Committee is set out as an Appendix to this report.

Housing and Planning Portfolio Holder's Comments

"It is right and proper that District Councils can represent the communities we serve and apply appropriate controls on the location and operation of any sex shops, sex cinemas and sexual entertainment venues. In Tendring we have a single established Sex Shop. However, through this renewed Policy we would be prepared if others wanted to open such shops, cinemas or venues elsewhere in the District. This means we can carefully consider the impact proposals may have on the locality and the protections for those potentially working at those businesses. On the basis of being prepared for any such applications, I urge Cabinet to approve the Policy as submitted."

RECOMMENDATION

That, subject to Cabinet's consideration of the recommendation of the Licensing and Registration Committee arising from its meeting held on 2 October 2024, Cabinet resolves that the Sex Establishment Policy, as set out in the Appendix hereto, be adopted.

CURRENT POSITION

Cabinet is now requested to consider the recommendation submitted to it by the Licensing and Registration Committee.

The Assistant Director (Governance)'s Report and accompanying Appendix which was considered by the Licensing and Registration Committee at its meeting held on 2 October 2024 is available using this link:

[Agenda for Licensing and Registration Committee on Wednesday, 2nd October, 2024, 6.30 pm \(tendringdc.gov.uk\)](https://tendringdc.gov.uk)

Under the Leader of the Council's approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution, the Portfolio Holder for Housing and Planning is the designated Executive Member for overseeing licensing policy matters.

BACKGROUND PAPERS

None. However, the published Minutes of the meeting of the Licensing and Registration Committee held on 2 October 2024 have been referred to in the preparation of this report.

APPENDICES

A.5 Appendix – Sex Establishment Policy (as recommended for approval by the Licensing and Registration Committee)

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Tendring District Council



SEX ESTABLISHMENT POLICY

Adopted by Cabinet on XXXX
Tendring District Council: www.tendringdc.gov.uk

TENDRING DISTRICT COUNCIL

Statement of Licensing Policy for Sex Establishments (including Sex Shops, Sexual Entertainment Venues and Sex Cinemas)

This policy sets out the Council's approach to regulating sex establishments and the procedures it will adopt in relation to applications for sex establishment licences. The policy is intended as a guide to applicants, licence holders, objectors and members of the licensing committee and provides information on what the Council expects to see in relation to an application.

The advice and guidance contained in the appendices attached to the policy are intended only to assist applicants and other parties and should not be interpreted as legal advice. All parties are advised to seek their own legal advice if they are unsure of any of the requirements of the legislation in so far as they relate to the licensing of sexual entertainment venues. It should be noted that the Council, as Licensing Authority, is required to implement the licensing regime in accordance with the law.

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Station Road
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Essex CO15 1SE

Email: licensingsection@tendringdc.gov.uk

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
as amended by the Policing and Crime Act 2009**

SEX ESTABLISHMENTS POLICY

1. Introduction

This policy provides Tendring District Council's approach to the regulation of sex establishments as set out in the 1982 Act and gives guidance to the Licensing Authority when considering and making decisions on applications.

Each application will be determined on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.

The Council may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. Full reasons will be given for departing from the policy.

The Local Government (Miscellaneous Provisions) Act 1982 as amended, (The Act) introduced a licensing regime to control Sex Establishments. Tendring District Council has adopted Schedule 3 of the Act. This means that the Council can control and regulate the operation of certain kinds of Sex Establishment within its District. No Sex Establishment can operate unless it has obtained a licence from the Council. Any such licence will contain conditions that will restrict how that premises may trade.

The Policing and Crime Act 2009 amended the Miscellaneous Provisions Act, in so far as it related to the licensing of sex establishments, by adding the new category of "sexual entertainment venue".

In carrying out our licensing functions, Tendring District Council will have regard to the following:

- The Local Government (Miscellaneous Provisions) Act 1982
- Any supporting regulations
- Guidance issued by Central Government
- This statement of licensing policy Tendring District Council must also fulfil its obligations under S.17 of the Crime and Disorder Act 1998, to do all that can be reasonably done to prevent crime and disorder in Tendring.

The Policy should be read in conjunction with, and without prejudice to, other existing national, including the Human Rights Act 1998, the Equality Act 2010, The Provision of Services Regulations 2009, and the Regulators' Code 2014 (as set out under the Legislative and Regulatory Reform Act 2006).

The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity and to foster good relations between persons with different protected characteristics.

In carrying out our licensing functions we will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate refuse service on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation or display discriminatory signs.

2. Definition of 'Sex Establishment'

A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'sexual entertainment venue'.

Sexual Entertainment Venue

A Sexual entertainment venue is defined as:

'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'

In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows
- Topless Bars
- Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is "relevant entertainment" will depend on the content of the entertainment and not the name it is given.

Sex shops and sex cinemas

Sex Establishment Licences are required for "sex cinemas" and "sex shops".

A "Sex shop" is defined as any premises, vehicle, vessel or stall that is used for a business which consists to a "significant degree" of selling, hiring, exchanging, lending, displaying or demonstrating:

sex articles; or

other things intended for use in connection with, or for the purpose of stimulating or encouraging:

- i) sexual activity
- ii) acts of force or restraint which are associated with sexual activity

The phrase "sex articles" is defined in the 1982 Act, but the phrase "a significant degree" is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- the ratio of sex articles to other aspects of the business
- the absolute quantity of sales
- the character of the remainder of the business
- the nature of the displays in the business
- turnover
- other factors which appear to be materially relevant

A “sex cinema” is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:

- i) sexual activity,
- ii) acts of force or restraint which are associated with sexual activity; or are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions

3. Current Premises

The District currently has one licensed sex shop and no sex cinemas or sexual entertainment venues.

4. Location of Premises

The Council has a discretion to refuse to grant or renew licences for sex establishments on the grounds that the licence would be inappropriate having regard to the character of the locality or the use of premises in the vicinity. Without prejudice to other elements of the policy, and whilst treating each new application on its own merits, the Council’s policy is ordinarily to refuse licences on these grounds for premises that are in close proximity to;

- (a) residential accommodation;
- (b) schools, nurseries and other premises used by children and vulnerable persons;
- (c) parks or other recreational areas used by children and other vulnerable persons;
- (d) religious centres and places of religious worship;
- (e) youth, community and leisure centres;
- (f) access routes to and from premises listed above;
- (g) historic buildings or visitor attractions;
- (h) an area designated either as an area under regeneration, or due to be regenerated.

In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be considered to be inappropriate.

The Council, in considering whether the discretionary grounds for refusal apply and whether the licence should be refused on such grounds, will take into account the following, where it is relevant to do so:

- (a) the type of activity, the duration of the licence and the proposed hours of operation;
- (b) the layout and condition of the premises;
- (c) any cumulative and adverse impact of existing sexually related licensable activities in the same locality as the proposed premises;
- (d) crime and disorder issues;
- (e) any evidence relating to actual or likely noise or disturbance caused by the premises;
- (f) the character of the locality;
- (g) the use of other premises in the vicinity.

5. Fitness of the Applicant

The Council, in considering whether the applicant or applicants are fit and proper to hold a licence will take into account the following, where it is relevant to do so:

- (a) the operation of existing or previous licences held by the applicant, including their track record of compliance;
- (b) their experience and knowledge of the type of sex establishment they are applying to run;
- (c) their ability to comply with the licensing requirements and minimise the impact of the business on local residents and businesses;
- (d) any reports concerning the applicant received from the Police or any other source;
- (e) the honesty of the applicant(s);
- (f) whether the applicant(s) intend to operate the premises or employ other people to do so;
- (g) whether the management proposed will deliver compliance with operating conditions through managerial competence; presence; a credible management structure including individuals experienced in running premises of this nature; enforcement of rules internally through training, monitoring and the publication of rates for performers and customers; a viable business plan;
- (h) whether management can be relied upon to act in the best interests of the performers;
- (i) whether there is a written welfare policy for performers and how this is to be enforced;
- (j) what system is in place to ensure that performers are adults and entitled to live and work in the UK;
- (k) whether management can be relied upon to protect the public by, for example, transparent charging and freedom from solicitation.

6. Applications

An application for the grant, renewal, transfer or variation of a licence must be made in writing using the prescribed forms by the Council.

An application can be served on the Council as follows:

- By post – Licensing Team, Tendring District Council, Town Hall, Station Road, Clacton on Sea, Essex CO15 1SE;
- By Email – licensingsection@tendringdc.gov.uk

The Council encourages applicants to serve their applications and other notices electronically. In line with the Provision of Service Regulations 2009, where an application for the grant, renewal or transfer of a licence is submitted electronically, the Council will send a copy of the application to the Chief Officer of Police once received. In all other cases, it will still be the responsibility of the applicant to serve a copy to the Police.

The Council expects that any premises for which a licence is required should have either planning consent or lawful use under planning legislation for the intended use and hours of operation. The Council will not treat licensing applications as a re-run of a planning application however, and it will not seek to impose licensing conditions which duplicate conditions that have been imposed on a planning consent.

7. Fees

The licence fees for all sex establishments including sexual entertainment venues have been reviewed and set at a level that is reasonable and proportionate to the effective cost of processing the application and making compliance checks throughout the period of the licence.

The application process involves paying a non-returnable application fee. The fees will be reviewed by the Council and the current schedule of fees is available on the Tendring District Council website. No further fees will be applied by the Council in the event that objections are received to an application and a hearing is required to determine the application.

The authority must be aware of case law, of which the Court of Appeal case of R (Hemming (t/a Simply Pleasure Ltd) and others) v Westminster City Council [2013] EWCA Civ 591; [2013] WLR (D) 203 is especially relevant.

8. Advice and Guidance

The Council will seek to liaise with applicants and, wherever possible and necessary, mediate between applicants and objectors in order to achieve a satisfactory outcome for all stakeholders. Applicants are advised to discuss their proposals with the Council and any interested parties prior to an application being made.

9. Grant, renewal, or transfer of licence

The Council may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' on such terms and conditions as specified by the Council which are shown in the Appendix of this policy document.

A licence once granted will usually remain in force for 12 months, but can be issued for a shorter period if deemed appropriate. In order to continue operating as a sex establishment the licence holder must make a renewal application to the Council at least 28 days prior to the expiry of the existing licence.

An application to transfer a licence to any other person may be made.

Where an application for renewal or transfer of a licence is made at least 28 days before the expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.

10. Objections

Anyone wishing to object to an application must do so in writing within 28 days of the application being made to the Council's Licensing Authority.

A person making a representation must state their full name and address and their grounds for objecting to the application and indicate whether or not they consent to have their name and address revealed to the applicant. The Council will not consider objections that are frivolous, vexatious or relate to moral grounds. Moral objections cannot be made under the terms of the Act.

Where written objections are made the Council will provide copies to the applicant.

11. Determining Applications

In determining an application relating to a Sex Establishment licence it may be necessary for the application to be heard by the Miscellaneous Licensing Sub-Committee of the Council who will assess the application on its merits having regard to the content of this policy, the relevant legislation and any relevant guidance that may be issued from time to time.

When determining applications, the Council will take account of any written objections, comments or observations made by the Chief Officer of Police and any objections made by other persons or interested parties such as statutory agencies or authorities.

When considering applications, the Council will have regard to: (a) the Local Government (Miscellaneous Provisions) Act 1982 (b) the Human Rights Act 1998 (c) the Provision of Services Regulations 2009 (d) Section 19 of the Crime and Disorder Act 1998 (e) the Equality Act 2010 (f) any supporting or accompanying regulations; (g) this Statement of Licensing Policy.

12. Conditions

No condition will be imposed by the Council that cannot be shown to be necessary, reasonable and proportionate to the application that has been submitted.

In the event that conditions are attached to the grant of a licence they will be adapted to the operating circumstances and requirements of the individual premises and may also take into account any objections, comments or observations received, particularly where they have been received from the Chief Officer of Police.

The Council will attach those conditions shown in the Appendix which are relevant to the activities granted to the sex establishment licence applied for. These conditions are not exhaustive however and further conditions may be attached on the advice of a responsible authority such as the Police for example, or may be attached by the Council's Miscellaneous Licensing Committee as they believe necessary, reasonable and proportionate at any licensing hearing that the Council has had to convene to consider relevant objections to an application submitted for a sex establishment licence.

13. Hearing Procedure

Where the Council is required to determine an application by reference to the Miscellaneous Licensing Committee, the applicant and objectors will be advised of the date, time and venue of the hearing.

In preparation for the hearing, all parties will receive a copy of the report prior to the hearing. The report will contain a summary of the application, representations and any other relevant information.

At the hearing, parties will have the opportunity to address the Committee and, if permitted by the Chairman of the Committee, ask questions of parties that they feel are relevant to the determination process.

APPENDIX A

Standard Conditions applicable to Licences for Sex Establishments

Notes

(i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.

(ii) Nothing in these conditions shall be construed as interfering with

(i) the discretion of the licensee or his representative regarding the admission of any person or

(ii) the need to strictly comply with all relevant statutory requirements.

(iii) These conditions are divided as follows:

Part 1 General

Part 2 Conditions which apply to all premises

Part 3 Conditions which apply to sex shops

Part 4 Conditions which apply to sex cinemas

Part 5 Conditions which apply to sexual entertainment venues

(iv) In these rules all references to the British Standard (BS) shall be deemed to refer to the current standard.

(v) A premises licence may also be required for the operation of a sex cinema.

Part 1 General

1. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.

2. The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any enactment, by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Part 2 Conditions which apply to all premises

Exhibition of Licence

1. The copy of the licence and these Regulations which are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and exhibited in a position that it can easily be seen by all persons using the premises. The copy of these Regulations shall be retained in a clean and legible condition.

Responsibility of Licensee

2. The licensee shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all areas of the premises.

3. The premises shall not be used for regulated entertainment, exhibition or display of any kind unless the Council's consent has been first obtained and any necessary licence granted.

Conduct and Management of the Premises

4. The licensee, or a responsible person over 18 years of age and nominated by him in writing for the purpose of managing the sex establishment in his absence, shall be in charge of and upon the premises during the whole time it is open to the public. Such written nomination shall be continuously available for inspection by an officer authorised in writing by the Council. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge shall be conversant with these rules, a copy of which shall be held on the premises.

5. The licensee, or the responsible person approved under Regulation 4, shall maintain a daily register to be kept on the premises in which he shall record the name and address of any person who is to be responsible for managing the sex establishment in his absence and the names and addresses of those employed in the sex establishment. The register to be completed each day of the sex establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Council.

6. The Licensee shall ensure that, during the hours the sex establishment is open for business, every employee is easily identified as an employee.

7. A notice showing the name of the person responsible for the management of a sex establishment shall be prominently displayed within the sex establishment throughout the period during which they are responsible for its conduct.

8. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.

9. The licensee shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purpose.

10. The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

11. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

12. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

External Appearance

13. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except;

(i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence granted by the Council.

(ii) Such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

14. The entrances, windows and openings to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.

State, Condition and layout of the premises

15. The premises shall be maintained in good repair and condition.

16. The number, size and position of the doors or openings provided for the purposes of the ingress and egress of the public shall be to the satisfaction of the Council and shall comply with the following requirements :-

(i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".

(ii) Doors and opening other than exits which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "private".

(iii) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.

17. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order. The external door shall only be opened at such times as person(s) require access and egress to the interior of the premises.

18. The licensee shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.

19. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.

20. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Maintenance of the means of Escape

21. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.

22. All fire resisting and smoke stop doors shall be maintained, self closing and shall not be secured open.

Fire Appliances

23. The premises shall be provided with fire appliances suitable to the fire risks on the premises, and such fire appliances shall be maintained in proper working order and shall be available for instant use.

24. The licensee shall comply with any fire precautions and safety measures that may be required of him by the Fire Authority.

25. Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with the manufacturer's instructions.

Lighting

26. The licensee or any other person concerned in the conduct or management of the licensed sex establishment shall, in the absence of adequate daylight, ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which the public and staff have access and is in operation continuously during the whole time the premises are open to the public.

27. The normal lighting levels and the lighting to 'EXIT' notices shall be maintained at all times and shall not in any circumstances be extinguished or dimmed while the public are on the premises provided that, so long as there is sufficient daylight in any part of the premises, artificial light need not be used in any part.

Electrical Installations

28. The electrical installation for the premises shall be maintained in a safe working condition, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

29. Unless the Council decides otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

Change of Use

30. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council and the Police has been obtained.

31. The Licensing Authority and Essex Police must be informed should the licensee seek to change the use of the establishment to another form of sex establishment.

Sale of goods

32. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.

Admission of Authorised Officers

33. Officers of the Council, Police, and other authorised agencies who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

Part 3 Conditions which apply to Sex Shops

1. It is permitted to play music or words either via national or local radio stations or any pre-recorded means, but no material whatsoever of an adult theme or nature can be played or broadcast, whether by means of sound or moving picture.

Goods available in Sex Establishments

2. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show persons who are inside the sex shop the respective prices being charged.

3. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the sex establishment.

4. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Censors, and bears a certificate to that effect, or approved by the Council and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Part 4 Conditions which apply to Sex Cinemas

Exhibition of Films

1. 'Film exhibition' means film exhibitions as defined in the Cinemas Act 1985, i.e. any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of (a) television programmes, broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or (b) programmes included in a cable programme service which is or does not require to be licensed under Section 4 of the Cable and Broadcasting Act 1984.

2. No film shall be exhibited at the premises unless: (a) it is a current news reel; or (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18, or RESTRICTED (18) film (c) it has been passed by the Council as a U, PG, 12, 15, 18, or RESTRICTED (18) film.

Restricted (18) films

3. Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

"Persons under 18" Notice

4. No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at the entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

Advertisements

5. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Censors or the British Board of Film Classification or approved for exhibition by the licensing authority, as the case may be.

6. Where the licensing authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground that, if displayed, it would offend against good taste or decency or be likely to encourage or incite crime or lead to disorder or be offensive to public feeling, that advertisement shall not be displayed at the premises without the prior consent in writing of the licensing authority. Objection to exhibition of film

7. Where the licensing authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains material which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the prior consent in writing of the licensing authority.

Sale of Sex Article

8 .Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'sex cinema'

Part 5 Conditions which apply to Sexual Entertainment Venues Performances of Relevant Entertainment

1. The performance of relevant entertainment within the premises shall not be visible from any area outside of the premises at any time. Age Restrictions

2. A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

3. Members of staff at the premises shall seek "credible photographic proof of evidence" from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo. Club Rules

4. The premises must provide a copy of its Club Rules to the Council and to Essex Police for consideration and approval.

5. All performers and staff shall be aware of the Club Rules.

6. All dancers, staff and door supervisors shall read a copy of the rules relating to operating relevant entertainment. They shall sign and date a copy which shall be retained by the premises as part of their due diligence.

Management Operation Manual

7. A management operation manual detailing all aspects of procedure when the premises are operating relevant entertainment shall be produced and approved by the Council. This document shall be reviewed annually and the manual as reviewed shall be submitted for approval of the Council together with the application for renewal of the licence.

Performers

8. Performers shall be aged not less than 18 years and the "Challenge 25" scheme will be used to manage this.

9. All performers shall be aware of the management operation manual.

10. A log book shall be maintained on the premises detailing the names and start and finish times of individual performers involved in all forms of adult entertainment.

11. At all times during the performance, performers shall have direct access to a dressing room without passing through, or in close proximity to, the audience.

12. On leaving the premises performers, who wish to be, shall be escorted by staff member to their vehicle or other safe location.

Performances

13. Whilst dancers are performing in any public area there shall be a minimum distance of one metre maintained between the dancer and the seated customers. Prominent, clear notices shall be displayed at each table stating this requirement.

14. There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance. A "touch and go" policy will operate i.e. any person/customer touching dancers will be ejected from the premises and barred from those premises.

15. No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.

16. No audience participation shall be permitted.

17. Signs displaying the rules on the performance of relevant entertainment will be displayed throughout the premises and be clearly visible to patrons. This will include any private individual booth area.

18. In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment, and the details shall be specified in a clearly visible notice in each area designated for private relevant entertainment. Each such area shall be capable of being continually monitored by a member of staff.

19. No performer or member of staff shall sit on, straddle, stroke, fondle or make any form of sexual contact with a customer at any time.

Door Supervisors

20. One SIA registered door supervisor per 75 customers shall be on duty on the premises whilst relevant entertainment takes place plus there shall be at least one door supervisor on each entrance in each separate part of the premises and on the door to the dressing room.

21. The door supervisors shall be on duty at the premises at all times when the premises provide relevant entertainment.

Closed Circuit Television (CCTV)

22. A high quality CCTV system shall be installed to cover all entrances and exits to the premises and areas where relevant entertainment will take place, with the exception of the performers' changing area. This system must be installed and fully operational before the premises opens for the licensable activity applied for. All cameras shall continually record whilst the premises are open to the public and video recording shall be kept available for a minimum of 31 consecutive days with date and time stamping.

23. At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Police guidelines for Standard Minimum closed circuit television requirements. To obtain a clear head and shoulders image of every person entering the premises on the CCTV System, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.

24. A member of staff who is fully trained in the use of the system shall be on duty at all times when the premises are open until the premises are clear of customers, cleared of staff, performers and closed.

25. Within 24 hours of a request made by Essex Police or the Licensing Authority, the premises will provide the CCTV footage requested.

Layout of premises

26. The approved activities shall take place only in the areas designated by the Licensing Authority.

27. All dance booths are to be equipped with a panic alarm for safety.

28. Arrangements shall be put in place to restrict access to the dressing room at all times when the relevant entertainment is taking place, and until such time as all performers have vacated it. The performers' dressing rooms will be off-limits to all non-employees.

29. The layout within the areas used by customers shall not undergo substantial change without the prior written consent of the Licensing Authority.

Sale of goods

30. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'Sexual Entertainment Venue'.

Door Policy

31. No entry to be permitted to any customer who is considered by the management or door staff to be incapable of controlled or acceptable behaviour, especially those who may be showing sign of having been intoxicated through alcohol or drugs.

32. The rules for the venue will be explained to all customers before entry is permitted.

33. One member of door staff will be present at the entrance to the venue at all times during opening hours.

34. Door staff will carry two-way radios at all times.

35. Dress code will be smart at all times; no sportswear will be permitted.

Operation of the Venue

36. A copy of the house customer rules will be on display at the entrance to the venue and in the bar area.

37. Waitresses/Waiters and bar staff must remain fully clothed at all times.

Customer and Performer Conduct

38. There should be published rules on customer conduct and performer conduct and the rules should contain as a minimum the following requirements, and the licensee shall ensure that the rules are enforced.

39. Any customer who is offensive either by language or action towards the performer will be ejected from the venue. They will also be barred from entry on any future occasion.

40. Strictly no photographing or videoing of performances or performers before, during or after the performance will be allowed. All customers' mobile phones will be switched off whilst on the premises. Anyone found breaching this condition will be ejected from the venue and barred from entry on any future occasion.

41. Any customer found in possession of drugs, attempting to consume drugs or selling drugs will be detained by the security staff and the Police will be called. They will also be barred from entry on any future occasion.

42. Throwing of money at performers will not be permitted before, during or after the performance, nor will the giving of any other gift. Anyone breaching this condition will be ejected from the venue and barred from entry on any future occasion.

43. Customers will not be allowed to pass on personal details such as business cards or telephone numbers to performers before, during or after a performance.

44. Payment must be made to the performer only and strictly in advance of the performance taking place.

Performer Conduct

45. No performer will be allowed to carry or use any sex toy, sex aid or other paraphernalia.

46. No performer will be allowed to wear bondage or sadomasochist clothing or paraphernalia. No accessories such as sex toys or aids are to be carried or used by the performers.

47. No handing out of cards, telephone numbers or personal contact information to customers or any other persons by performers.

48. Performers must not encourage customers to touch them in any way before, during or after a performance.

49. Performers found in possession, using or attempting to sell drugs or under the influence of drugs before, during or after a performance will be immediately dismissed and the Police notified.

50. Performers will instruct all customers to keep their hands by their sides at all times during a private dance.

51. Any approach by a customer to make personal contact with a performer must be immediately reported to the management or security.

52. Performers will not be permitted to enter any part of the venue other than the private dance area and dressing room areas while fully nude.

CABINET

21 NOVEMBER 2024

REFERENCE FROM THE LICENSING AND REGISTRATION COMMITTEE

A.6 ADOPTION OF A PAVEMENT LICENSING POLICY

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the recommendation made to it by the Licensing and Registration Committee in relation to the adoption of a Pavement Licensing Policy (the Policy recommended for adoption is set out as an Appendix to this report).

EXECUTIVE SUMMARY

The Business and Planning Act 2020 (“BPA20”) received Royal Assent on 22nd July 2020 and made significant changes designed to help premises (including public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours) to survive and bounce-back from the Covid-19 pandemic lockdowns.

The BPA20 included a new “Pavement Licence” regime, to be administered by local authorities, designed to make it easier for premises serving food and drink (such as bars, restaurants and pubs) to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The pavement licence provisions were originally due to expire in September 2021 but due to the continuation of the Covid-19 pandemic associated restrictions and the success of the pavement licensing scheme it was extended multiple times.

As part of the Levelling Up and Regeneration Act 2023 (“LURA23”) the pavement licensing scheme has been made permanent (in effect from 31 March 2024), albeit with some amendments from the temporary provisions which are summarised in the Table below.

Changes	Business Planning Act 2020	Levelling Up and Regeneration Act 2023
Licence length	Max 1 year	Max 2 years
Fees	£0-£100	£0-£500 (new applications) £0-£350 (renewals)
Renewals	No renewal process	Renewal requirements introduced
Consultation time frame	7 days	14 days
Determination time frame	7 days	14 days
Public Space Protection Order (PSPO)	Not included as an exemption	Included as an exemption
Enforcement	Permits for revocation and serving of notices	Permits for revocation and serving of notices and also permits the removal of furniture, storage of it,

		recovery of costs incurred and disposal of it. Also that instead of revocation the licence can be amended in prescribed circumstances.
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A draft Policy had been considered by the Licensing and Registration Committee at its meeting held on 24 July 2024. The Committee at that time had authorised consultation on the draft for a period of five weeks from 30 July 2024 to 3 September 2024. A page was created for the consultation on the Council's website and a public notice was displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton on Sea.

The below were written to inviting them to comment on the draft policy:-

- All Tendring District Councillors
- All Parish Councils
- Responsible Authorities under the Licensing Act 2003 (including Essex Police)
- Institute of Licensing
- A number of licensing solicitors
- A range of licence holders of local premises licence (including pubs, off-licences, night time economy, street traders, gambling premises and taxis)

In addition to the consultation letters, the licensing team also visited a number of licence holders within the District handing out consultation postcards to bring the consultation to the attention of the trader to voice their opinions. Five members of the public, two businesses, one Town Council and one Responsible Authority (ECC Highways) sent in responses to the consultation.

The draft Policy was seeking to set out how this Council (as the licensing authority) would carry out the new pavement licensing regime which would include advice, administration, compliance and enforcement.

This Council's Licensing and Registration Committee ("the Committee"), at its meeting held on 2 October 2024 (Minute 24 refers), considered the matter again (including the above mentioned responses received during the consultation). The Head of Democratic Services & Elections drew the Committee's attention to those responses and that several suggestions had been incorporated into the Policy, now presented.

Through the report, the Committee was invited to determine its recommendation to Cabinet. The Committee's decision was as follows:-

"RESOLVED that –

- (a) the Committee recommends the Pavement Licensing Policy, as attached as Appendix A to the report (A.4), to Cabinet for its formal adoption; and*
- (b) once the Policy is formally adopted, the Assistant Director (Governance) (or other authorised Officer) be authorised to make minor amendments to the Policy to ensure that it reflects the operational positions of the Council and legislative / case law relevant to the Policy."*

The Policy referred to in the above decision of the Licensing and Registration Committee is set out as an Appendix to this report.

Housing and Planning Portfolio Holder's Comments

"As with all of the Policies submitted for approval at Cabinet today, I wish to congratulate the Licensing and Registration Committee for ensuring the policies of the Council in this service area are kept under review and refreshed as a consequence. In this case, we have had temporary measures introduced as part of the post-Covid-19 build back response and those measures have now been made permanent. With the obvious need to allow clear access routes for the public to use, this pavement licensing regime allows cafes, restaurants, and bars to secure a licence to place furniture on the highway.

The policy now submitted sets out the Council's approach to the administration of the licensing function and I commend it to Cabinet."

RECOMMENDATION

That, subject to Cabinet's consideration of the recommendation of the Licensing and Registration Committee arising from its meeting held on 2 October 2024, Cabinet resolves that the Pavement Licensing Policy, as set out in the Appendix hereto, be adopted.

CURRENT POSITION

Cabinet is now requested to consider the recommendation submitted to it by the Licensing and Registration Committee.

The Assistant Director (Governance)'s Report and accompanying Appendix which was considered by the Licensing and Registration Committee at its meeting held on 2 October 2024 is available using this link:

[Agenda for Licensing and Registration Committee on Wednesday, 2nd October, 2024, 6.30 pm \(tendingdc.gov.uk\)](https://tendingdc.gov.uk)

Under the Leader of the Council's approved Scheme of Delegation, as set out in Schedule 3 (Responsibility for Executive Functions) of Part 3 of the Council's Constitution, the Portfolio Holder for Housing and Planning is the designated Executive Member for overseeing licensing policy matters.

BACKGROUND PAPERS

None. However, the published Minutes of the meeting of the Licensing and Registration Committee held on 2 October 2024 have been referred to in the preparation of this report.

APPENDICES

A.6 Appendix – Pavement Licensing Policy (as recommended for approval by the Licensing and Registration Committee)

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A.6 APPENDIX

Tendring District Council



PAVEMENT LICENSING POLICY

Adopted by Cabinet on XXXX

Tendring District Council: www.tendringdc.gov.uk

Introduction

The Business and Planning Act 2020 (as amended) was introduced as temporary legislation to assist businesses and remove existing bureaucracy around what were known as Tables and Chairs Licences under the Highways Act. The Business and Planning Act 2020 has now been amended by the Levelling Up and Regeneration Act 2023 which makes the Pavement Licence regime permanent.

The Act allows Tendring District Council to permit specified furniture to be placed on the highway (mostly footpaths and pedestrianised areas) although where applicable, businesses may still need the activity to be licensed, for example, sale of alcohol.

Definition of 'pavement licence'

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, and for certain purposes.

Eligible Businesses

A person (which includes a body corporate) which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, ice cream parlours or similar.

A licence permits the business to use furniture placed on the highway in order to serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

A pavement licence does not licence the activity, only the placing of the furnishings. The pavement licence is issued to a person or incorporated body. Where there is a change to that person or incorporated body then the licence will lapse, and a further application will need to be made by any new person.

Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

Tables and chairs can only be placed in front of and immediately adjacent to the façade the licence holder is responsible for.

Tables and Chairs with any barriers, posts and bases will not be permitted where they would restrict any pedestrianised public highway to less than 1.5 metres unobstructed pavement in width or impede any designated cycle route.

Type of furniture permitted

Seating, tables and, if required, umbrellas and heaters (together with a secure base) as well as any proposed barriers to enclose the seating area are permitted.

The furniture must be fit for purpose and designed specifically for commercial outdoor use (and comply with all relevant BS standards). It must be kept in good order; damaged or faded items must be replaced.

This furniture is required to be removable, meaning that it is not a permanent fixed structure, and is able to be moved easily, and should be stored away when the premises are closed for activity.

There is an expectation that the type and style of furniture would be 'in keeping' with the local area.

Picnic benches and plastic tables and chairs designed for domestic use (e.g. white plastic furniture) are not permitted.

Any form of gazebo or enclosed shelter with one or more sides is not permitted.

Barriers

When tables and chairs are in place a standard barrier consisting of a fabric banner and associated post/rail system shall be used. The function of the barriers is to demarcate and contain the tables and chairs but also to give a clear warning particularly to people with visual impairments.

The barriers shall be secured by a purpose designed post and rail system with weighted post bases to prevent being knocked or blown over and be of a height range of 800mm to 1000mm so to not visually obstruct views down the street or be an obstructing hazard.

Street café barriers should be of a design to complement the character of the surrounding area. Banners should be of one design, in a plain style and can incorporate the business name or brand logo. Posts and rails should be stainless steel, chrome plated or powder coated.

Times of Operation

The tables and chairs can be placed on the highway only when the premises are open for business and in any event not before 6.00 am and normally until 30 minutes of the terminal hour of the licence.

Where nuisance is likely to be caused to residents e.g. late at night, businesses may be required to remove the tables and chairs before the close of business.

Planning Permission

Once a licence is granted the applicant will also benefit from deemed planning permission to use the land for anything done only pursuant to the licence while the licence is valid, but not for any other purpose.

Consultation

Applications are consulted upon for 14 days, starting with the day after that on which the application is made to the Council (an application will not be considered to have been properly made unless each requirement has been met).

The applicant is required to fix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. They must ensure that the notice remains in place for the duration of the public consultation period.

The Council is required by law to consult with the Essex County Council Highways Authority. In addition, to ensure that there are no detrimental effects in granting such a licence the Council will also consult with:

- Environmental Health Service
- Planning Department
- Essex Police

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider in their determination of the application.

Appeals

There is no statutory appeal process against the decision of the Council.

Cost

There is an application fee and a renewal fee payable every two years. Details can be found on the application form and Tendring District Council website.

Insurance

Operators must indemnify both Tendring District Council and Essex County Council in respect of injury, damage or loss arising out of the grant of permission (unless such claims arise out of the Councils' negligence). All operators must have public liability insurance in the sum of £10,000,000 in respect of any one event. A copy of this insurance must be produced to the Council before a licence will be issued.

The Licence holder shall make no claim or charge against the Council in the event of the furniture or other objects being lost, stolen or damaged in any way.

Litter

Refuse and litter deposited on the highway in the vicinity of the chairs and tables must be collected at not less than hourly intervals (or more frequent intervals if required under the Environmental Protection Act 1990).

Litter is not to be placed in the litter bins situated on the highway for use by the general public, but in the trade refuse bins.

All tables must be cleared as soon as practicable after being vacated by customers to avoid litter being deposited unnecessarily on the highway.

Miscellaneous Conditions

The Licence holder must remove any furniture if required to do so to permit works in or the use of the highway by the Council, the County Council, the emergency services any statutory undertaker or telecommunications code operator or where the Licence holder has been notified of a special event taking place.

No charge can be made by the Licence holder for the use of the furniture.

All licences are renewable every two years.

ANNEX 1 – CONDITIONS

LICENCE FOR THE PLACEMENT AND USE OF TABLES, CHAIRS AND ASSOCIATED FURNITURE (THE FACILITY)

National Conditions Made by the Secretary of State

1. Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths (1.5 metres) and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility.
2. There must be clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smokefree (Signs) Regulations 2012.
3. No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
4. The licence requires a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Standard Licence Local Conditions

1. To use the highway permitted within the licence for the purpose of The Facility and for no other purpose whatsoever listed outside of the licence.
2. The boundary of the licensed area must be adhered to and ideally marked with a rigger barrier system that is stable so as not to be easily blown or knocked over, or as agreed otherwise in writing with the Licensing Authority.
3. Parasols must not overhang the area of The Facility and must not be erected in high winds.
4. The licence does not permit any fixtures or excavations of any kind to the surface of the highway.
5. The Facility must be removed for the purpose of allowing:
 - a. Works in, under or over the highway or in connection with works in, under or over land adjacent to the premises as may be required by Tendring District Council, Highway Authority or any statutory undertaker
 - b. Use and access by emergency services
 - c. Any other reasonable cause
6. To remove The Facility within 30 minutes of the terminal hour of the licence or upon any suspension or revocation of the licence.
7. The Facility within the marked boundary and any reasonable area outside of the boundary, caused by The Facility, must be kept free of litter, debris and food and drink spillages. The licensed area is to be washed at the close of each day using a method and materials sufficient to remove food debris, grease and spillages.
8. Plastic or toughened glasses and bottles are only permitted for the consumption of alcohol within The Facility as required by Tendring District Council or Essex police.

9. The Facility is to be used for seated customers only.
10. The licence holder must ensure The Facility is covered by valid and up to date public liability insurance cover of ten million pounds which is valid for the duration of the licence period.
11. A copy of the licence must be prominently displayed at the licensed area and must be made available for inspection by any Authorised Officer of the council or Police.
12. Waste from the Licensee's operations shall not be disposed of in the permanent litterbins situated on the highway for use by the general public provided by the Council.
13. The Licensee shall make no claim or charge against the District or County Council in the event of the street furniture being lost, stolen or damaged in any way whatever cause.
14. Without prejudice to the ability of the County Council to remove the tables and chairs by reason of Statute, common law, and/or for breach of any of the terms and conditions of this consent, this consent shall remain in force until such time as the applicant seeks to amend its proposal, including, but not limited to, the location and/or number of the tables and chairs to be placed in the highway and/or such time as the Council refuse to issue the related permission.
15. The Licensee shall make good, to the County Council's satisfaction, any damage caused to the highway caused by the exercise of this consent and indemnify and keep indemnified the County Council from and against any claims, demands or proceedings in any way arising in regard thereto.
16. Despite this consent, the authorised area shall always remain part of the public highway and users of the highway are still entitled to exercise their right of passage over them.
17. The Tendring District Council 'A' Board Protocol must continue to be adhered to by businesses with a pavement licence and positioning of 'A' Boards must be in relation to the original business premises and not beyond equipment covered by the pavement licence.

CABINET

15 NOVEMBER 2024

REPORT OF PORTFOLIO HOLDER FOR ASSETS

A.7 SOCIAL VALUE POLICY – ESSEX PROCUREMENT PARTNERSHIP

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present to Cabinet for approval a Social Value Policy to demonstrate how the Council will deliver corporate priorities by achieving social value through procurement ensuring the additional benefit to the community which we can derive, over and above the direct purchasing of goods, services and outcomes, where these quality criteria are relevant and proportionate to the subject matter of the contract and non-discriminatory.

EXECUTIVE SUMMARY

Social Value refers to the wider financial and non-financial value created by an organisation through its day to day activities and Community Leadership in terms of the wellbeing of individuals and communities, social capital created and the environment.

A Social Value Policy acts as a 'golden thread' between the Council's Corporate Plan and the Council's procurements. The Social Value Act states that Social Value requested in procurements must be relevant to the procurement. By having a Social Value Policy in place, everything contained in the Council's Corporate Plan is relevant to the procurement. Bidders for Council tenders can be asked to support delivery of the Council's objectives as set out in the Corporate Plan.

The term 'Social Value' is defined in the Public Services (Social Value) Act 2012 which came into force in January 2013. It requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area.

Public authorities must consider the wider financial and non-financial value created by the way an organisation delivers the contracts they let and express the contribution to its commercial outcomes in terms of the wellbeing generated for individuals, communities, the economy and the environment. This must be achieved in accordance with the Public Contracts Regulations 2015 and the Local Government Act 1988.

Rationale for the policy

Social Value through Procurement is where an authority uses its purchasing power to achieve added value to the community. This can be achieved in the way that we specify what goods or services we are buying, but most commonly it is done by scoring tenders to give weight to added commercial value that a provider contributes to the authority and community through the way it performs the contract.

Requiring our suppliers to set out the social, economic and environmental benefits they achieve when performing our contract means that the true commercial impact is considered when tendering. It will encourage contractors to consider the way that they deliver goods, services or works, for example:

- promoting greater environmental sustainability: minimising waste and pollution, supporting carbon reduction initiatives, furthering energy efficiency and other sustainability activities.
- creating job opportunities for local residents, those not in education, employment or training, for care leavers or for people with disabilities
- providing support, advice or mentoring opportunities to the long term unemployed, schools or school leavers;
- providing sub-contracting opportunities for a diverse range of suppliers, including the participation of small and medium sized enterprises (SMEs) and 3rd sector organisations, and local suppliers in general; and
- offering a range of apprenticeship, training and skills development opportunities as well as employment opportunities.

Best practice guidance suggests that procurement procedures should permit a flexible weighting of up to 20% of total scores available on a tender to be assigned to social value, with social value forming part of the quality assessment of bids received. Essex Procurement Partnership (EPP) intends to seek social value through all of its procurements where the contract value is over £100,000 and where it is relevant, proportionate and non-discriminatory to do so. To achieve this effectively and deliver value to residents, commissioners must consider the value of commercial outcomes delivered to the authority in accordance with the Local Government Act 1988 which prohibits local authorities from using non-commercial considerations when awarding contracts unless it is necessary to comply with the law or to achieve the principles of best value. This will include consideration of the wider impact that the activities have on the economic, environmental and societal objectives of the partner authority.

These points should be assessed during the development of the strategic business case, procurement category strategy, specification, tendering process and contract management activities. To achieve this, it is important that social value is not only a responsibility of the procurement team, but also budget-owners and commissioners who have responsibility for the contracts being let. Therefore, it is considered best practice for authorities to have a corporate-wide Social Value Policy. In addition, the introduction of a corporate policy for social value would indicate to vendors the importance and longevity of this agenda. Essex Procurement Partnership have collaborated to produce the draft Social Value Policy, as set out in **Appendix A** for adoption by each Council. The Policy sets out how social value can be achieved through procurement ensuring that these quality criteria are relevant and proportionate to the subject matter of the contract and non-discriminatory.

Discussions have taken place between Officers and, in addition, events and forums will be held with local businesses to raise awareness of the Social Value Policy through the Economic Growth service and their contacts. Essex Procurement also provide material and training sessions can be arranged with suppliers.

RECOMMENDATION(S)

It is recommended that Cabinet -

- (a) approves the Social Value Policy, as set out in Appendix A, for recommendation onto Full Council for adoption;
- (b) subject to (a), authorises the Portfolio Holder for Assets (with responsibility for procurement) to approve changes to the list of Social Value Measures in the TOMs Calculator, where those measures deliver on the Outcomes agreed by Cabinet;
- (c) authorises the Director (Governance) (with responsibility for procurement) to approve the removal of TOMs measures for specific procurements, in order to meet the Public Contracts Regulations requirements for relevance, proportionality to the subject matter of the contract and non-discrimination; and
- (d) endorses an annual social value statement to reaffirm their goals to suppliers and measuring social value progress.

REASON(S) FOR THE RECOMMENDATION(S)

Implementing a Social Value Policy can elevate social value from a procurement process to an organisation-wide policy. Organisation-wide ownership of social value, will encourage each project owner across the Authority to consider how they can achieve priority objectives in the Corporate Plan, thereby ensuring they make a commercial contribution in line with the Local Government Act 1988. For example, a project manager in Directorate A can enable local jobs and skills opportunities, thereby delivering on corporate objectives in Directorate B.

The Policy can also enable us to set out a framework for:

- ensuring the social value measures we use align to the Corporate Plan **and** how changes to Social Value Themes, Outcomes and Priorities are made; and
- how changes to the specific measures listed in the TOMs Calculator are made where they deliver Outcomes agreed by the Cabinet. Each Measure sits under one of the agreed Social Value Outcomes.

This option is recommended because it meets best practice principles of publishing an organisation-wide Social Value Policy and it will enable the Council to adopt the TOMs Calculator efficiently to harness specific opportunities to deliver on corporate objectives (but only where they deliver on the outcomes already agreed by the Cabinet).

Whilst Social Value can apply with any value of contract, there is an operational cost to preparing and scoring the evaluation model. Therefore, we will normally only require social value to be considered when we are procuring a contract with a value of over £100,000.

ALTERNATIVE OPTIONS CONSIDERED

Option 1 - Do nothing – not recommended

Without a corporate-wide social value policy, social value remains the responsibility of the Procurement Team, not those responsible for the commissioning and specifying the intent of and outcomes of contracts. This can mean that conversations about social value can take place much later on in the procurement process and thereby limit the authority's ability to consult the market and raise awareness of the opportunities in a timely manner. For this

reason, this option is not recommended.

Option 2 – Adoption of the Social Value Policy, with the Cabinet approving all changes to the master list of specific social value Measures in the ‘ECC TOMs Calculator’ - not recommended.

By requiring Cabinet approval of any changes to the master list of TOMs measures, we will significantly increase the resources required to update the framework, even when the Measures deliver on the Outcomes agreed by the Cabinet. For this reason, this option is not recommended, but instead it is proposed that the Cabinet approves changes to Measures that do not align with the Themes and Outcomes they have ratified.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Tendring District Council adopted its Corporate Plan 2024-28 ('Our Vision') at full Council in November 2023 (Minute No. 76 refers) with Community Leadership and listening to, and delivering for, our residents and businesses to be recognised as cross cutting elements of the Plan. The Corporate Plan Themes are:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Championing our local environment
- Working with partners to improve quality of life
- Promoting our heritage offer, attracting visitors and encouraging them to stay longer
- Financial Sustainability and openness

“To continue to deliver effective services and get things done we must look after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents. We will give clarity on where the Council spends the money it is provided with.”

The suggested approach to social value supports the delivery of the Council's Corporate Plan and partners too, therefore **Essex Procurement Priorities** are set out in the Policy which have been aligned to TDC and other member priorities. These are:

- A strong, inclusive and sustainable economy
- A good place for children and families to grow
- Health, wellbeing and independence for all ages
- A high-quality environment

A mapping document will be provided for each Council to show which TOM supports which local Corporate Plan priorities.

Like many Councils across the country, Tendring with EPP is seeking to adopt the Local Government Association's National Social Value Taskforce 'National Themes, Outcomes and Measures' method of classifying and scoring social value in our tender processes. This method is frequently referred to as the 'National TOMs'.

The National TOMs framework was designed around 5 principal issues, 20 core outcomes and 48 core measures:

- **Themes:** The overarching strategic themes that an organisation is looking to pursue.
- **Outcomes:** The objectives or goals that an organisation is looking to achieve that will contribute to the Theme.
- **Measures:** The measures that can be used to assess whether these Outcomes have been achieved. For the National TOMs framework, these are action based and represent activities that a supplier could complete to support a particular desired outcome.

We adapted them to focus on the delivery of Tendering and our partners' objectives and priorities. This resulted in the 'EPP TOMS'. The master list of EPP TOMs is called the 'EPP TOMs Social Value Calculator'. All of these are set out in the Policy.

The way Anchor Organisations procure goods and services and work with their supply chain can have far reaching benefits on local communities, from creating employment opportunities, to raising aspirations and local skills, to improving the local environment. Procurement is frequently the starting point for embedding Social Value, ensuring every pound spent generates additional value. **Anchor Organisations have signed up to the following:**

- **Progressive and Responsible Procurement - Develop policy and tendering processes to assess, monitor and deliver social value.**
- **Meet the Buyers - Develop close working relationships with local providers and suppliers in the community.**
- **Build the Voluntary Sector - Make explicit requirements to work with and resource the voluntary sector in contracts.**

OUTCOME OF CONSULTATION AND ENGAGEMENT

This Policy has been developed through consultation within EPP, both at its Members' Advisory Group (MAG) and at Officer level.

The MAG is responsible for:

- ❖ Reviewing the performance of the partnership, providing insight and challenge to the delivery by EPP of its core objectives (as defined in terms of reference) over the life of the partnership.
- ❖ Through member networks the MAG will champion the shared approach to procurement being undertaken by EPP with the purpose of supporting the sustainable growth of the partnership.

In September 2023, the MAG agreed the EPP Objectives, one of which was to develop and introduce a common approach to Social Value to sourcing activity for the members of the partnership. Officers were requested to develop and embed a common approach to Social Value Measurement, through 2023/24, supporting partners to deliver benefits to local communities and benefitting bidders through a common, consistent approach.

On 3 November 2023, Councillor Kotz made an Executive Decision, as Portfolio Holder responsible for Procurement & Social Value, following consideration of a supporting report,

endorsing the work identified for a joint TOMs approach to Social Value for procurement purposes, and for further development against the Council's Corporate Plan, with a report being presented at a later Cabinet meeting ([tendingdc.gov.uk/Portfolio Holder for Assets Decision 03.11.23](https://tendingdc.gov.uk/Portfolio_Holder_for_Assets/Decision_03.11.23)). This Report complies with this previous decision.

The proposed approach to Social Value through procurement was presented to the EPP MAG in June 2024 and received positive feedback. The Policy has been developed around the approach consulted upon.

The Anchors Organisations have also set up a Social Value Learning Community to:

- Encompass a wide learning agenda that covers the different nuances of social value for each of the sectors represented at the Anchor network, but focused on deepening the understanding of concepts and practices.
- Provide a collaborative and safe space to share sensitive and complex data. - Provide peer to peer learning, sharing lessons learned, progress, challenges and barriers about embedding.
- SV - Identify the differences and commonalities of SV practices, both across organisations and through Procurement specifically.
- Give support on the definition of social value for Anchor institutions and EAN, establishing the baseline for members and the network.
- Work collaboratively with Economic Development Officers (EDOs) towards the identification of local projects to increase local spend and support local business and VCSEs sectors.
- Facilitate access to state-of-the-art expert knowledge and best practice with a view to inform policy making, plans, toolkits and models in key areas of action.

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)	

The Public Services (Social Value) Act 2012

Section 1(3) "The authority must consider—

- (a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and*
- (b) how, in conducting the process of procurement, it might act with a view to securing that improvement."*

Section 1(6) “The authority must consider under subsection (3)(b) only matters that are relevant to what is proposed to be procured and, in doing so, must consider the extent to which it is proportionate in all the circumstances to take those matters into account.”

Local Government Act 1988, Section 17(1) prohibits consideration of a wide range of “non-commercial matters” in procurement. Section 17(11) – *“This section does not prevent a public authority...from exercising any function... with reference to a non-commercial matter to the extent that the authority considers it necessary or expedient to do so to enable or facilitate compliance with a duty imposed on it by section 1 of the Public Services (Social Value) Act 2012”*

PUBLIC CONTRACT REGULATIONS 2015:

Regulation 67 Contract award criteria

- (1) Contracting authorities shall base the award of public contracts on the most economically advantageous tender assessed from the point of view of the contracting authority.*
- (2) That tender shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as life-cycle costing in accordance with regulation 68, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects, linked to the subject-matter of the public contract in question.*

Regulation 70 Conditions for performance of contract

- (1) Contracting authorities may lay down special conditions relating to the performance of a contract, provided that they are—
 - (a) linked to the subject-matter of the contract within the meaning of regulation 67(5), and*
 - (b) indicated in the call for competition or in the procurement documents.**
- (2) Those conditions may include economic, innovation-related, environmental, social or employment-related considerations.*

Requirement for award criteria and contract conditions to link to the subject-matter of the contract is a notable constraint on authorities’ ability to use procurement to drive social value objectives

Regulation 65(5) Award criteria shall be considered to be linked to the subject-matter of the contract where they relate to the works/ supplies/services to be provided in any respect and at any stage of their life cycle, including factors involved in—

- (a) the specific process of production, provision or trading of those works, supplies or services, or*
- (b) a specific process for another stage of their life cycle, even where those factors do not form part of their material substance.*

PROCUREMENT ACT 2023

Section 13(9): Statutory Duty - A contracting authority must have regard to the National Procurement Policy Statement. However, this is not new and the Procurement Policy Note

(PPN) 05/21 introduced the National Procurement Policy Statement.

Scope: The PPN stated (it was withdrawn on 12th September 2024) that contracting authorities should have regard to the national priorities set out in the NPPS in ‘exercising their functions relating to procurement’. This has the same meaning as in section 39(2) of the Small Business, Enterprise and Employment Act 2015 and includes the exercise of functions not only in preparation for entering into contracts but also in the management of contracts after they have been entered into.

The Government’s Commercial Function confirmed on 26 September 2024 that the National Procurement Policy Statement laid in Parliament on 13 May 2024 has been withdrawn and that the implementation of the Procurement Act 2023 will be delayed for four months from 28 October 2024 until 24 February 2025.

In a statement released by the Minister, Georgia Gould MP, it was announced that “*the delay is being introduced to allow the UK Government to update the National Procurement Policy Statement (“NPPS”) with a new NPPS which “drives delivery of the Government’s missions”.* The current NPPS was described as not meeting the “*challenge of applying the full potential of public procurement to deliver value for money, economic growth, and social value*”.

On 29 October 2024 the Cabinet Office updated its Guidance on the National Procurement Policy Statement ([Guidance: National Procurement Policy Statement \(HTML\) - GOV.UK](#)), which refers to the NPPS, its legal framework and its key points and policy intent, relevant extracts are as follows:

6. The NPPS places a statutory obligation on contracting authorities to have regard to its policy priorities and determine how procurements can contribute to the delivery of these wider policy objectives. This means that a contracting authority must consider whether the procurement can contribute to achieving one or more of the policy objectives stated in the NPPS in a manner that is appropriate, proportionate and relevant; and take steps to address this where possible. This could include, for example, changes to the way the procurement is structured or the process is carried out, the specification of the goods, services or works to be purchased, or the award criteria which will determine the most advantageous tender.
7. While contracting authorities have a duty to consider whether and how to address the policies, there is no absolute obligation to do so. There may be cases where the priorities are irrelevant to a specific procurement or it would be disproportionate to introduce measures to address them. This decision not to address one or more of the policies will be procurement-specific as will the means by which any policies to be considered are incorporated into a procurement.
8. As the Act places a statutory duty on contracting authorities to have regard to the NPPS, contracting authorities should document their thinking on which NPPS policies an individual procurement can contribute to and how this will be addressed, as well as note why any disregarded policies are irrelevant or inappropriate or would be disproportionate to consider.

9. The policy objectives established in the NPPS are separate from the procurement objectives at section 12 of the Act. Those objectives go to the heart of the purpose of public procurement regulation rather than linking to wider governmental policies to which public procurement can contribute.

The current Guidance does not update the NPPS and still makes reference to the Social Value Model Guide produced in 2010 demonstrating the importance of maintaining Social Value as a high priority without a NPPS in place. It should be noted that the 2010 Guide makes reference to Social Value in Frameworks and these should be used, at paragraph 3.27 it states: *“Buyers (i.e. the users of the framework) may have their own social value priorities which they will make clear to the suppliers involved in that competition. To test the tenderers’ social value during the call-off stage, buyers must adhere to the standard evaluation procedure, including the award criteria and sub-criteria, described in the framework agreement terms, conditions and instructions.”* This may be updated in the future NPPS.

Following the Autumn Budget Statement, HM Treasury confirmed in its Policy Paper on 30 October 2024 its commitment - *“To continue to drive value for money, the Government will also use the new Procurement Act to create a simpler and more transparent regime for public sector procurement that will deliver better value for money and reduce costs for business and the public sector. The Government will implement the Act in February 2025 with further reforms including a new National Procurement Policy Statement.”*

PART 5 CONSTITUTION - PROCUREMENT PROCEDURE RULES

The Council's Procurement Procedure Rules state the following:

Before undertaking any procurement, Departments should satisfy themselves that:

- The works, goods or services are required and a need can be demonstrated
- There are no reasonable alternatives e.g. sharing or utilising spare capacity/inventories elsewhere within the Council
- **Where relevant, they have considered the requirements of the Public Services (Social Value) Act 2012 and have recorded/evidenced the outcomes against the associated requirements:-**
 - **how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area**
 - **how, in conducting the process of procurement, it might act with a view to securing that improvement**

The Local Government Association developed a toolkit in 2022, to support councils to set objectives in relation to their maturity levels in each of the key areas of the National Procurement Strategy for Local Government in England, and to assess their progress against those objectives.

The national TOMs framework themes:

- **Jobs**
- **Growth**
- **Social**

- **Environment**
- **Innovation**

<https://socialvalueportal.com/solutions/national-toms/>

The Self-Assessment document has a section on achieving community benefits through social value, the adoption of this Policy will move the Council from ‘developing’ to ‘minimum’ whilst it is being embedded.

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

The Monitoring Officer is the author of this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Paragraph 2.3 of the Council’s Procurement Procedure Rules as set out in Part 5 of the Council’s Constitution requires alternative delivery options for whole or part of services to be achieved in accordance with the Council’s Procurement Strategy. The Strategy expressly refers to ‘Our Partners in Procurement’ and that the Council will seek to work with a number of partners to maximise any procurement opportunities and provide best practice. This includes other public bodies and shared services. As a result of the in-house procurement service team currently having 100% vacancies, there were no employment issues to address and the Public Contract Regulations 2015 permit public sector shared service and collaboration arrangements within certain criteria, which are observed in any Service Level Agreement arrangement.

Subsequently, Cabinet agreed in September 2021 that:

(2) That, in respect of the Council’s Financial Performance for 2021/22, Cabinet:

(c) agrees an exemption to the Council’s procurement rules in order to enable a Service Level Agreement to be entered into with Essex County Council to enable the Council to ‘buy in’ various procurement services from them to support its day-to-day operational activities and the delivery of one-off projects, as necessary; and

(d) authorises the Assistant Director (Finance and IT) and the Deputy Chief Executive to agree the terms of the Service Level Agreement, in consultation with the Portfolio Holder for Corporate Finance and Governance.

Following consultation with the Portfolio Holder for Corporate Finance and Governance, and an Officer Decision published on 24 August 2022, a Partnership Agreement was completed in August 2022. The services however commenced in October 2021 and will continue until October 2023 for an annual payment of £60,000. The agreement can be renewed annually for up to 5 years.

In March 23 (Minute No. 137 refers) Cabinet noted the progress of the existing partnership arrangement with Essex County Council for the delivery of procurement functions under the Service Level Agreement and agreed that Tendring District Council form part of a wider partnership of Councils to explore the Shared Procurement Service for parts of Essex. The Portfolio Holder responsible for procurement was authorised to represent this Council at the

Member Advisory Group. Subsequently the Director for Governance was appointed the appropriate Officer to serve on the Strategic Officer Group.

A further contribution of £45,000 from existing vacancies (at that time) were allocated to the shared procurement project for the development of activities as set out in the Portfolio Holder's report to Cabinet. Introduction to the joint approach to Social Value for procurement purposes, was identified and welcomed, with a further report to be presented at a Cabinet meeting later in 2023.

The Portfolio Holder for Assets agreed to extend the existing Service Level Agreement with Essex County Council on a six monthly basis to allow the Collaboration Agreement for Essex Procurement Partnership to be completed. The work undertaken to date on the production of the draft Social Value Policy has been undertaken with the Council's officers and those within Essex Procurement who have been supporting this work through the SLA arrangement and collaborative working within the Essex Partnership. As at the date of publication the Partnership Agreement is almost ready for its final review by the partners' legal teams, in which the Council's Monitoring Officer has been involved.

Due to the fact the current procurement service arrangements and functions support delivery of Housing Revenue Account (HRA) activities, further resources were allocated in October 2023 from the HRA to the procurement function through the Leader's decision to increase capacity. This capacity has enabled the General Fund procurement resource to dedicate some time to progress against the identified the Prioritised Objectives, in particular the development of a dedicated Social Value Policy for Procurement Purposes. Development of strategic documentation will be applied to both GF and HRA activity for the Council.

In July 2024, Cabinet (Minute No. 32 refers) received a report on resources to increase Project Delivery and progress on the Levelling Up Partnership, Levelling Up Fund, Capital Regeneration Projects and anticipated Levelling Up Partnership programmes. Those are outside the current resource allocation for the Essex Procurement Service Level Agreement with the Council. Resources being allocated to deliver the schemes so far have been within the SLA funding and therefore this has had a significant impact on Council business as usual procurements. The Project Delivery Unit includes funding for additional procurement resource within Essex Procurement Service to support the implementation of these programmes. This additional funding will provide the opportunities for the Essex Procurement Service to engage with Council services to maximise social value for the District through the increased procurement activity.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Section 151 Officer has no additional comments to make to those already contained within the report.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Covered within the body of the report
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B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Covered within the body of the report
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.	Covered within the body of the report

MILESTONES AND DELIVERY

Adoption of the Social Value Policy November 2024

Raise awareness of the Policy internally with Officers – Late November 2024

Initiate training of Council staff on the new approach and embed the changes to the procurement documentation to reflect this new approach in early 2025 however, Essex Procurement Partnership will provide support on all relevant procurements from adoption of the Policy.

Monitoring and reporting progress

Essex Procurement Partnership will monitor the social value that is delivered against the commitments made in collaboration with its contracted suppliers on a regular basis. As a minimum, the financial value of social value that is committed and delivered will be reported to Cabinet on an annual basis.

ASSOCIATED RISKS AND MITIGATION

Whilst a policy is not required, there is a legal requirement to evaluate social value in some way. To not have a policy risks an unstructured approach to this which is more susceptible to challenge.

Commissioning services will require initial support from Essex Procurement Service to use the Policy once adopted and must adhere with its requirements, to prevent non-compliance with Council policy and challenges to their processes.

This TOMS based approach provides a robust method for evaluation of social value as part of the procurement process, with many suppliers already familiar with the approach reducing their bid time and the risk of challenge from bidders on this element of the bid process. Reporting too will be better enabled with a clear social value which can be communicated by the Council. The Council will also be able to benchmark the delivery of social value within its area against other users of the TOMs methodology.

EQUALITY IMPLICATIONS

Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

SOCIAL VALUE CONSIDERATIONS

The purpose of the report is to adopt a Social Value Policy through procurement activity.

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

Procurement is an important tool in tackling climate change. As part of the development of the procurement strategy and policies and procedures consideration will be given to how to incorporate environmental considerations into the procurement process.

The Priority 4 (Theme) relates to “A high-quality environment” with the Outcome being *“Suppliers contribute to the delivery of net zero targets; reduced greenhouse gases; reduced waste; and strengthened climate resilience”*. Under the Outcome, seven different Measures are described and included within relevant and proportionate specifications for tender submission to respond to, as being possible to deliver Social Value through the contracts:

- Saving car miles on the contract through green transport programmes such as cycle to work and car-pooling programmes or public transport (EPP23a)
- Reduce CO2e emissions on contract e.g. reduce carbon intensity of processes and operations (EPP21)
- Reduce use of plastics (EPP26a)
- Activities to influence own staff, suppliers, customers & communities to support environmental protection and improvement (EPP45)
- Divert hard to recycle waste from landfill or incineration through specific recycling partnerships (EPP47)
- Reduce waste by reuse of products & materials) (EPP49)
- Support your suppliers to demonstrate climate change and carbon reduction training for all staff (EPP50)

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder

The Council is under a duty to consider crime and disorder implications in the exercise of its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:

- (a) crime and disorder in its area

	<p>(including anti-social and other behaviour adversely affecting the local environment);</p> <p>(b) the misuse of drugs, alcohol and other substances in its area;</p> <p>(c) re-offending in its area; and</p> <p>(d) serious violence in its area.</p> <p>By adopting the Social Value Policy contractors will be required to consider how they add non-financial benefits through the delivery against the relevant measures, for example:</p> <ul style="list-style-type: none"> • creating job opportunities for local residents, those not in education, employment or training, for care leavers or for people with disabilities • providing support, advice or mentoring opportunities to the long term unemployed, schools or school leavers; • offering a range of apprenticeship, training and skills development opportunities as well as employment opportunities <p>Therefore, providing more opportunities across the District will hopefully have a positive impact towards the prevention of crime and disorder.</p>
<p>Health Inequalities</p>	<p>Creating social value has clear connections with efforts to reduce health inequalities through action on the social determinants of health – for example, by improving employment and housing. Defining social value with reference to the social determinants of health can help to reduce local inequalities, improve the health and wellbeing of local people and in the longer term reduce the demand on health services and other services.</p>

Area or Ward affected	All wards
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PART 3 – SUPPORTING INFORMATION

BACKGROUND

Although the Council is required to give consideration to Social Value in its procurement cycle, more could be achieved with earlier scoping through specification and evaluation criteria. As with other Essex Councils, it is now best practice to adopt a dedicated Social Value Policy, to set out how the Council wishes to achieve the social, economic and environmental strands through its commissioning.

By considering social value in the early stages of a commissioning and procurement projects and by engaging the market before a tender is issued, public authorities can ensure that bidders are prepared and that social value requirements are proportionate to the size and duration of the contract. Moreover, we can encourage vendors' understanding and consideration of social value in areas that matter most to our residents and make a commercial contribution to the organisation's objectives. In this way we can maximise the benefits for Essex residents, delivering on specific corporate objectives including climate, jobs and skills development.

EPP's approach to social value supports the delivery of these priorities, which have been aligned to Tendring District Council's Corporate Plan and other Council's priorities. These are:

- A strong, inclusive and sustainable economy
- A good place for children and families to grow
- Health, wellbeing and independence for all ages
- A high-quality environment

Like many Councils across the country, Tendring with EPP is seeking to adopt the Local Government Association's National Social Value Taskforce 'National Themes, Outcomes and Measures' method of classifying and scoring social value in our tender processes. This method is frequently referred to as the 'National TOMs'.

The National TOMs framework was designed around 5 principal issues, 20 core outcomes and 48 core measures:

- **Themes**: The overarching strategic themes that an organisation is looking to pursue.
- **Outcomes**: The objectives or goals that an organisation is looking to achieve that will contribute to the Theme.
- **Measures**: The measures that can be used to assess whether these Outcomes have been achieved. For the National TOMs framework, these are action based and represent activities that a supplier could complete to support a particular desired outcome.

We adapted them to focus on the delivery of Tendring and our partners' commercial objectives and priorities. This resulted in the 'EPP TOMs'. The master list of EPP TOMs is called the 'EPP TOMs Social Value Calculator'.

Tendering as part of the Essex Procurement Partnership intends to seek social value through all its procurements over **£100,000** where it is relevant, proportionate and non-discriminatory to do so.

The Social Value element of bids is scored in two parts:

1. the value score (the commercial value of the social value bid expressed in monetary terms using the EPP TOMs Social Value Calculator); and
2. the Supporting Statement score (which contributes to the evaluation of the commercial value to the relevant EPP partner by assessing the robustness of the delivery plan to achieve the Social Value bid by the supplier).

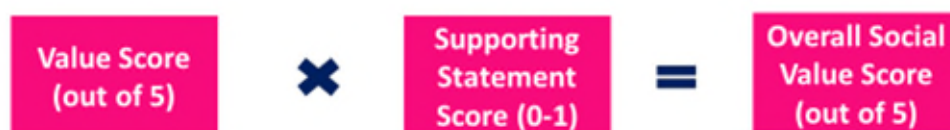
How it works...



The Social Value element of bids is given a weighting and scored in two parts:

- **The Value score** (the commercial value of the social value bid expressed in monetary terms using the EPP TOMs Social Value Calculator) and
- **Supporting Statement score** (which contributes to the evaluation of the commercial value to the relevant EPP partner by assessing the robustness of the delivery plan to achieve the Social Value bid by the supplier).

When combined they result in one overall Social Value score:



The EPP TOMs Social Value Calculator comprises:

- A set of social value 'Themes and Outcomes':
 - This is a list of the different categories of social value that contribute to our partners' commercial objectives. Please see Annex A below for a list of the Themes and Outcomes.
- A set of Units of Measure for each of the Outcomes:
 - These Units of Measure are used to compare bids on a like for like basis. They are set out as a description of the specific type of social value (the Measure) and a metric (the Unit). Social value will normally only count if it takes place in the relevant partner's administrative borough or district. If we are prepared to consider benefit arising elsewhere then this will be made clear in the tender documents.
 - They also enable us to collate the total benefits delivered by vendors to our communities – and sometimes more widely - and provide a consistent method of

performance management reporting.

- With the exception of measures that represent additional social value, we will not take account of benefit under more than one heading, to avoid benefits being double counted.
- We will not allow a benefit to be counted at all unless we believe it is deliverable and measurable – such benefits will be assigned a zero score
- A set of Financial Proxies:
 - Each Unit of Measure is assigned a financial value based on our estimate of the commercial value of that unit. This represents the estimated value of social value in terms of things that we would like to deliver.
 - These all contribute to the continuous improvement of our services and thus help us to deliver our duty under section 3 of the Local Government Act 1999. This enables us to calculate the total economic value of contributions that bidders offer.

The EPP Themes and Outcomes are set out in Annex A to the Policy, along with examples of the Measures.

DELIVERY:

If adopted the Policy will be delivered as follows:

- (i) Via the learning materials which explains to bidders how they include Social value as part of bids.
- (ii) We will educate our procurement and commissioning officers on social value and on the EPP TOMs.
- (iii) All procurements over £100,000 will normally be required to include social value as a part of the scoring and evaluation process where it is relevant and proportionate to do so. To comply with the Public Contracts Regulations 2015, any evaluation criterion must be relevant and proportionate to the subject matter of the contract and non-discriminatory. If EPP considers that it is not relevant and proportionate to include social value, a formal exemption will be requested using the Social Value Assessment Form.
- (iv) The weighting for social value will be form part of the quality evaluation in tenders and is flexible, up to a maximum of 20% of the total scores available in a tender. This to be split 50% to value score and 50% to supporting statement.
- (v) The Social Value element of tenders is scored as set out above (using the Value Score and the Supporting Statement). Once a contract is awarded, EPP will record the social value committed by successful bidders. The responsibility for monitoring and ensuring the committed social value benefits are delivered will fall to Essex Procurement officers.

Social Value statistics



The table shows the Social Value statistics that EPP should capture and report on as a minimum along with some aspirational targets as our methods and processes for capture and reporting develop and mature.

Minimum requirements	Aspirational requirements
Social value committed £	Social value committed per pound spent
Social value delivered £	Social value delivered per pound spent
Percentage of social value delivered against value committed	Delivered vs committed by EPP measure
Number of suppliers with commitments	Social value outcomes delivered
Number of suppliers that have delivered against commitments (whole or in part)	Number of contracts
Percentage of suppliers that have delivered against commitments (whole or in part)	Number of active contracts with social value commitments vs number of active contracts by service area
Delivered vs committed social value by Theme	Number of active suppliers
	Number of active suppliers with commitments

Definitions:

'Committed' – The amount of social value that was committed to be delivered during the life of the contract by a supplier during tender stage

'Delivered' – The amount of social value that has been delivered by a supplier

'Theme' – The strategic objective that the measure has been aligned to

Review

Essex Procurement Partnership will periodically review its Social Value Policy. In doing so, it will take account of any changes in legislation and changes to the partners' priorities.

Monitoring and reporting progress

Essex Procurement Partnership will monitor the social value that is delivered against the commitments made in collaboration with its contracted suppliers on a regular basis.

As a minimum, the financial value of social value that is committed and delivered will be reported to Cabinet on an annual basis.

PREVIOUS RELEVANT DECISIONS

Following consultation with the Portfolio Holder for Corporate Finance and Governance, and an Officer Decision published on 24 August 2022, a Partnership Agreement was completed in August 2022; the services however commenced in October 2021 and will continue until October 2023 for an annual payment of £60,000. The agreement can be renewed annually for up to 5 years.

Cabinet Decision March 2023 – Minute No. 137 ([Cabinet March 23 - Shared Procurement Update.pdf](#)) agreed the extension to the SLA with ECC for the procurement resources and welcomes the work identified for a joint approach to Social Value for procurement purposes, for a further report to be presented at a Cabinet meeting later in 2023.

On 3 November 2023, Councillor Kotz made an Executive Decision, as Portfolio Holder responsible for procurement endorsing the work identified for a joint TOMs approach to Social Value for procurement purposes, for further development against the Council's Corporate Plan, with a report being presented at a later Cabinet ([Decision - Shared Procurement Service - SERVICE LEVEL PARTNERSHIP AGREEMENT - PROVISION OF PROCUREMENT SERVICES BY ESSEX COUNTY COUNCIL & SOCIAL VALUE MEASUREMENT](#)).

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A – Social Value Policy through procurement

REPORT CONTACT OFFICER(S)

Name	Lisa Hastings
Job Title	Director for Governance and Monitoring Officer
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Social Value Policy

Essex Procurement Partnership

Social Value Policy

August 2024 v1.1

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Introduction

Essex Procurement Partnership is formed of six Essex based Local Authorities as follows:

- Braintree District Council
- Castle Point Borough Council
- Epping Forest District Council
- Essex County Council
- Tendring District Council

This Policy sets out how we will help deliver each partner's corporate priorities and help reduce carbon emissions by using Social Value. Social Value through procurement is the additional benefit to the community which we can derive, over and above the direct purchasing of goods, services and outcomes.

Public authorities consider the wider financial and non-financial value created by an organisation through the way it delivers their contract and express it in terms of the wellbeing generated for individuals, communities, the economy and the environment. Essex Procurement Partnership (EPP) recognises the important role it can play in enabling Social Value through its commissioning and procurement activity.

In 2023/24 we collectively (excl. Essex County Council) spent approximately £200m via our procurement activity. Through our approach to social value in procurement, we will harness this expenditure to influence the way suppliers deliver goods, services and works to provide social value to our residents.

This document describes EPP's policy for social value achieved through procurement ensuring that these quality criteria are relevant and proportionate to the subject matter of the contract and non-discriminatory.

Background

The Public Services (Social Value) Act 2012 confirmed the social value responsibilities of authorities procuring service contracts subject to public procurement regulations.

The 2012 Act states: That when procuring contracts for the provision of services, or services together with purchase or hire of goods or the carrying out of works by

- entering into a public services contract that is not a contract based on a framework agreement, or
- concluding a framework agreement as regards which public services contracts are likely to constitute the greater part by value of the contracts based on the agreement

we must consider:

- how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area
- how, in conducting the process of procurement, it might act with a view to securing that improvement.
- whether to consult

Essex Procurement Partnership intends to seek social value through all its procurements over £100,000 where it is relevant, proportionate and non-discriminatory to do so. To achieve this effectively and deliver value to residents, commissioners must consider the value of commercial outcomes delivered to the authority in accordance with the Local Government Act 1988 which prohibits local authorities from using non-commercial considerations when awarding contracts unless it is necessary to comply with the law or to achieve the principles of best value. This will include consideration of the wider impact that the activities have on the economic, environmental and societal objectives of the partner authority.

These points should be assessed during the development of the strategic business case, procurement category strategy, specification, tendering process (including considering the potential use of a framework agreement) and contract management activities.

Rationale for the policy

Requiring our suppliers to set out the social, economic and environmental benefits they achieve when performing our contract means that the true commercial impact is considered when tendering. It will encourage vendors to consider the way that they deliver goods, services or works, for example:

- promoting greater environmental sustainability: minimising waste and pollution, supporting carbon reduction initiatives, furthering energy efficiency and other sustainability activities.
- creating job opportunities for local residents, those not in education, employment or training, for care leavers or for people with disabilities
- providing support, advice or mentoring opportunities to the long term unemployed, schools or school leavers;
- providing sub-contracting opportunities for a diverse range of suppliers, including the participation of small and medium sized enterprises (SMEs) and 3rd sector organisations, and local suppliers in general
- offering a range of apprenticeship, training and skills development opportunities as well as employment opportunities

Policy context

This Social Value Policy supports the delivery of our priorities. These are:

- A strong, inclusive and sustainable economy
- A good place for children and families to grow
- Health, wellbeing and independence for all ages
- A high-quality environment

Inclusion of Social Value

Whilst Social Value can apply with any value of contract, there is an operational cost to preparing and scoring the evaluation model. Therefore, we will normally only require social value to be considered when we are procuring a contract with a value of over £100,000.

How we score social value in our tenders

Like many Councils across the country, Essex Procurement Partnership has adopted the Local Government Association's National Social Value Taskforce 'National Themes, Outcomes and Measures' method of classifying and scoring social value in our tender processes. This method is frequently referred to as the 'National TOMs'. We adapted them to focus on the delivery of our partners' commercial objectives and policy outcomes as set out in the Policy Context above, and social value delivered locally. This resulted in the 'EPP TOMs'. The master list of EPP TOMs is called the 'EPP TOMs Social Value Calculator'.

The Social Value element of bids is scored in two parts: the value score (the commercial value of the social value bid expressed in monetary terms using the EPP TOMs Social Value Calculator) and the Supporting Statement score (which contributes to the evaluation of the commercial value to the relevant EPP partner by assessing the robustness of the delivery plan to achieve the Social Value bid by the supplier).

The EPP TOMs Social Value Calculator comprises:

- A set of social value 'Themes and Outcomes':
 - This is a list of the different categories of social value that contribute to our partners' commercial objectives. Please see Annex A below for a list of the Themes and Outcomes.
- A set of Units of Measure for each of the Outcomes:
 - These Units of Measure are used to compare bids on a like for like basis. They are set out as a description of the specific type of social value (the Measure) and a metric (the Unit). Social value will normally only count if it takes place in the relevant partner's administrative borough or district. If we are prepared to consider benefit arising elsewhere then this will be made clear in the tender documents.
 - They also enable us to collate the total benefits delivered by vendors to our communities – and sometimes more widely - and provide a consistent method of performance management reporting.
 - With the exception of measures that represent additional social value, we will not take account of benefit under more than one heading, to avoid benefits being double counted.
 - We will not allow a benefit to be counted at all unless we believe it is deliverable and measurable – such benefits will be assigned a zero score
- A set of Financial Proxies:
 - Each Unit of Measure is assigned a financial value based on our estimate of the commercial value of that unit. This represents the estimated value of social value in terms of things that we would like to deliver.
 - These all contribute to the continuous improvement of our services and thus help the us to deliver our duty under section 3 of the Local Government Act 1999 This enables us to calculate the total economic value of contributions that bidders offer.

The EPP Themes and Outcomes are set out in Annex A along with examples of the Measures.

The EPP Social Value Themes, Outcomes and Measures Priorities are selected to reflect our collective priorities. Any changes to the TOMs will be agreed by the EPP Strategic Officer Group.

The TOMs Calculator will be periodically reviewed to incorporate emerging leading practice (such as that published by the Local Government Association National Social Value Taskforce), to consider inflation and to ensure that they are effective, relevant, and proportionate measures to contribute to EPP’s objectives. Amendments to the Master EPP TOMs Social Value Calculator and Calculators for specific projects will be governed as set out in Table 1.

Table 1: This table sets out the expectation as to which Officer or Member would usually take a decision to amend the EPP TOMS calculator subject to such decision being taken in accordance with the Scheme of Delegation

Document	Approval required	Form
Amendments to the Social Value Themes and Outcomes and Priorities in the Master EPP TOMs Calculator	EPP Strategic Officer Group	Written confirmation
Amendments to the Units of Measure, Financial Proxies, in the Master EPP TOMs Calculator	EPP Strategic Officer Group	Written confirmation
Amendments to the guidance provided within the Master EPP TOMs Calculator	EPP Strategic Officer Group	Written confirmation
Amendments to the Social Value Procurement Procedures.	EPP Strategic Officer Group	Written confirmation
Addition or amendment of Measures in the EPP TOMs Calculator for a specific project.	EPP Manager	Social Value Assessment Form
Variation of Measures from the EPP TOMs Calculator for a specific project (e.g., to comply with Public Contracts Regulations)	EPP Manager	Social Value Assessment Form
Decision to allow some or all benefits outside the relevant Borough/District to be counted for a specific project	EPP Manager	Social Value Assessment Form

Delivery

This Policy will be delivered as follows:

- (i) Via the learning materials in the Essex County Council Social Value Catalogue for bidders to explain how Social Value can be included in bids.
- (ii) We will educate our procurement and commissioning officers on social value and on the EPP TOMs.
- (iii) All procurements over £100,000 will normally be required to include social value as a part of the scoring and evaluation process where it is relevant and proportionate to do so. To comply with the Public Contracts Regulations 2015, any evaluation criterion must be relevant and proportionate to the subject matter of the contract and non-discriminatory. If EPP considers that it is not relevant and proportionate to include social value, a formal exemption will be requested using the Social Value Assessment Form; to be approved by the EPP Manager.
- (iv) The weighting for social value will be form part of the quality evaluation in tenders and is flexible, up to a maximum of 20% of the total scores available in a tender. This is to be split 50% to Value Score and 50% to Supporting Statement.
- (v) The Social Value element of tenders is scored as set out above (using the Value Score and the Supporting Statement). Once a contract is awarded, EPP will record the social value committed by successful bidders. The responsibility for monitoring and ensuring the committed social value benefits are delivered will fall to the officers responsible for management of that individual contract.

Review

Essex Procurement Partnership will periodically review its Social Value Policy. In doing so, it will take account of any changes in legislation and changes to the partners' priorities.

Monitoring and reporting progress

Essex Procurement Partnership will monitor the social value that is delivered against the commitments made in collaboration with its contracted suppliers on a regular basis.

As a minimum, the financial value of social value that is committed and delivered will be reported to senior council officer groups and appropriate political committees at intervals that is appropriate to the audience.

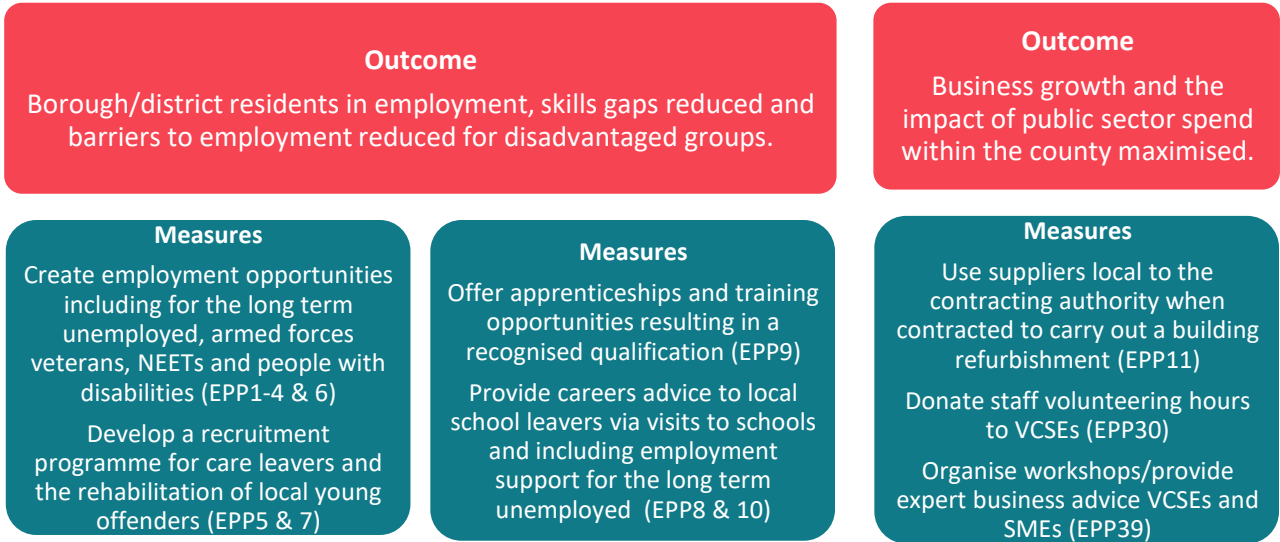
ANNEX A: EPP Social Value Themes, Outcomes and Measures

Our Social Value Themes, Outcomes and Measures (TOMs) are set out in the table below. The TOMs have been agreed by our partners to directly contribute towards achieving each partner’s Corporate Priorities. TOMs will be used in the evaluation process and which ones are used will be dependent on the nature of the procurement. Tenderers will have to demonstrate they will achieve benefits in the TOM to score points.

It should be noted that not all of the agreed Measures are shown below nor in the full/exact detail that will be available at tender stage

The Measures represent added value that we would like our suppliers to deliver locally to the respective Borough, City or District of the Contracting Authority and as a result of the contract being tendered unless otherwise stated in the tender documents.

Priority 1 (Theme) A strong, inclusive and sustainable economy



Priority 2 (Theme)

A good place for children and families to grow

Outcome

Outcomes improved for the most vulnerable and disadvantaged groups

Outcome

Businesses and communities support the achievement of education outcomes

Outcome

Our partners to help make our communities safer and address key issues such as violence and vulnerability, and safety for women and girls

Measures

Develop or support a local initiative to tackle homelessness such as supporting a temporary housing scheme (EPP13)
Provide equality, diversity and inclusion training for your contractors and subcontractors (EPP28)

Measures

Host sessions to provide CV advice, mock interviews and/or careers guidance for young people (EPP16)
Partner with a school or college to offer work placements and experience to students, deliver careers talks, curriculum or literacy support (EPP17 & 19)

Measures

Invest or donate staff time in a local youth group or sports teams (EPP29)
Fund or contribute towards the provision of lighting for public spaces, private security, personal alarms etc. (EPP29)

Priority 3 (Theme)

Health, Wellbeing and Independence for all Ages

Outcome

Partners and communities address the socio-economic drivers that underpin poor health outcomes, such as poor housing, poverty, economic insecurity, and low skills.

Outcome

Residents enabled to live independently and increased proportion of people able to live healthy lifestyles.

Measures

Donate staff time and/or materials to local community schemes (EPP32 & 33)
Donate equipment or resources to VCSEs (EPP40)

Measure

Donate staff time to help local community draw up their own Community Charter or Stakeholder Plan (EPP34)

Measure

Develop or support initiatives to engage local people in health interventions (e.g. stop smoking, obesity, etc.) or wellbeing initiatives focussed on physical activities (EPP14)

Measure

Develop or support an initiative to engage local people in health interventions or wellbeing initiatives focussed on mental health (EPP15)

Measure

Take initiatives to support local older, disabled and vulnerable people to build stronger community networks (EPP20)

Measure

Provide access to comprehensive and multidimensional wellbeing programmes for own employees engaged on the contract (EPP27)

Priority 4 (Theme)

A high-quality environment

Outcome

Suppliers contribute to the delivery of net zero targets; reduced greenhouse gases; reduced waste; and strengthened climate resilience.

Measure

Saving car miles on the contract through green transport programmes such as cycle to work and car pooling programmes or public transport (EPP23a)

Measures

Reduce CO2e emissions on contract e.g. reduce carbon intensity of processes and operations (EPP21)
Reduce use of plastics (EPP26a)

Measure

Activities to influence own staff, suppliers, customers & communities to support environmental protection and improvement (EPP45)

Measures

Divert hard to recycle waste from landfill or incineration through specific recycling partnerships (EPP47)
Reduce waste by reuse of products & materials (EPP49)

Measure

Support your suppliers to demonstrate climate change and carbon reduction training for all staff (EPP50)

CABINET

15 NOVEMBER 2024

REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

A.8 FINANCIAL PERFORMANCE REPORT 2024/25 – GENERAL UPDATE AT THE END OF SEPTEMBER 2024

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide a general update and overview of the Council's financial position against the 2024/25 budget as at the end of September 2024 and looking ahead to 2025/26 and beyond.

EXECUTIVE SUMMARY

- These regular finance reports present the overall financial position of the Council by bringing together in-year budget monitoring information and timely updates on the development of the long-term forecast.
- The report is therefore split over two distinct sections as follows:
 - 1) *The Council's in-year financial position against the budget at the end of September 2024***
 - 2) *An updated long-term financial forecast***
- It is worth highlighting that a number of adjustments were made to the 2024/25 budget as part of developing the detailed estimates that were agreed by Full Council in February. This was complemented by further 2024/25 budget amendments when the Q3 position was reported to Cabinet in April, and again when the Outturn Position for 2023/24 was reported to Cabinet in July.
- With the above in mind, and along with a number of adjustments included in the Financial Performance Report considered by Cabinet on 21 October, the in-year position at the end of September 2024 continues to primarily reflect issues already acknowledged, rather than significant new issues emerging.
- However, it is timely to address a number of further cost pressures that have been identified to date, which it is proposed to fund on an initial one-off basis in 2024/25. Any longer-term impact, including those items already funded as part of earlier reports highlighted above, will be considered as part of developing the long-term forecast, which is covered in more detail in Section 2 of this report.

SECTION 1 - In respect of the in-year financial position at the end of September 2024:

- The position to the end of September 2024, as set out in more detail within the appendices, shows that overall, the General Fund Revenue Account is overspent against the profiled budget by **£0.724m** (£0.480m at the end of July 2024). However, it is important to highlight that this position continues to primarily reflect the timing of when

the Government reimburse the Council for the cost of meeting housing benefit claims and parliamentary election expenses incurred earlier in the year.

- **Appendix 1H** sets out a number of unavoidable cost pressures or where a timely opportunity for investment / expenditure has arisen. The cost of responding to homelessness within the District continues to present a significant financial challenge with **£1.200m** proposed to be set aside to support the estimated additional costs for the year. It is also proposed to request a more detailed report on the associated challenges faced by the homelessness service for consideration at a future meeting of Cabinet.
- **Appendix 1H** also sets out a proposed sum of **£0.040m** to explore collaborative opportunities with the Council's partners with an associated recommendation included below.
- It is acknowledged that other expenditure or income trends may still emerge / develop over the remainder of the year, which will be included in future financial performance reports as necessary.
- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out later on in this report, there are no other major issues that have been identified to date.
- The recommendations set out below also propose delegations to enable the flexible use of funding previously set aside to support the development of the Council's Project Delivery Unit along with a contribution to ECC for procurement support.

In respect of the updated long-term financial forecast:

- The forecast has been reviewed and updated at the end of September 2024 and is set out in **Appendix 2A**. It continues to reflect the very challenging financial position faced by Local Authorities, which includes on-going inflationary pressures along with the recently announced increase in employer's national insurance rates from April 2025.
- As highlighted in an earlier report, the forecast period has been extended out to 2033/34 to support the Council in managing its budget sustainability and to support financial resilience over a longer term period. Although further information is set out in Section 2 of this report, including the potential impact from the Government's recent Autumn Budget Statement, there remains some tough decisions ahead. It will therefore remain important that the on-going development of the forecast is based on engagement with as many stakeholders as possible, including members and residents to support the Council in balancing the provision of services with the need to deliver long-term financial sustainability.
- Work remains ongoing within Departments and with Portfolio Holders to identify the longer-term impact of issues emerging to date, along with remaining sighted on potential future cost pressures. With this in mind, it is important to highlight that the long-term forecast does not currently reflect the potential increase in costs expected from the retender of the Council's waste, recycling and street cleansing contract. This could place a significant level of additional financial burden on the financial forecast.

- However, the long-term approach, alongside the Forecast Risk Fund remains a key element of providing additional flexibility and time to make better-informed decisions. Significant on-going savings are still required, with the latest iteration of the Council's savings plan set out in **Appendix 2B**. There has only been one change from the plan reported to Cabinet in October, which reflects the Government's commitment to 'protect' the local government sector that was set out within their recent Autumn Budget Statement, which has resulted in additional grant income now being expected when compared to earlier forecasts.
- It is important to highlight that the savings do not necessarily have to accrue from the 1 April 2025, given the flexibility provided by the Forecast Risk Fund, but the earlier they can be delivered will be helpful in terms of supporting the later years of the plan.
- A structural budget deficit is forecast to remain across the forecast period, even after the delivery of the savings mentioned earlier. This presents further significant challenges as this has to be addressed via the identification of additional on-going savings across later years of the forecast. As set out in the forecast, this remains the case until such time as the Council delivers an underlying annual balanced budget. In terms of this latter point, the forecast continues to show that the level of inflation, especially pay inflation, outstrips the estimated level of forecast increases in income from council tax and business rates, which is clearly not sustainable without significant 'corrections' to the budget in future years.
- The above remains subject to any intervention from the Government, who have signalled its intention to reform the local government funding system after 2025/26 and will carry out a broader redistribution of funding to better reflect local need (previously known as Fair Funding) through a multi-year settlement from 2026/27.
- The challenges faced by the Housing Revenue Account are also significant and include increased expectations and requirements that continue to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan will be developed over the coming weeks alongside a review of the announcements included within the Government's recent Autumn Budget Statement that are set out later on in this report, with the aim of responding to such challenges set against the wider context of continuing to provide a financially sustainable position in the long term.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) notes the Council's in-year financial position at the end September 2024;**
- (b) approves the proposed adjustments to the 2024/25 budget as set out in Appendix 1H and requests Officers to review the potential on-going impact in 2025/26 and beyond where necessary as part of developing the forecast and detailed estimates for further consideration by Cabinet later in the year;**
- (c) subject to b) above, in respect of the additional sum of £0.040m made available to support North Essex Councils collaborative activities and Joint Health Post with Health Partners that is set out in Appendix 1H, agrees a delegation to the Chief**

Executive, in consultation with the Portfolio Holder for Finance and Governance and the Portfolio Holder for Partnerships to utilise this funding to support any associated work;

(d) subject to b) above, in respect of the additional £1.200m set aside to support the cost of homelessness, requests Officers to present a report to a future meeting of Cabinet setting out further details relating to the current challenges faced by the Council along with potential actions / proposed activities to support the Council going forwards;

(e) in respect of the Project Delivery Unit budget:

(i) approves a delegation to the Director for Governance and the Director for Finance & IT in consultation with the Corporate Director, Place and Economy to enter into an agreement with Essex County Council to increase existing procurement capacity for Tendring District Council;

(ii) subject to (e)(i) above, agrees a sum of up to the value of £120,000 over two years from the associated approved budget to fund the additional procurement capacity from ECC;

(iii) approves a delegation to the Chief Executive in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism to agree further expenditure where capacity is procured from external bodies / organisations / individuals as an alternative to recruitment.

(f) notes the updated financial forecast set out in this report and requests Officers, in consultation with Portfolio Holders to further develop the financial forecast proposals alongside the development of the Council's priorities; and

(g) invites the views of the Resources and Service 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.

REASON(S) FOR THE RECOMMENDATION(S)

To set out the latest financial position for the Council and to respond to emerging issues in 2024/25 and to develop the budget and long-term forecast from 2025/26.

ALTERNATIVE OPTIONS CONSIDERED

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

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the 6 included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity and prioritising

what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents.

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

Effective budgetary control is an important element underpinning the above to ensure the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken.

OUTCOME OF CONSULTATION AND ENGAGEMENT

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

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	<p>This item has been included within the Forward Plan for a period in excess of 28 days via the inclusion of the regular Financial Performance Update Report item.</p> <p>Published on 19/07/24.</p>

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

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

The Government have recently published revised Statutory Guidance on the Best Value Duty of Local Authorities in England under section 26 of the 1999 Act, which best value authorities

are required to have regard to. To provide greater clarity to the sector on how to fulfil the Best Value Duty, the statutory guidance sets out seven overlapping themes of good practice for running an authority that meets and delivers best value. These seven best value themes build on the lessons learned from past interventions and reflect what most local authorities already do or are striving to achieve. A detailed description of these themes, including characteristics of a well-functioning local authority and indicators used to identify challenges that could indicate failure, is set out within the revised guidance and financial management and sustainability is a reoccurring expectation throughout the themes and indicators. These reports along with how the Council responds to new or developing issues remains an important element of demonstrating these key requirements.

The Council is legally required to calculate a Council Tax requirement each financial year. Within this framework is the requirement to monitor and report accordingly on the financial position of the authority against this requirement.

The position set out in this report and the actions proposed are within the Council's powers and reflect the statutory requirements and responsibilities of the Council, including the preparation of its annual accounts.

Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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Attention is drawn to the on-going reference to the Council's Best Value Statutory Duty and recently published guidance, as set out within the legal requirements section above, along with highlighting that additional decision making will need to be considered as necessary in respect of items proposed to be added to the budget.

FINANCE AND OTHER RESOURCE IMPLICATIONS

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

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

The long-term approach to the forecast highlighted in this report has been discussed with the Council's new External Auditor, albeit informally. There were no major concerns raised but they will undertake their own independent and detailed review as part of their commentary on the Council's use of resources, which will be presented to the Council by the end of February 2025.

In terms of the Council's previous External Auditor, their work remains focused on the outstanding Statement of Accounts for 2020/21 to 2022/23. In accordance with the latest proposed 'backstop' dates, they are expected to provide their updated commentary on the Council's use of resources by the 13 December 2024.

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

It is worth highlighting the issues that emerged earlier in the year relating to the Spendells House capital project, where Services had committed / incurred expenditure ahead of associated decisions being made. Although the outcome from the associated investigation is yet to be finalised, three key actions were proposed by the Chief Executive, that were also

captured in the Council's Annual Governance Statement that is regularly reported to the Audit Committee. To date, two of these key actions have been completed / remain on-going with the third subject to the outcome of the investigation highlighted above.

USE OF RESOURCES AND VALUE FOR MONEY

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>This is addressed in the body of the report.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	
<p>C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	

MILESTONES AND DELIVERY

This report forms part of the Council's wider budget setting processes. Additional update reports will therefore be presented to Cabinet in December and January as part of developing the detailed estimates that will be presented to Full Council in February 2025.

ASSOCIATED RISKS AND MITIGATION

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

It is also worth highlighting emerging risks associated with the establishment of the Office for Local Government (OFLOG) and the enhanced role of the Housing Regulator via the Social Housing Regulation Act. These will undoubtedly have significant financial consequences for Local Authorities, either directly or where increased capacity may be required to respond to any emerging requirements. This will be considered on an on-going basis as part of developing the forecast over the coming months. As mentioned earlier in the year, the Government had 'paused' part of the work of OFLOG. Updates will be provided within future reports as further information is announced by the Government.

As highlighted later on in this report, the Forecast Risk Fund remains available to support the longer-term approach.

It is also important to note that the Council still prudently maintains reserves to respond to significant / specific risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which reflects a best practice / risk based approach to support its core financial position.

Reserves are subject to an annual review as part of developing the forecast, with updates planned to be presented to Cabinet later in the year.

EQUALITY IMPLICATIONS

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

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

SOCIAL VALUE CONSIDERATIONS

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

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

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO

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

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

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

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

PART 3 – SUPPORTING INFORMATION

SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF SEPTEMBER 2024

The Council's financial position against the approved budget has been prepared for the period ending 30 September 2024.

The variances set out within **Appendix 1B** primarily reflect updates against issues highlighted in the earlier report considered by Cabinet in October that covered the period ending the 31 July 2024.

The on-going review of cost pressures has continued on a 'live' basis with a number of items included within **Appendix 1H**. These broadly reflect unavoidable items or where it is felt prudent to respond to matters as early as possible, along with items where a timely opportunity has arisen e.g. collaborative working with partners. The two most significant items included within **Appendix 1H** relate to homelessness costs and treasury income, with further details set out below.

Although proposed budget adjustments are highlighted within **Appendix 1H** in response to issues identified to date, the Council's wider and more detailed position at the end of September

2024 is set out within **Appendix 1**, with some additional comments included below against the six key areas of the budget where necessary:

GENERAL FUND REVENUE

The position to the end of September 2024, as set out in more detail in the Executive Summary attached, shows that there is an overall net overspend of **£0.724m** (£0.0480m at the of July 2024).

Apart from any associated impact of the proposed adjustments set out within **Appendix 1H**, the most significant variances continue to be primarily due to the timing of expenditure and income, with examples being the timing of when housing benefit payments are made and when the money is reimbursed by the Government via the associated subsidy system and the full reimbursement of costs associated with the parliamentary elections earlier in the year.

Notwithstanding the above, it is important to highlight the following:

Homelessness net costs – the significant demand for homeless accommodation continues and it remains one of the most significant financial challenges faced by Councils across the Country. The Government have recognised the increased pressures being faced by Councils and announced additional national funding of **£233m** as part of the Chancellors recent Autumn Statement, although it is always difficult to translate what this means at an individual Local Authority level until figures are confirmed as part of the Local Government Finance Settlement later in the year. It is however positive news and it is hoped that it will help bridge the historic gap between the actual costs incurred by the Council and the associated grant funding provided by the Government.

As highlighted in previous reports, the service remains committed to exploring options to respond to this demand in the most advantageous way and a separate report is planned to be presented to a future meeting of Cabinet that will aim to set out further details relating to current and future challenges. It is important to highlight that Spendells House remains a key element of supporting the Council in meeting such challenges.

Notwithstanding the above and in recognition of the financial pressures being faced in the immediate term, a sum of **£1.200m** is proposed to be set aside to meet associated costs, which is included within **Appendix 1H**.

Treasury Investment Income – given that interest rates remain relatively high, investment income continues to be significantly ahead of the budget. In continuing the approach adopted at the end of July 2024, the ‘surplus’ income is proposed to be ‘banked’ at the end of each period, with this adjustment therefore set out within **Appendix 1H** that reflects the most up to date position. This will be subject to on-going review in later quarters and as part of developing the forecast for 2025/26 and beyond.

Parking income – as highlighted earlier in the year, parking income continues to remain ahead of the budget. As at the end of September 2024, the income achieved to date is almost equal to the full budget for the year. However, similarly to previous periods, no adjustment to the budget is proposed at the present time, with the position being kept under review across the next two quarters and as part of developing the forecast, as budget adjustments are likely to be required to recognise this additional income along with its potential reinvestment in the service.

As discussed in previous reports, it remains helpful to highlight the financial risks of being a member of the North Essex Parking Partnership, with a sum of **£0.100m** set aside to enable the Council to respond to such risks if they arise. Work remains on-going with the partners to gain the level of assurance required to limit such financial risk exposure as far as reasonably practical. Although recent estimates indicate an improving position, this will remain under on-going review with further updates presented later in the year.

Other Significant Income Streams – Crematorium and Planning – Income remains behind profile by **£0.076m** and **£0.125m** respectively. In terms of crematorium income, to date this is being offset by a reduction in expenditure which is unlikely to be the position that can be maintained over the whole year.

These budgets will remain under review over the second half of the year as it may be a position that could start to recover, especially as the planning income budget was supported by fee increases in 2024/25.

Vacancy savings - when viewed corporately, employee costs remain behind the budget. As set out in the earlier Financial Performance Report, only a cautious adjustment was made to the budgets given the national pay negotiations for 2024/25 remained on-going at the time and there was the likelihood that any further underspends against employee costs would be required to meet the cost of the final agreed pay offer.

The pay award has subsequently been agreed and work remains underway to confirm the total overall cost to the Council over and above the original amounts budgeted. It is currently expected that the total additional cost will be in the order of **£0.200m** to **£0.300m**, which will be reflected in the budgets over the second half of the year and reported as part of the Q3 position in February 2025.

Careline Net Costs – as reported earlier, a sum of **£0.296m** was included in the 2024/25 budget to meet expected on-going additional costs whilst a wider review of the service was undertaken. A separate report is set out elsewhere on the agenda that provides the most up to date position in respect of this wider review along with further associated financial information.

Notwithstanding the above, in terms of the position to date, there is a net underspend against the budget (which includes the additional sum of **£0.296m** mentioned above) due to increased external income and underspends against employee costs given the on-going recruitment and retention challenges. The separate report referred to above brings together a number of discussion points relating to this underlying position against the budget, which are therefore not repeated here. Any potential changes / impact on the budget are therefore set out within that report, although it is worth highlighting that there are no plans at this stage to increase the budget over and above the money that has already been set aside to support the Service during the review period and in support of the subsequent outcomes.

Energy Costs – these costs remain relatively volatile, although are supported by a contingency budget that was previously set aside. Further updates will be provided as part of the on-going development of the forecast over the coming months.

The impact of the various issues set out above, along with potential other emerging issues during the year will be kept under review as part of future financial performance reports, which will include identifying if there are any longer-term impacts in 2025/26 and beyond.

In terms of the Forecast Risk Fund, the full year 'target' amount of **£0.250m** has already been contributed to the fund, which was a decision made as part of the earlier Financial Performance Report presented to Cabinet in October 2024.

Taking all of the above into account, **Appendix 1H** sets out the requirement to draw down **£0.839m** from the Corporate Investment Fund to support the net cost of the various cost pressures and adjustments. This leaves a balance of **£0.924m** within the fund to support the Council's budget and further spending decisions over the coming months.

COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix 1E**.

Income from Council Tax and Business rates show improvement against the same periods last year. This is primarily due to the continuation of 'building back' from the impact of COVID 19 on collection performance, although the on-going cost of living challenges faced by residents and businesses is acknowledged. Any necessary recovery action will continue over the remainder of the year, with the aim of maximising the level of collection performance wherever possible.

In terms of housing rents, the performance to date matches the performance at the same time last year, which went on to record an end of year collection rate of 96.28%.

In respect of general debt, the performance is broadly on par with the position at the same time last year.

HRA REVENUE

An overall position is set out in the Executive Summary with further details included in **Appendix 1C**. At the end of September 2024, the HRA is showing a net underspend of **£0.436m** (£0.348m at the end of July 2024), which continues to reflect a number of variances across various HRA budgets, the most significant of which relates to the favourable position emerging against the rental income budget – to date additional income compared to the budget of **£0.191m** is being achieved against a total budget of **£15.389m**.

One of the other most significant revenue budgets within the HRA relates to repairs and maintenance of the housing stock, which to date is being effectively managed within the overall budget for the year.

It is worth highlighting the proposed budget adjustment set out within **Appendix 1H**, where a sum of **£0.030m** has been identified to support a 'pilot' approach within Spendells House relating to premises security. This initial approach will enable information to be captured in terms of the future management of the building.

CAPITAL PROGRAMME – GENERAL FUND

The overall position is set out in **Appendix 1D**.

As at the end of September 2024, the programme is broadly on target against the profiled position.

To support the timely reporting of overall performance against the various schemes, relevant information continues to be provided by Services that provides financial and non-financial updates as necessary.

CAPITAL PROGRAMME – HOUSING REVENUE ACCOUNT

The overall position is set out in **Appendix 1D**.

As at the end of September 2024, the programme is behind profile by **£0.417m** (£0.487m at the end of July 2024).

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings along with the timing associated with various works and activities.

Work remains on-going to finalise the position against the capital budget relating to the flexible workspaces in Jaywick, with the outcome planned to be reflected in future reports.

TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix 1F**. As highlighted earlier, additional income is being achieved to date which has been reflected within **Appendix 1H**.

The Annual Capital and Treasury Strategy for 2024/25 (including the Prudential and Treasury Indicators) was approved by Full Council in March 2024, with all activity to date therefore undertaken in accordance with this strategy and associated treasury management practices.

In accordance with Financial Procedure Rules the above strategy and associated activity have been subject to a half yearly review with the outcomes set out below, which also reflects commentary from the Council's treasury advisors.

No borrowing has been undertaken and the advice from the Council's treasury management advisers remains to borrow internally, which has been the approach by the Council where necessary, until such time as interest rates reduce.

The first half of 2024/25 has seen interest rates remain relatively steady with only a modest reduction of 0.25% in August from 5.25% to 5.00%. With CPI inflation heading below target to 1.7% in September 2024 it is likely that further interest rate reductions will occur between October and the end of the financial year.

The continuing elevated interest rate environment to date has led to ongoing increases in interest earned on short-term investments placed by the Council. **Appendix 1F** highlights that as at 30 September 2024 accrued interest earned to date in 2024/25 is **£2.396m** compared to an annual budget of **£2.885m**.

There is also the following update on the risk of investing with authorities which have issued a section 114 notice. As noted in previous updates this is not an underlying credit risk, as all local authorities are assessed as having the same risk as the UK government. However, it is accepted that reputationally it can draw adverse attention to such investments which in turn often leads to resources being unnecessarily diverted to answer Freedom of Information requests and other related queries.

Reflecting on the above, the Council does not invest with authorities that have issued a section 114 notice or where a risk of them potentially doing so has been identified. This is supported by utilising as much evidence as possible within the markets and if there are any overly adverse issues raised about a Local Authority, the Council will seek alternative investment opportunities where possible.

To support the information set out within **Appendix 1F** and to help Members continue to have oversight of the Council's treasury management activities along with complementing information already included within the Annual Capital and Treasury Strategy, a number of forward-looking prudential indicators are currently being developed. It is proposed to finalise this approach with the aim of including such indicators in future Financial Performance Reports.

Other Matters

Project Delivery Unit – As highlighted in the previous Financial Performance report earlier in the year, following Cabinet's decision in July, work remains on-going to recruit the necessary capacity to support the delivery of the various activities / projects across the Council. The report referenced the need for additional capacity within key areas such as:

- Project management
- Capital delivery
- Programme governance
- Procurement
- Finance
- Contract and property law.

In terms of establishing the additional capacity within the above areas, the focus of the earlier report in July highlighted above was on recruitment, with a delegation to the Chief Executive to undertake the necessary activities as Head of the Paid Service. However, as part of the on-going mobilisation of the Project Delivery Unit, it has become clear that in the shorter term it may be necessary to increase capacity via the use of agency staff and / or through procuring it via outside organisations e.g. legal advice from legal firms. These both present reasonable alternatives to direct recruitment, which continues to be subject to challenges such as recruitment and retention issues.

With the above in mind, and for clarity given the earlier delegation referred to above, a complementary recommendation is included within this report to provide a delegation to the Chief Executive in consultation with other senior officers to establish the right balance of capacity through recruitment, agency staff and/or via procurement activities as necessary.

One particular area of capacity highlighted within the bullet points above that has arisen early in the mobilisation of the delivery unit is procurement. Given the Council's own use of Essex County Council as its primary source of procurement support via an associated SLA, it would be both timely and reasonable to also use ECC in terms of securing this additional capacity where necessary. A further recommendation is therefore set out above that proposes to use up to **£0.120m** from the existing Project Delivery Unit Budget of **£1.176m**, to 'buy-in' the necessary capacity for a period 2 years that corresponds with the initial Project Delivery Unit timescales.

SECTION 2 – UPDATED LONG TERM FORECAST

The detailed budget for 2024/25, which was based on the most up to date financial forecast, was considered and agreed by Full Council on 13 February 2024. The most recent financial

forecast was reported to Cabinet on 21 October 2024 and extended the forecast period out to 2033/34.

Work on developing the forecast has remained on-going with a small number of amendments required since Cabinet's meeting on 21 October referred to above, which are set out in **Appendix 2A** and summarised in the following table:

Relevant Line of the Forecast (Appendix 2A)*	Change / Comment
Line 3 – Growth in Business Rates – Inflation	<p>A small reduction in income has been included to reflect the lower actual inflationary uplift that the Government apply when determining rates for the following financial year. (September's CPI, which was 1.7%).</p> <p>However, as part of the Government's Autumn Budget Statement, they confirmed a 'freeze' to the small business rate multiplier which therefore remains at 49.9p. The Government confirmed that Councils will be fully compensated for the 'cost' of this. This will therefore likely result in income being accounted for under a different line of the forecast, which will be reflected in future reports once further details are received from the Government.</p>
Line 18 – Employee Cost Inflation	<p>This line of the forecast already reflects the rebased position that takes account of the recently agreed pay award for 2024/25.</p> <p>It now also reflects the impact of the increase in Employer's National Insurance Contributions that were announced in the Government's recent Autumn Budget Statement. The Government did state that the Public Sector would be 'exempt' from this increase, but at the time of finalising this report, further clarity was still awaited. Until further information is received from the Government, it is prudent to adjust the forecast based on the worst-case scenario of the Council having to meet this additional cost, which will be subject to review as part of developing the detailed budget for 2025/26 later in the year.</p> <p>The increase in the minimum living wage that was also recently announced by the Government has not had a direct impact on the forecast as the Council already pays above this rate.</p>
Line 19 – Inflation – Other	<p>Conversely to the comment set out within Line 3 of the forecast above, there has been a small reduction made to reflect the lower inflationary uplift to business rates payable on the Council's own properties. Further</p>

	adjustments will be made to reflect the freeze in the small business rate multiplier as necessary when finalising the budget for 2025/26 later in the year.
Line 23 – Savings Required	The figure for 2025/26 has been adjusted to reflect the expected change in Government funding as set out below.

**Other lines of the forecast remain unchanged compared to the position reported to Cabinet on 21 October 2024.*

Appendix 2B sets out an updated savings plan that aims to meet the first phase of savings previously reported. There has only been one change to the plan since it was considered by Cabinet at its 21 October 2024 meeting, which relates to the Government’s Revenue Support Grant / Financial Settlement. A strong commitment to ‘protect’ the local government sector was set out within the Government’s recent Autumn Budget Statement. Based on this commitment, no anticipated reduction is now included within the forecast, with at least the same level of funding in 2024/25 expected to be received in 2025/26, which totals **£2.239m**.

Although the Government’s commitment is welcomed, which included an increase in funding for the sector as a whole, it is not yet clear how this will be distributed and whether it will mean District Council spending power rises in real terms. This will become clearer as part of the more detailed Provisional Local Government Financial Settlement that will be announced by the Government later in the year.

The above adjustment brings the total identified savings to **£3.079m** (from £2.340m). As previously mentioned, although the savings do not have to be accrued from 1 April 2025, given the flexibility afforded by the Forecast Risk Fund, it is acknowledged that securing them as early as possible will provide further flexibility and support in later years of the forecast.

The challenging work of identifying additional savings over the later years of the forecast will be considered as part of developing key actions and activities during 2025/26 and beyond.

Taking the above into account, the table below sets out a summary of the high-level changes to the forecast since the meeting of Full Council on 13 February 2024 (with the most up to date forecast set out in **Appendix 2A**):

Year	Position Reported to Full Council – 13 February 2024		Position Reported to Cabinet - 21 October 2024		Latest / Revised Position Appendix 2A	
	Net Budget Position*	Forecast Risk Fund - Estimated Surplus / Notional Deficit Balance at the end of the year	Net Budget Position*	Forecast Risk Fund - Estimated Surplus / Notional Deficit Balance at the end of the year	Net Budget Position*	Forecast Risk Fund – Estimated Surplus / Notional Deficit Balance at the end of the year
2025/26	£2.027m deficit	£4.166m surplus	£2.298m deficit	£4.367m surplus	£2.477m deficit	£4.188m surplus

2026/27	£2.297m deficit	£2.118m surplus	£2.504m deficit	£2.113m surplus	£2.275m deficit	£2.163m surplus
2027/28			£3.217m deficit	£0.854m deficit	£2.999m deficit	£0.586m deficit
2028/29			£3.918m deficit	£4.522m deficit	£3.711m deficit	£4.047m deficit
2029/30			£4.632m deficit	£8.904m deficit	£4.435m deficit	£8.232m deficit
2030/31			£5.349m deficit	£14.003m deficit	£5.164m deficit	£13.146m deficit
2031/32			£6.073m deficit	£19.827m deficit	£5.900m deficit	£18.798m deficit
2032/33			£6.802m deficit	£26.379m deficit	£6.640m deficit	£25.186m deficit
2033/34			£7.538m deficit	£33.667m deficit	£7.388m deficit	£32.324m deficit

* includes removal of the prior year use of reserves etc. to balance the budget.

The figures set out within the table are inclusive of the savings plan items set out in **Appendix 2B**.

The increase in expected Government support via the financial settlement that was discussed earlier, is largely offset by the increase in national insurance, hence the figures in the table above are not too dissimilar across the forecast period compared with the earlier forecast.

As highlighted within the Financial Performance Report presented to Cabinet on 21 October 2024, in terms of the later years of the forecast, it is important to highlight the significant challenges arising from inflationary increases, which are expected to exceed our ability to raise income from council tax and business rates. Therefore, at some reasonable point in the future, the Council must be able to put itself in the position of balancing its annual budget, otherwise the position is not sustainable. Based on the current forecast position, the expected annual imbalance between expenditure and income is approximately **£0.700m**. This would therefore require corresponding annual on-going savings to be realised over the full forecast period to enable a balanced budget to be set each year.

However, it is important to acknowledge that the long-term approach to the forecast therefore still enables the flexibility and time to consider the longer-term plan and the further savings that will be required in a more informed way.

Although a number of items from the Government's Autumn Budget Statement have been discussed above, further announcements were also made that will have an impact on the Council's financial position and forecast. Although these will be subject to review for inclusion in later iterations of the forecast, some highlights are as follows:

- The Government signalled it will reform the local government funding system after 2025/26 and will carry out a broader redistribution of funding to better reflect local need (previously known as Fair Funding) through a multi-year settlement from 2026/27.
- The Government is expected to publish a finance policy statement in mid/late November to set out the key decisions and principles for the provisional Local Government Finance Settlement.

- The provisional Local Government Finance Settlement is still anticipated in mid-December. This will set out the detail of funding allocations for individual councils.
- Income received from the Extended Producer Responsibility will be treated as 'new money' for 2025/26 but it may be netted off in the finance settlement in future years.
- In terms of business rates, the small business multiplier in England will be frozen for a fifth consecutive year at 49.9p, while the standard multiplier will be uprated by CPI in March 2025. A lower 40% relief for Retail, Hospitality and Leisure properties will be in place in 2025/26. Permanently lower multipliers will be implemented for these properties from 2026/27. A higher multiplier will be in place for any properties with a rateable value of £500k or more, targeted at raising more tax from large distribution warehouses. Councils will be fully compensated for the impact of these measures and the cost of administering the changes. A consultation has been launched on priority areas for reform to the system.

Forecast Risk Fund

As highlighted earlier, the planned contribution of **£0.250m** to the Forecast Risk Fund was agreed as part of the Financial Performance Report that was presented to Cabinet on 21 October 2024.

Based on the current forecast, the Forecast Risk Fund is estimated to total **£6.415m** at the end of 2024/25, which is therefore available to support the development of the forecast from 2025/26 and beyond.

Risk Assessment

Given the inherent risks to the forecast, a risk assessment of each line of the forecast is maintained. Although it was planned to be presented as part of this report, it remains under review in light of the updated forecast set out above. It is therefore now planned to provide an updated position later in the year as part of developing the budget for 2025/26.

Sensitivity Testing

Work remains in progress to update the usual sensitivity testing approach, with the outcome planned to be presented in reports later in the year as part of the development of the budget for consideration by Full Council in February 2025.

Given the changes and potential impacts discussed above, it is proposed to hold an All-Member briefing later in the year to keep members as up to date as possible on the development of the forecast and associated challenges etc.

Housing Revenue Account

Similarly to previous years, some of the challenges relating to the General Fund will have an equally challenging impact on the HRA, e.g. inflation.

As highlighted in earlier reports, the HRA faces some significant financial pressures looking ahead, such as the telescopic impact of the rent 'cap' in 2023/24, along with increased expectations that are emerging from the Social Housing Regulation Act and associated enhanced role of the Housing Regulator.

Within the Financial Performance Report that was considered by Cabinet on 21 October 2024, a number of changes relating to the Right to Buy regime were set out, which included the following increased flexibilities in 2024/25 and 2025/26:

- The maximum permitted contribution from RTB receipts to replacement affordable housing has increased from 50% to 100%.
- RTB receipts will be permitted to be used alongside section 106 contributions which was previously prohibited.
- The cap on the percentage of replacements delivered as acquisitions each year (currently 50%) has been lifted.

As part of its recent Autumn Budget Statement, the Government made further announcements on a number of key HRA issues, which included the following:

- The Government will make 100% retention of Right to Buy (RTB) receipts permanent from 1 November 2024.
- RTB discounts will return to their pre-2012 levels from 21 November 2024.
- The Government will consult on a five-year rent settlement of CPI+1% for social landlords, with potential for this to be extended to 10 years.
- Preferential Public Works Loan Board borrowing rates for local authorities to build social housing will be extended to March 2026.

The impact and flexibilities that all of the above may bring to Local Authorities will be reviewed and considered as part of developing the HRA Business Plan, Capital Programme and strategies / policies over the coming weeks and months.

PREVIOUS RELEVANT DECISIONS

Executive's Proposals – General Fund Budget and Council Tax 2024/25 – Item A.1 Full Council 13 February 2024.

Executive's Proposals – Housing Revenue Account Budget 2024/25 – Item A.2 Full Council 13 February 2024.

Financial Performance Report 2023/24 and 2024/25 – General Update at the end of Q3 – Item A.3 Cabinet April 2024.

Financial Outturn 2023/24 Report – Agreed by the Portfolio Holder for Finance and Governance - 17 July 2024 (LINK: [Decision - Financial Outturn 2023/24 \(tendringdc.gov.uk\)](https://tendringdc.gov.uk/decision-financial-outturn-2023-24))

Financial Outturn 2023/24 Report – Item A.9 Cabinet 26 July 2024

Financial Performance Report 2024/25 – General Update at the end of July 2024 - Item A.2 Cabinet 21 October 2024.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES**RELATING TO SECTION 1 OF THE REPORT**

- Appendix 1 - Front Cover and Executive Summary
- Appendix 1A – Summary by Portfolio / Committee
- Appendix 1B – General Fund Budget Position by Department
- Appendix 1C – Housing Revenue Account Budget Position
- Appendix 1D – Capital Programme
- Appendix 1E – Collection Performance – Council Tax, Business Rates, Housing Rent and General Debts
- Appendix 1F – Treasury Activity
- Appendix 1G – Income from S106 Agreements
- Appendix 1H – Proposed Adjustments to the Budget 2024/25

RELATING TO SECTION 2 OF THE REPORT

- Appendix 2A – Updated Long Term Financial Forecast
- Appendix 2B – Savings Plan

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Tendring District Council



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix 1A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix 1B	An analysis by Department of all General Fund Revenue budgets.
Appendix 1C	An analysis of Housing Revenue Account Revenue budgets.
Appendix 1D	The position to date for General Fund and HRA capital projects.
Appendix 1E	Collection Performance
Appendix 1F	Treasury Activity
Appendix 1G	Income from S106 Agreements.
Appendix 1H	Proposed Adjustments to the Budget

Financial Performance Report In-Year Performance as at end of:

September 2024

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Financial Performance Report - Executive Summary as at the end of September 2024

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Collection Performance and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	(27,384,160)	(8,316,627)	(7,261,299)	1,055,329
Operations and Delivery	18,668,110	5,221,011	4,925,793	(295,218)
Place and Economy	8,716,050	1,511,835	1,475,486	(36,349)
Total General Fund	0	(1,583,782)	(860,019)	723,762

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(4,136,197)	(4,571,965)	(435,768)

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	54,675,000	1,742,323	1,786,014	43,691
Housing Revenue Account	9,938,780	4,662,770	4,246,181	(416,589)
Total Capital	64,613,780	6,405,093	6,032,195	(372,898)

Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	56.80%
Business Rates *	56.15%
Housing Rents	95.86%
General Debt	84.69%

Treasury

	£'000
Total External Borrowing	31,365
Total Investments	84,767

* The figure is performance against the budgeted Collection Fund amount rather than the debit collectable.

Revenue Budget Position at the end of September 2024

General Fund Portfolio / Committee Summary

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £
Corporate Finance and Governance	108,960	(2,019,925)	(2,169,923)	(149,998)
Assets	854,630	1,939,657	1,879,474	(60,183)
Economic Growth, Regeneration and Tourism	2,301,000	(574,225)	(591,093)	(16,868)
Environment	11,529,330	3,672,979	3,691,946	18,967
Leisure and Public Realm	5,839,510	1,542,267	664,688	(877,578)
Housing and Planning	8,399,620	2,595,024	4,594,358	1,999,334
Partnerships	3,814,750	1,029,580	703,538	(326,042)
Budgets Relating to Non Executive Functions	628,870	326,115	996,824	670,709
	33,476,670	8,511,471	9,769,812	1,258,341
Revenue Support for Capital Investment	2,138,670	0	0	0
Financing Items	(3,679,550)	(1,834,980)	(2,369,560)	(534,580)
Budget Before use of Reserves	31,935,790	6,676,491	7,400,251	723,760
Contribution to / (from) earmarked reserves	(16,812,590)	(228,359)	(228,359)	0
Total Net Budget	15,123,200	6,448,132	7,171,893	723,760
Funding:				
Business Rates Income	(3,357,400)	(2,133,683)	(2,133,683)	0
Revenue Support Grant	(766,490)	(398,576)	(398,576)	0
Collection Fund Surplus	(951,310)	(475,655)	(475,655)	0
Income from Council Tax Payers	(10,048,000)	(5,024,000)	(5,023,998)	2
Total	0	(1,583,782)	(860,019)	723,762

Revenue Budget Position at the end of September 2024

HRA Portfolio Summary

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £
Economic Growth, Regeneration and Tourism	(1,550)	(36,755)	(41,032)	(4,277)
Housing and Planning	(2,482,670)	(4,099,442)	(4,530,932)	(431,490)
	(2,484,220)	(4,136,197)	(4,571,965)	(435,768)
Revenue Support for Capital Investment	1,463,630	0	0	0
Financing Items	1,759,870	0	0	0
Budget Before use of Reserves	739,280	(4,136,197)	(4,571,965)	(435,768)
Contribution to / (from) earmarked reserves	(739,280)	0	0	0
Total	(0)	(4,136,197)	(4,571,965)	(435,768)

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2024

Department - Chief Executive, Finance, IT, Governance and Partnerships

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Analysis by Type of Spend					
Direct Expenditure					
Employee Expenses	10,434,200	4,944,888	4,391,889	(552,999)	
Premises Related Expenditure	517,270	197,470	196,085	(1,385)	
Transport Related Expenditure	135,020	66,920	60,544	(6,376)	
Supplies & Services	10,816,662	2,280,873	2,957,699	676,826	
Transfer Payments	36,836,970	15,453,830	15,221,790	(232,040)	
Interest Payments	9,340	3,017	3,017	(0)	
Direct Capital Financing Costs	4,622,890	0	0	0	
Total Direct Expenditure	63,372,352	22,946,998	22,831,023	(115,975)	
Direct Income					
Government Grants	(45,316,652)	(19,273,277)	(17,290,097)	1,983,180	
Other Grants, Reimbursements and Contributions	(1,718,560)	(1,176,405)	(1,392,716)	(216,311)	
Sales, Fees and Charges	(1,178,890)	(539,775)	(632,526)	(92,751)	
Rents Receivable	(1,050)	(525)	(356)	169	
Interest Receivable	(2,803,370)	(2,013,370)	(2,516,355)	(502,985)	
RSG, Business Rates and Council Tax	(15,520,220)	(8,031,914)	(8,031,912)	2	
Total Direct Income	(66,538,742)	(31,035,266)	(29,863,962)	1,171,304	
Net Direct Costs	(3,166,390)	(8,088,268)	(7,032,940)	1,055,329	
Net Indirect Costs	(7,405,180)	0	0	0	
Net Contribution to/(from) Reserves	(16,812,590)	(228,359)	(228,359)	0	
Total for Chief Executive, Finance, IT, Governance and Partnerships	(27,384,160)	(8,316,627)	(7,261,299)	1,055,329	

Department - Chief Executive, Finance, IT, Governance and Partnerships

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive and Administration	0	102,005	67,458	(34,547)	
Total for Finance and IT Management and Administration	0	52,985	55,418	2,433	
Total for Finance	192,660	664,820	619,004	(45,816)	
Total for Finance - Other Corporate Costs	(4,133,000)	(5,752,003)	(6,504,552)	(752,549)	This budget continues to primarily reflect new burdens grant funding and interest receivable from treasury activities - please see Appendix 1H for associated budget adjustment.
Total for Finance - Financing Items	(16,238,440)	(57,986)	(86,108)	(28,122)	
Total for Finance - RSG, Business Rates and Council Tax	(15,123,200)	(8,031,914)	(8,031,912)	2	
Total for Revenues and Benefits	2,313,640	1,141,639	2,756,827	1,615,188	This primarily reflects the timing differences associated with Housing Benefit payments and the reimbursement by the Government via the related subsidy system. In addition there is also an accruing vacancy saving that will support the final agreed pay award for 2024/25 as highlighted in the main body of the report.

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Total for IT and Corporate Resilience	161,300	1,137,112	1,219,699	82,587	Although a number of budgets are subject to being reallocated elsewhere within the overall budget, there is a growing cost related to the Council's Cloud storage solution. This latter point is under review to identify if there is a requirement to make an associated budget adjustment during the second half of the year.
Total for Governance Management and Administration	0	88,445	86,700	(1,745)	
Total for Legal	15,000	193,675	180,972	(12,703)	
Total for Communications	69,170	81,675	86,546	4,871	
Total for Democratic Services and Elections	1,494,770	651,185	1,367,805	716,620	This budget continues to reflect the timing difference between incurring the cost of running the parliamentary election earlier in the year and the reimbursement by the Government following a reconciliation process.
Total for Corporate Procurement and Contracts	15,830	108,660	26,555	(82,105)	
Total for Partnerships Management and Administration	0	216,700	219,608	2,908	
Total for People	40,540	179,515	155,765	(23,750)	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Total for Organisational Development	243,390	249,640	193,842	(55,798)	
Total for Health and Community	1,174,430	117,535	56,306	(61,229)	
Total for Customer Contact	0	365,970	323,889	(42,081)	
Total for Careline and Community	2,389,750	173,715	(55,120)	(228,835)	The position primarily reflects the position against the Careline budget. Please see main body of report for further details.
Total for Chief Executive, Finance, IT, Governance and Partnerships	(27,384,160)	(8,316,627)	(7,261,299)	1,055,329	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2024

Department - Operations and Delivery

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	7,758,680	3,876,375	3,714,738	(161,637)	
Premises Related Expenditure	2,422,800	1,215,995	1,094,659	(121,336)	
Transport Related Expenditure	590,280	302,375	257,903	(44,472)	
Supplies & Services	6,800,010	1,994,657	2,541,336	546,679	
Third Party Payments	7,312,220	2,949,617	2,932,064	(17,552)	
Transfer Payments	235,750	119,550	1,184,099	1,064,549	
Total Direct Expenditure	25,119,740	10,458,568	11,724,799	1,266,231	
Direct Income					
Government Grants	(1,395,180)	(1,260,480)	(1,261,892)	(1,412)	
Other Grants, Reimbursements and Contributions	(1,858,620)	(903,373)	(578,258)	325,114	
Sales, Fees and Charges	(4,849,000)	(2,865,155)	(4,673,264)	(1,808,109)	
Rents Receivable	(417,100)	(208,550)	(285,592)	(77,042)	
Direct Internal Income	(166,390)	0	0	0	
Total Direct Income	(8,686,290)	(5,237,558)	(6,799,006)	(1,561,449)	
Net Direct Costs	16,433,450	5,221,011	4,925,793	(295,218)	
Net Indirect Costs	2,234,660	0	0	0	
Total for Operations and Delivery	18,668,110	5,221,011	4,925,793	(295,218)	

Department - Operations and Delivery

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for CD Operations and Delivery Management and Administration	0	189,330	191,542	2,212	
Total for Building and Public Realm Management and Administration	0	138,015	133,762	(4,253)	
Total for Public Realm	2,156,610	666,907	217,016	(449,891)	This primarily reflects a continuing favourable position emerging against the parking income budgets. This will be kept under review during the remainder of the year and as part of developing the forecast.
Total for Property and Projects	389,530	(226,700)	(606,807)	(380,107)	This primarily reflects the continuation of additional income being achieved against the beach hut budgets. In terms of 2024/25 it is planned to reinvest this money into seafront amenities in line with an existing decision.
Total for Development and Building Management	30	15	18	3	
Total for Coastal and Engineering	3,323,190	881,995	821,438	(60,557)	
Total for Open Space and Transport	927,880	523,780	435,908	(87,872)	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Total for Housing and Environment Management and Administration	617,460	117,860	122,537	4,677	
Total for Housing	2,109,100	263,860	880,378	616,518	The position to date primarily reflects the ongoing challenges associated with responding to the demand related to homelessness. As highlighted in an earlier report an adjustment is now set out in Appendix 1H with additional details set out in the main body of the report.
Total for Waste and Recycling	6,606,150	2,066,164	2,233,785	167,621	The position emerging to date primarily reflects the timing of invoices being raised to ECC. This is partly off set by a net favourable position emerging against the garden waste collection service where income is currently ahead of the profiled position at the end of September.
Total for Environment	2,538,160	599,785	496,218	(103,567)	
Total for Operations and Delivery	18,668,110	5,221,011	4,925,793	(295,218)	

Corporate Budget Monitoring - General Fund Budget Position at the end of September 2024

Department - Place and Economy

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	7,008,820	3,104,580	3,048,192	(56,388)	
Premises Related Expenditure	1,171,060	643,155	831,485	188,330	
Transport Related Expenditure	46,510	25,215	18,095	(7,120)	
Supplies & Services	5,017,470	1,595,385	1,651,542	56,157	
Third Party Payments	870	870	0	(870)	
Total Direct Expenditure	13,244,730	5,369,205	5,549,313	180,109	
Direct Income					
Government Grants	(1,598,660)	(1,598,660)	(1,585,421)	13,239	
Other Grants, Reimbursements and Contributions	(15,400)	(15,400)	(73,631)	(58,231)	
Sales, Fees and Charges	(4,824,340)	(2,218,735)	(2,397,670)	(178,935)	
Rents Receivable	(49,150)	(24,575)	(17,105)	7,470	
Total Direct Income	(6,487,550)	(3,857,370)	(4,073,827)	(216,457)	
Net Direct Costs	6,757,180	1,511,835	1,475,486	(36,349)	
Net Indirect Costs	1,958,870	0	0	0	
Total for Place and Economy	8,716,050	1,511,835	1,475,486	(36,349)	

Department - Place and Economy

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Place and Economy Management and Administration	1,000,000	68,455	66,472	(1,983)	
Total for Planning Management and Administration	0	1,024,270	899,792	(124,478)	
Total for Planning Development	1,364,640	(523,960)	(364,825)	159,135	Income relating to planning and building control continue to remain behind profile at the end of September 2024. Please see main body of the report for further details.
Total for Local Plan and Place Shaping Management and Administration	0	44,790	51,907	7,117	
Total for Strategic Planning	677,930	56,875	42,578	(14,297)	
Total for Place	44,950	7,500	7,500	0	
Total for Economic Growth	1,488,270	(968,640)	(935,106)	33,534	
Total for Sport and Leisure Operations	3,118,140	1,319,300	1,289,838	(29,462)	
Total for Tourism Arts and Events	1,021,920	434,880	355,859	(79,021)	
Total for Economy, Culture and Leisure Management	200	48,365	61,473	13,108	
Total for Place and Economy	8,716,050	1,511,835	1,475,486	(36,349)	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of September 2024

Housing Revenue Account

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	2,040,020	966,910	907,736	(59,174)	
Premises Related Expenditure	4,382,690	2,131,580	2,050,272	(81,308)	
Transport Related Expenditure	37,870	18,935	14,826	(4,109)	
Supplies & Services	774,240	378,280	321,187	(57,093)	
Third Party Payments	48,870	0	0	0	
Transfer Payments	17,000	8,500	18,939	10,439	
Interest Payments	1,153,530	597,758	597,758	0	
Direct Capital Financing Costs	2,877,930	0	0	0	
Total Direct Expenditure	11,332,150	4,101,963	3,910,718	(191,245)	
Direct Income					
Other Grants, Reimbursements and Contributions	(8,440)	(220)	(12,084)	(11,864)	
Sales, Fees and Charges	(628,230)	(358,915)	(362,727)	(3,812)	
Rents Receivable	(15,754,250)	(7,879,025)	(8,107,872)	(228,847)	
Interest Receivable	(329,120)	0	0	0	
Total Direct Income	(16,720,040)	(8,238,160)	(8,482,682)	(244,522)	
Net Direct Costs	(5,387,890)	(4,136,197)	(4,571,965)	(435,768)	
Net Indirect Costs	6,127,170	0	0	0	
Net Contribution to/(from) Reserves	(739,280)	0	0	0	
Total for HRA	0	(4,136,197)	(4,571,965)	(435,768)	This reflects a number variances, including employee and utility costs along with rental income continuing to remain ahead of the profile due to a lower level of void loss than budgeted.

Housing Revenue Account

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance - Financing Items	3,223,500	0	0	0	
Total for CD Operations and Delivery Management and Administration	(73,940)	(90,470)	(93,443)	(2,973)	
Total for Development and Building Management	5,541,480	2,224,535	2,271,943	47,408	
Total for Housing	(8,689,490)	(6,233,507)	(6,709,433)	(475,926)	
Total for Economic Growth	(1,550)	(36,755)	(41,032)	(4,277)	
Total for HRA	0	(4,136,197)	(4,571,965)	(435,768)	

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of September 2024

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Assets Portfolio					
Crematorium Boiler Replacement	20,000	0	0	0	
IT Network Renewal - Phase 2	240,000	0	0	0	The associated procurement process is planned to be undertaken during Q3.
Town Hall - Replacement Heating System	200,000	10,000	9,990	(10)	Initial advice has highlighted options for alternative technologies at substantial additional cost but with substantial carbon reduction. The officer team is to prepare options for member consideration potentially drawing on climate funding.
IT Core Infrastructure Rolling Replacement	170,480	30,130	30,133	3	This on-going scheme continues to support the rolling replacement of hardware and IT infrastructure.
Office Rationalisation	90,420	0	0	0	Works are complete save for Mill Lane Walton and the Theatre Store at Alexandra Gardens. Building regulation approval has now been obtained for work at Mill Lane and the Engineering team will complete that work over winter. Remaining budget will be used on works to stabilise the theatre store.
Laying Out Cemetery	89,580	0	5,989	5,989	Renewed planning permission has been secured, subject to conditions. Initial estimates by the consultants indicate a significant shortfall in the budget available. Further investigations continue in order to facilitate a member decision on options available in the light of the proposed Bereavement Strategy.
Public Convenience Works	40,000	0	0	0	

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Weeley Crematorium Works	47,310	5,390	5,392	2	The project is substantially complete. Some minor work remains outstanding which is delaying a small number of related direct orders. The officer team is chasing progress and anticipates full completion within the financial year.
Total for Assets Portfolio	897,790	45,520	51,505	5,985	
Corporate Finance and Governance Portfolio					
Agresso e-procurement	84,000	0	0	0	The Service continues to explore best use of available budget alongside a wider associated system upgrade.
Total for Corporate Finance and Governance Portfolio	84,000	0	0	0	
Economic Growth, Regeneration and Tourism Portfolio					
LUF - The Clacton Hub (Capital Grant to ECC)	10,999,280	98,558	98,558	0	Projects are progressing towards the detailed Planning Submission. Two Public Consultations have been held.
LUF - Carnarvon Terrace	19,275,270	42,189	42,189	(0)	
CRP - Harwich Library (Capital Grant to ECC)	1,166,840	380,331	380,331	0	The Harwich Library scheme is underway and the Dovercourt Urban Realm is progressing towards design finalisation.
CRP - Public Realm (Capital Grant to ECC)	4,320,000	13,035	13,035	0	
CRP - Homes in Dovercourt	3,798,750	0	0	0	Projects are progressing towards detailed Planning submission for the Milton Road and Victoria Street sites. Two Public Consultation events have been undertaken. The two Victoria Street sites have been cleared of all rubbish, overgrowth, unmanaged waste and made safe.

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
SME Growth Fund Capital Grants	43,250	0	0	0	£43,250 remains in the fund (joint TDC/ECC). Funding is due to be released to firms on completion of their approved project activity, which currently remains outstanding. A review of projects to also be commenced.
Starlings and Milton Road Redevelopment	265,670	0	(20,662)	(20,662)	The construction is now complete and the Council awaits the final account from the contractor. Early indications suggest some underspend against the remaining £265,670.
Rural England Prosperity Fund	505,590	472,300	472,309	9	This funding is now approved for spend. All of the allocation is committed and the Council expects a nil final balance.
UK Shared Prosperity Fund	152,000	0	0	0	
Total for Economic Growth, Regeneration and Tourism Portfolio	40,526,650	1,006,413	985,760	(20,653)	
Environment Portfolio					
Weekly Food Collections - Transitional Funding	277,370	0	0	0	This is new burdens funding from Government to cover the additional cost of food waste collections from 2026. This service will form part of the new waste contract from April 2026 and as such there will not be any spend from this budget until then or at the earliest Q4 2024/25 to cover capital cost of additional containers in readiness for the service.

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Sea Wall Construction, Walton on the Naze	154,000	0	0	0	The main part of this project is anticipated to complete within the autumn window. It is anticipated that there may be some minor works in the spring window to make any adjustments and deal with any snagging required following the winter weather. The budget, by way of an Environment Agency grant, is anticipated to be sufficient to cover this work in full.
Coast Protection Works	1,000,000	0	0	0	This budget was agreed as part of the Q1 Financial Performance Report that was presented to Cabinet on 21st October 2024. The utilisation of this budget will be subject to separate decision making as necessary.
Total for Environment Portfolio	1,431,370	0	0	0	
Housing and Planning Portfolio					
Replacement Scan Stations	12,000	0	0	0	
Housing in Jaywick	76,280	0	0	0	
Private Sector Renewal Grants/Financial Assistance Loans	287,170	0	0	0	
Disabled Facilities Grants	10,192,510	340,810	429,944	89,134	
Private Sector Leasing	75,660	0	0	0	
Empty Homes funding	152,220	0	0	0	
Total for Housing and Planning Portfolio	10,795,840	340,810	429,944	89,134	
Leisure and Public Realm Portfolio					
Projects associated with the Vista Road Land Swap	17,340	0	0	0	An order has been raised for to supply and install a new Non-Turf Cricket Wicket. The remainder of this money is proposed to go towards additional projects relating to the ECC Land Transfer.

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Active Ageing Outdoor Gym	70,000	0	0	0	The project is due for completion and open to the public in Q3 of this financial year.
Car Park Works at Clacton Leisure Centre (Land Transfer)	322,000	322,000	314,577	(7,423)	This project is complete, with final invoices to pay.
Vista Road Cricket Pitch (Land Transfer)	10,400	7,280	7,280	0	
Replacement of beach hut supports - The Walings	11,620	0	0	0	The officer team is currently working with an engineer to establish how best to deliver this project and generate designs and to obtain quotes for the works.
Northbourne Depot Extension Works (Land Transfer)	15,870	0	2,841	2,841	This project is complete. The remainder of this money is proposed to go towards additional projects relating to the ECC Land Transfer.
Cliff Park Rockery Works	51,840	9,620	9,614	(6)	The Service have begun purchasing plants and trees and expect the project to be completed by March 2025.
CLC - Replacement of All Weather Pitch	0	0	(26,440)	(26,440)	Final invoice is due following the completion of the 12-month retention visit.
Clacton Skate Park Improvement Scheme	0	0	116	116	Project completed and retention paid.
Air Handling Units	209,500	0	0	0	The associated grant agreement has been finalised. Consultants finalised the design and specifications. Tender will commence in November.
Building Management System	35,000	0	0	0	The associated grant agreement has been finalised. Consultants finalised the design and specifications. Tender will commence in November.

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Brightlingsea LIDO (Capital Grant)	41,650	0	0	0	All parties have signed the Grant Adherence Agreement, and Brightlingsea Lido is now carrying out the procurement process in accordance with the grant conditions.
Seafronts - Quad Bike Purchase	10,680	10,680	10,680	0	
Walton Lifestyles Roof Repairs	6,000	0	0	0	Quotes received and orders have been placed for works to commence.
Clacton Pool Leak	40,000	0	0	0	This remains subject to on-going review to determine the most appropriate course of action.
CLC - Sauna Refurbishment	27,510	0	0	0	Project completed with invoices received and paid in quarter 3.
New Beach Huts	64,600	0	0	0	A specification is currently being prepared but due to the nature of the works they can only be carried out in the winter.
Works at Halstead Road Play Area, Kirby	610	0	138	138	
Marine Parade, Clacton - Playground Equipment	4,730	0	0	0	
Total for Leisure and Public Realm Portfolio	939,350	349,580	318,806	(30,774)	
Total Approved General Fund Capital Programme	54,675,000	1,742,323	1,786,014	43,691	

Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of September 2024

	2024/25 Current Full Year Budget £	2024/25 Profiled Budget to date £	2024/25 Actual to date £	2024/25 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	3,773,870	1,602,830	1,325,859	(276,971)	
Honeycroft New Build Scheme	2,526,560	1,530,700	1,530,733	33	
Spendells House Project	1,152,830	910,000	801,874	(108,126)	
IT Upgrade & Replacement	20,000	0	0	0	
Disabled Adaptations	400,000	189,950	189,296	(654)	
HRA - New Build & Acquisitions - To Be Allocated	1,430,230	0	0	0	
HRA - Acquisitions - Council Dwellings	474,300	268,300	268,300	0	
HRA - Acquisitions - Non-Dwellings	160,990	160,990	130,120	(30,870)	
Total Housing Revenue Account Capital Programme	9,938,780	4,662,770	4,246,181	(416,589)	

Collection Performance : Position at the end of September 2024

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates		
	2023/24	2024/25		2023/24*	2024/25
Quarter 1	27.78%	29.37%	Quarter 1	29.05%	27.81%
Quarter 2	53.04%	56.80%	Quarter 2	55.88%	56.15%
Quarter 3	78.61%		Quarter 3	80.81%	
Quarter 4	93.87%		Quarter 4	96.88%	
Housing Rents			General Debt		
	2023/24	2024/25		2023/24	2024/25
Quarter 1	96.25%	96.05%	Quarter 1	71.24%	76.05%
Quarter 2	95.86%	95.86%	Quarter 2	84.96%	84.69%
Quarter 3	95.61%		Quarter 3	87.33%	
Quarter 4	96.28%		Quarter 4	92.40%	

* Figures have been adjusted in 2023/24 to reflect the position against collectable debt rather than the budgeted collection fund amount

Treasury Activity : Position at the end of September 2024

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	130	0	6	124	
Long Term PWLB Borrowing - HRA	33,405	0	2,164	31,241	
TOTAL BORROWING	33,535	0	2,170	31,365	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	65,000	335,200	329,700	70,500	Overall the balance of investments has decreased slightly over the reporting period due to the timing of the Council's cash flow.
Investments with UK financial Institutions (including Money Market Funds)	7,824	20,353	13,910	14,267	
Investments with non-UK Financial institutions	0	0	0	0	In respect of investments with UK financial institutions, at the end of the period, investments were held with 8 counterparties, including 2 Money Market Funds.
Total Investments for less than a year	72,824	355,553	343,610	84,767	
<i>Investments for longer than a year</i>	0	0	0	0	
TOTAL INVESTMENTS	72,824	355,553	343,610	84,767	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	9	3	3	0	The weighted average rate of interest on the Council's GF borrowing is currently 7.00%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,153	598	598	0	The weighted average rate of interest on the Council's HRA borrowing is currently 3.60%. (on an accrued basis)
Interest Received on Investments	(2,885)	(1,893)	(2,396)	(503)	The weighted average rate of interest being received on the Council's investments is currently 5.36%. (on an accrued basis)

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme Type	Amount Committed / Planned to be Spent in 2024/25
	£'000
GF Revenue Schemes	607
GF Capital Schemes	9
HRA Capital Schemes	474
TOTAL	1,090

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year £'000	1 to 2 Years £'000	2 to 4 Years £'000	4 years + £'000
Regeneration Programme and Other Initiatives	0	0	2	0
Affordable Housing	0	0	0	701
Town Centre Improvements	0	22	0	0
Conservation	0	0	0	337
Open Space	0	7	75	2,232
TOTAL	0	29	77	3,270

Proposed Adjustments to the In-Year Budget September 2024

Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
GENERAL FUND REVENUE			
Cost Pressures			
Additional Homelessness Costs	1,200,000		Please see the main body of the report for further details including a recommendation relating to a request to bring a report forward to the next meeting of Cabinet setting out further details relating to the increasing challenge of meeting the Council's homelessness obligations / responsibilities.
North Essex Councils Collaborative Activities and Joint Health Post with Health Partners	40,000		It is proposed to set aside £20k for each of these two key activities. A recommendation is set out within the main body of the report that proposes a delegation to the Chief Executive and relevant Portfolio Holders to utilise this funding set against the consideration of value for money.
Tendring E-Newsletter	19,000		This cost pressures relates to the purchase of software to support the publication of a regular e-newsletter. This is a priority action as part of the Council's Communication Strategy / Highlight Priority actions.
Clacton Leisure Centre Studio Air Handling Unit	30,000		It is proposed to upgrade the relevant studio equipment to not only 'protect' existing income streams but to also support maximising future opportunities from increasing the usage of the facility.

Description	Expenditure Budget	Income Budget	Reason for Adjustment
	£	£	
Other Adjustments			
Treasury Income		(450,000)	Although the budget has been subject to increases earlier in the year, cash balances and interest rates continue to remain more favourable than originally expected at the end of September 2024. (This figure is net of the additional interest payable to the HRA).
Car Parks - Merchant Acquirer Costs	19,000		As card payments increase, the associated transaction fee also increases. It is proposed to meet this cost from the additional income currently being experienced.
Car Parks - Income		(19,000)	
Planning Services - Agency Staff	37,700		Use of vacancies to support short term temporary staff costs.
Planning Services - Employee Expenses	(37,700)		
Use of Corporate Investment Fund		(839,000)	It is planned to utilise this fund to support the overall net cost of the proposed budget adjustments set out within this appendix. This would leave a remaining balance of £0.924m within the fund.
TOTAL GENERAL FUND REVENUE	1,308,000	(1,308,000)	
GENERAL FUND CAPITAL			
None			
HRA REVENUE			
Spendells House - Building Security	30,000		It is proposed to implement a short period 'pilot' period of onsite security activities associated with the premises with a separate decision to be considered later in the year following the outcome from this initial trial phase.
General Housing Tenancy Management Budgets	(30,000)		
HRA CAPITAL			
None			

Line	Budget 2024/25	Estimate 2025/26 Reported to Full Council Feb 24	Estimate 2025/26	Estimate 2026/27	Estimate 2027/28	Estimate 2028/29	Estimate 2029/30	Estimate 2030/31	Estimate 2031/32	Estimate 2032/33	Estimate 2033/34
	£ (1)	£ (2)	£ (3)	£ (4)	(5)	(6)	(7)	(8)	(9)	(10)	£ (11)
Underlying Funding Growth in the Budget											
1 Council Tax Increase 1.99%	(0.191)	(0.200)	(0.200)	(0.204)	(0.208)	(0.212)	(0.216)	(0.221)	(0.225)	(0.230)	(0.234)
2 Ctax increase by £5 (amounts set out are over and above 1.99% above)	(0.064)	(0.059)	(0.059)	(0.055)	(0.051)	(0.047)	(0.043)	(0.039)	(0.034)	(0.030)	(0.025)
2a Council Tax Increase - impact of any further potential allowable Increase	(0.032)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
3 Growth in Business Rates - Inflation	0.000	(0.199)	(0.158)	(0.152)	(0.183)	(0.196)	(0.200)	(0.204)	(0.208)	(0.212)	(0.217)
4 Growth in Council Tax - general property / tax base growth	(0.158)	(0.189)	(0.190)	(0.112)	(0.115)	(0.118)	(0.120)	(0.123)	(0.126)	(0.129)	(0.131)
5 Growth in Business Rates - general property / tax base growth	(0.636)	0.540	0.540	(0.066)	(0.071)	(0.076)	(0.082)	(0.087)	(0.093)	(0.098)	(0.104)
6 Collection Fund Surpluses b/fwd - Ctax	(0.159)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)	(0.100)
7 Collection Fund Surpluses b/fwd - BR	(0.792)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	(2.032)	(0.206)	(0.167)	(0.689)	(0.728)	(0.749)	(0.761)	(0.774)	(0.786)	(0.799)	(0.811)
Net Cost of Services and Other Adjustments											
8 Change in RSG (including other financial settlement funding)	(0.571)	0.432	0.619	0.420	0.000	0.000	0.000	0.000	0.000	0.000	0.000
9 Remove one-off items from prior year	(0.375)	(0.396)	(0.396)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
10 Remove one-off items from prior year - Collection Fund Surplus	0.784	0.951	0.951	0.100	0.100	0.100	0.100	0.100	0.100	0.100	0.100
11 LC Grant To Parish Council's	0.006	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
12 Revenue Contrib. to Capital Programme	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
13 Specific change in Use of Reserves	(0.216)	0.000	(0.056)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
14 On-going savings Identified / Achieved (plus adjustments from prior years)	(1.242)	0.395	0.395	0.466	0.000	0.000	0.000	0.000	0.000	0.000	0.000
15 Other Adjustments	(0.072)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
16 Use of New Homes Bonus	(0.500)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
17 Gain from Essex Business Rates Pool Membership	(0.400)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
	(2.586)	1.383	1.513	0.986	0.100	0.100	0.100	0.100	0.100	0.100	0.100
Cost Increases											
18 Inflation - Employee / Members Allowance Costs (including annual review adjustments)	1.537	0.684	1.540	0.739	0.628	0.638	0.648	0.659	0.670	0.681	0.692
19 Inflation - Other	0.390	0.218	0.148	0.182	0.223	0.224	0.237	0.244	0.251	0.259	0.266
20 Unavoidable / Other Cost Pressures	1.716	0.500	0.500	0.500	0.500	0.500	0.500	0.500	0.500	0.500	0.500
Line	3.643	1.402	2.188	1.421	1.351	1.362	1.385	1.403	1.421	1.440	1.458
21 Add back Use of Forecast Risk Fund / Reserves in Prior Year*	1.236	0.261	0.261	2.477	2.275	2.999	3.711	4.435	5.164	5.900	6.640
22 ANNUAL Structural Budget Deficit / (Surplus) Before Required 'Savings'	0.261	2.839	3.796	4.195	2.999	3.711	4.435	5.164	5.900	6.640	7.388
23 On-going Savings Required	0.000	(1.000)	(1.319)	(1.920)	0.000	0.000	0.000	0.000	0.000	0.000	0.000
24 ANNUAL Structural Budget Deficit / (Surplus) After Required 'Savings'	0.261	1.839	2.477	2.275	2.999	3.711	4.435	5.164	5.900	6.640	7.388
25 Use of Forecast Risk Fund / Other Reserves to support the ANNUAL Structural Deficit (line 24)*	(0.261)	(1.839)	(2.477)	(2.275)	(2.999)	(3.711)	(4.435)	(5.164)	(5.900)	(6.640)	(7.388)

* Figure reported to Full Council in February 2024 was subsequently amended to reflect an additional £187k receivable from the Government as part of the wider Financial Settlement

Use of Forecast Risk Fund to Support the Net Budget Position Above

	Budget 2024/25	Estimate 2025/26 Reported to Full Council Feb 24	Estimate 2025/26	Estimate 2026/27	Estimate 2027/28	Estimate 2028/29	Estimate 2029/30	Estimate 2030/31	Estimate 2031/32	Estimate 2032/33	Estimate 2033/34
	£	£	£	£	£	£	£	£	£	£	£
Outturn b/fwd from prior years	(6.426)	(6.415)	(6.415)	(4.188)	(2.163)	0.586	4.047	8.232	13.146	18.796	25.186
Applied in year as set out in the forecast above	0.261	1.839	2.477	2.275	2.999	3.711	4.435	5.164	5.900	6.640	7.388
Additional contributions generated / required in year	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)	(0.250)
Balance to Carry Forward	(6.415)	(4.826)	(4.188)	(2.163)	0.586	4.047	8.232	13.146	18.796	25.186	32.324

Savings Plan - Forecast 2025/26 and Beyond

Description	On-Going Amount £	Comments
Income Budgets		
Business Rate Income	700,000	Additional anticipated income from business rates - this is the estimated impact from a mix of regeneration / economic growth, transitional arrangements following revaluation and less pessimistic forecasting
Revenue Support Grant / Financial Settlement	1,039,000	Following the Government's recent Autumn Budget Statement, which set out a strong commitment to 'protect' the local government sector, no reduction in funding compared to 2024/25 is now expected. This therefore represents additional Government funding over and above original forecasts.
Rent Reviews	30,000	Additional income will be generated from the usual rent reviews undertaken as part of the underlying existing lease agreements
VAT on Leisure Fees	265,000	Following further review, the originally anticipate favourable VAT status has been confirmed.
Treasury Investment Income	215,000	Although a reduction in income was included within original forecasts, based on the current trajectory of future interest rate reductions, it is likely that additional income will be generated in the short to medium term years of the forecast.
Expenditure Budgets		
Asset review	220,000	This represents estimated savings from reviewing the Council's operational assets and further possible rationalisation opportunities.
IT Savings	200,000	A number of activities are underway to support the delivery of savings and/or the mitigation of increased costs.
Energy Costs - Leisure Centres	50,000	As previously reported, following the implementation of a number of energy saving initiatives, energy budgets are likely to be reduced - this is subject to the wider / underlying price volatility relating to utility costs.
Wireless Access Point Licences	10,000	As previously reported, there will be savings from the annual licence fee for the Council's Wireless Access Points across its estate.
Initial PFH Savings 'Allowance'	250,000	This represents the potential aggregate of savings from reviews undertaken by Portfolio Holders in consultation with Services.
Beach Hut Leases Review	100,000	Although the necessary investment will be undertaken in terms of seafront assets and amenities, there is now greater flexibility in the use of income generated from beach huts across the Council's wider budget.
Total	3,079,000	

CABINET

15 NOVEMBER 2024

JOINT REPORT OF THE HOUSING AND PLANNING PORTFOLIO HOLDER AND THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER

A.9 THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS / PREMIUMS FOR 2025/26 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2025/26

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

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

- Local Council Tax Support Scheme 2025/26
- Exceptional Hardship Policy
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2025/26
- Annual MRP Policy Statement for 2025/26

EXECUTIVE SUMMARY

- This report outlines the proposed Local Council Tax Support (LCTS) scheme and council tax exemptions, discounts and premiums for 2025/26.
- In terms of the LCTS scheme, it is proposed to continue with the principle of providing financial stability wherever possible to Tendring residents.
- It is therefore proposed to keep the 2025/26 LCTS scheme the same as this year, which provides for a maximum discount of 80% for working age claimants.
- The associated exceptional hardship policy has also been subject to annual review and it is not proposed to make any changes from the scheme operating this year, apart from recognising that council tax payable on second homes / empty properties is not eligible for support. The policy and associated budget therefore remain available to support eligible claimants in 2025/26.
- In respect of existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care), it is not proposed to make any changes for 2025/26, with the same levels applying as in 2024/25.
- In respect of existing council tax premiums on long term empty properties, it is not proposed to make any changes for 2025/26, with the same levels applying as in 2024/25.
- In-line with the decision of Full Council in November last year, it is proposed to introduce a council tax premium of 100% on second homes from 1 April 2025.
- Given the Government's intention of not penalising property owners where they are making genuine efforts to make use of their properties, they have subsequently

introduced a number of exceptions where the council tax premium on long term empty properties and/or second homes is not chargeable.

- The Annual Minimum Revenue Provision Policy Statement has also been reviewed for 2025/26 with a number of minor amendments made to reflect revised guidance. However, it is important to highlight that there has been no underlying change to the existing calculations that will apply when determining the minimum revenue provision for 2025/26.
- If it is agreed that no changes are necessary to the proposed LCTS scheme, there will be no need for public consultation. However, if any amendments are proposed and approved at Full Council in November 2024, then public consultation will be required before the final scheme can be agreed and adopted. Consequently, if consultation is required, this Council will have to notify the precepting authorities that the final council tax base will be delayed and not available until late in the budget cycle.
- Given the recommendation to continue with the existing LCTS scheme, it is not proposed to formally refer it to the Resources and Services Overview and Scrutiny Committee, but it will be considered by Full Council on 26 November 2024.

RECOMMENDATION(S)

It is recommended:

- a) That Cabinet agrees that the LCTS scheme for 2025/26 remains the same as the current year, as set out as Appendix A and recommends to full Council:**
 - i) that the LCTS set out as Appendix A be approved with the maximum LCTS award being 80% for working age claimants;**
 - ii) that subject to a)i) above, delegation be given to the Director Finance and IT in consultation with the Housing and Planning Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2025;**
- b) that Cabinet agrees the Council Tax Exceptional Hardship Policy as set out in Appendix B;**
- c) that Cabinet agrees the discretionary Council Tax exemptions, discounts and premiums for 2025/26 as set out in the appendices and recommends to full Council:**
 - i) that the locally determined council tax discounts as set out in Appendix C be approved;**
 - ii) that the council tax discount policy for young people leaving care as set out in Appendix D be approved;**
 - iii) that the discretionary council tax premiums set out in Appendix E be approved;**

iv) that subject to c) above, delegation be given to the Director Finance and IT in consultation with the Housing and Planning Portfolio Holder to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and

d) that Cabinet recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2025/26 as set out in Appendix F be approved.

REASON(S) FOR THE RECOMMENDATION(S)

To enable the implementation of an LCTS Scheme in 2025/26 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement.

ALTERNATIVE OPTIONS CONSIDERED

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

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

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

OUTCOME OF CONSULTATION AND ENGAGEMENT

Not applicable at this stage as no amendments to the LCTS scheme for 2025/26 are currently being proposed.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input checked="" type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	This item has been included within the Forward Plan for a period in excess of 28 days. Published on 19/07/24.

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended) and The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 provide the basis for the design and implementation of Local Council Tax Support Schemes.

In respect of the Council Tax Exceptional Hardship Policy, S13a of the Local Government Finance Act 1992 allows Councils to reduce the amount of Council Tax payable. The same legislation would also enable the Council to provide a council tax discount for young people leaving care.

The Local Government Finance Act 1992. Schedule 1A of the 1992 Act states that if a LCTS is revised or replaced, full consultation is required. As the recommendation is to continue with the current scheme for 2025/26, consultation is not required. However, should Council make any amendments to the scheme, consultation will be necessary before the scheme can be approved and adopted.

The Local Government Finance Act 1992 (as amended) sets out relevant council tax exemptions and discounts (mandatory and discretionary). The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 (as amended) sets out the various class of properties for the purpose of exemptions and discounts. Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 amended the Local Government Finance Act 1992 in respect of the Council Tax premiums that can be charged on long term empty properties (unoccupied for at least 2 years). The Local Government Finance Act 1992 was further amended by the Levelling Up and Regeneration Act 2023, which also makes provision for Council Tax premiums that can be charged on properties occupied periodically ('second homes'). A summary of the premiums chargeable are as follows:

Long Term Empty Properties:

- For properties unoccupied and unfurnished for 1 year but less than 5 years – a maximum council tax premium of 100%.
- For properties unoccupied and unfurnished for 5 years but less than 10 years – a maximum council tax premium of 200%.
- For properties unoccupied and unfurnished for over 10 years – a maximum council tax premium of 300%.

Properties Occupied Periodically:

- A maximum council tax premium of 100%.

For the purposes of defining a long-term empty dwelling, on any day for a continuous period of at least 1 year if it has been unoccupied, and has been substantially unfurnished.

In determining whether a dwelling is a long-term empty dwelling, no account is to be taken of any one or more periods of not more than 6 weeks during which either of the two conditions above are not met (or neither of them is met).

In respect of properties occupied periodically, the Levelling Up and Regeneration Act stated that for a premium to apply in the local area or parts of the local area for the first time, a billing authority must make its first determination under section 11C of the 1992 Act to charge a premium at least one year before the beginning of the financial year to which the premium relates. This means that in order to be able to charge a premium from 1 April 2025, a billing authority must have made its determination by 1 April 2024 at the latest. This determination was made as part of the same report last year that was presented to Full Council on 28 November 2023 where it was resolved that:

A discretionary council tax premium of 100% is charged on properties occupied periodically ('second homes') from 1 April 2025;

The Government may by regulations prescribe one or more classes of dwelling in relation to which a billing authority may not charge a premium. As part of an associated period of consultation, the Government stated that if such exceptions were delivered through non-statutory guidance, this may lead to inconsistency across England in the application of the premiums. Billing authorities would therefore be able to depart from guidance. Billing authorities have discretionary powers under section 13A of the 1992 Act to reduce council tax liability, however as these powers are discretionary, billing authorities may use them differently in different areas. For example, a certain class of dwelling in one area might be excluded from the premium in one area but treated differently in another area. Whilst billing authorities retain discretion over how they treat dwellings for premiums and discounts, the Government considered (following consultation) that certain statutory exceptions should apply across England. Separately, prescribing exceptions to the premium does not prevent local authorities from using their discretionary powers to reduce the additional council tax liability resulting from a premium. E.g., councils may have applied discretionary reductions in council tax liability which are more generous than the prescribed exceptions. Whilst this could result in local authorities taking different decisions, the legislative approach ensures that the baseline exceptions in the prescribed classes will be apply across England.

Following the period of consultation highlighted above, the following mandatory exceptions have now been reflected in The Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024, which cover both long term empty properties and second homes as appropriate:

- Extends two existing exceptions for the purposes of the second homes premium – Class E and F (*dwellings that would otherwise be the sole or main residence of a member of the armed services, who is provided with a dwelling as a result of such service and a dwelling that forms part of single property that is being treated by a resident of that property as part of the main dwelling*)
- Introduces the following exception classes that relate to both the long term empty homes and second homes premium:
 - a. Dwellings that are being marketed for sale, unless it has been such a dwelling for a period of one year or more. (Dwelling Class G)
 - b. Dwellings that are being market for rent, unless it has been such a dwelling for a period of one year or more (Dwelling Class H)
 - c. dwellings which have fallen in Class F of the Exempt Dwellings Order and have undergone probate (for a period of up to 12 months after the grant of probate) (Dwelling Class I).
- Introduces the following exception classes that relate to just the second homes premium:
 - a. Dwellings that are periodically occupied in certain job related circumstances (Dwelling Class J)
 - b. Pitch occupied by a caravan, or a mooring occupied by a boat (Dwelling Class K)
 - c. Dwellings where a planning condition prevents permanent occupancy (Dwelling Class L)

- Introduces the following exception class that relate to just the long term empty homes premium:

- a. Vacant dwellings that require or are undergoing major repair work to make them habitable, or are undergoing structural alterations. (12 months limit) (Dwelling Class M)

The above are made under Section 11B and 11D of the 1992 Act which enables the Secretary of State to prescribe classes of dwellings to which the premiums would not apply. These exceptions are separate from the existing council tax exemptions under which certain dwellings are entirely exempt from council tax. The regulations will take effect from November 2024 and the exceptions will apply to premiums charged by billing authorities from 1 April 2025.

Consequential amendments to the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 have also been made to ensure that the second homes premium is taken into account in the administration of council tax and calculations made by local authorities in setting their local council tax.

The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (as amended) set out the requirements of a Minimum Revenue Provision (MRP) Policy Statement which must be approved by Council each year. In calculating a prudent MRP provision, local authorities are required to have regard to guidance issued by the Secretary of State. Revised guidance was issued under section 21(1A) of the Local Government Act 2003 in April 2024, which is applicable from 1 April 2025. The proposed MRP policy statement therefore reflects this new guidance.

Local authorities may choose to pay more MRP than they consider prudent in any given year. If they do so they should separately disclose the in-year and cumulative amount of MRP overpaid in the statement presented to full council. There are no plans to do so in 2025/26 which is confirmed within the attached statement.

Local authorities can also vary the methodologies that they use to make prudent provision during the year. If they do so they should present a revised MRP statement to the next full Council or equivalent. Where a change in MRP methodology would impact on the value for money assessment of non-financial investments, the updated statement should summarise this impact

Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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There are no further comments over and above those set out elsewhere in this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

LCTS scheme for 2025/26

As at the beginning of October 2024, the total estimated annual 'cost' of the LCTS scheme in 2024/25 is **£12.314m**, which is broadly in-line with the 'base' position budgeted for the year. Approximately 10% of this amount (**£1.230m**) falls to TDC with the remainder being met by the major preceptors. It is also worth highlighting that for every 5% decrease / increase in the discount the Council would gain / lose approximately **£50,000** to **£100,000** per year.

As the LCTS scheme is accounted for as a discount against the full council tax amount that would otherwise be payable on a domestic property, the estimated cost of the scheme forms part of the council tax property base calculations that are undertaken when developing the following year's budget. This will therefore be considered as part of the long term forecast and budget setting work currently underway for 2025/26, but it is important to highlight that it is proposed to continue with the underlying principle of not planning to reduce the discount rate as part of balancing the long term forecast, as the scheme remains an important mechanism to provide financial support to Tendring residents.

Council Tax Hardship Scheme

The cost of the exceptional hardship scheme is met by contributions from TDC and the major preceptors based on their respective proportion of the overall council tax bill. Therefore TDC is required to meet approximately 10% of the cost of any award up to an annual aggregate total, which for 2024/25 is **£51,599**. For any awards over and above this annual amount, 100% of the cost is met by TDC.

The current hardship budget in 2024/25 is **£449,630**, which consists of the underlying budget highlighted above, in addition to Government grant funding carried forward from prior years. Support to households is via the application of the existing hardship policy, with **£30,537** being paid out to eligible households at the end of September 2024.

As no changes are proposed to either the LCTS Scheme or Hardship Policy in 2025/26 (apart from recognising that council tax payable on second homes / empty properties is not eligible for hardship support), no unavoidable / additional underlying costs over and above those included within existing budgets or long term forecast are expected.

The Council Tax Collection fund continues to operate whereby any changes against the budget during the year will be 'rolled' forward and included in the following year's budget setting process.

Council tax exemptions, discounts and premiums for 2025/26

Similarly to the position for the LCTS Scheme above, as no changes are proposed to existing council tax discounts for 2025/26, including the policy for young people leaving care, no adjustments to the budget / long term forecast are expected.

In respect of the support to young people leaving care, the cost of the scheme remains relatively minimal, which is highlighted by the position at the end of September 2024 where the total cost was **£1,300**. The cost of this scheme can therefore continue to be accommodated within the wider calculation of the council tax base, each year.

Long Term Empty Property Premium

Logically, charging a 'premium' on long term empty properties would result in additional income being achieved. However, the intention of charging a 'premium' is to bring empty properties back into use following which the 'premium' would no longer be levied, the ultimate success of such an approach would therefore mean that no additional income would be realised. It is worth highlighting that the previous lower banding of 2 to 5 years was extended, as part of the same decision last year, to 1 to 5 years that reflected increased flexibility given to local authorities by the Government. It is accepted that some homeowners do not bring their properties back into use even when a 'premium' is charged, but it is difficult to quantify this figure. However, it is recognised that some property owners will accept paying the premium rather than taking an alternative option and additional income is therefore likely to be receivable. This will form part

of the more detailed council tax setting and collection fund activities that are undertaken during the year.

However, a summary as at the end of September 2024 is as follows:

Empty 'Banding' Period	Premium Due	Number of Properties Affected at the end of September last year	Number of Properties Affected at the end of September this year	Total Value
1 to 5 Years	100%	163 (2-5 years)	391 (1-5 years)	£664,572
5 to 10 Years	200%	32	37	£119,960
Over 10 Years	300%	19	17	£868,285
		214	445	

The comparison to last year undoubtedly reflects properties moving between 'bandings' along with the impact of extending the bottom 'band' to 1 to 5 years from 2 to 5 years from the 1 April this year. As mentioned last year, the position above may represent those property owners that accept paying a council tax premium rather than bringing their property back into use. The Council has no local discretion on the 'bandings' applied and is already charging the maximum percentages permitted.

As part of determining the impact of charging premiums, it is important to review the collection performance associated with such council tax accounts. The following therefore sets out a summary for the properties included within the table above where recovery action has reached a reminder or summons stage:

Reminder Stage – 58 (37 at the same time last year)
 Summons Stage – 111 (28 at the same time last year)

The above position will be kept under review going forward, with the necessary recovery action undertaken.

The premium will also be chargeable to relevant properties within the HRA. Work remains ongoing to manage the level of long term housing voids and any impact to the HRA from council tax premiums, which will continue to be considered as part of the wider HRA Business Planning Process.

Second Homes Premium

Similarly to long term empty property premiums, the decision to introduce a premium on second homes is aimed at incentivising alternative use of properties, so no additional income may be realised. However, it is acknowledged that some property owners will accept paying the premium rather than taking an alternative option and additional income is therefore likely to be receivable. This will form part of the more detailed council tax setting and collection fund activities that are undertaken during the year.

Based on the current position and excluding where a property owner may no longer keep the property as a second from 1 April 2025 next year when the proposed premium becomes payable or any impact of the exceptions that were highlighted earlier, the potential number of properties where such a premium would be chargeable is 1,241.

Minimum Revenue Provision Policy Statement (MRP)

In respect of the annual MRP policy statement, this sets out how the Council will make provision for the repayment of debt taken out to finance capital investment. For the General Fund, the MRP is a direct charge on the revenue budget. At present no MRP over and above the amount of principal being repaid is calculated for Housing Revenue Account capital investment, although future provision will be considered within the wider business planning process.

Although revised guidance was issued earlier in the year that comes into effect from 1 April 2025, there are no changes to the Council's approach to calculating MRP. Therefore, apart from any underlying change to the MRP calculation due to a change in the Capital Financing Requirement, there is no financial impact emerging from this revised guidance. The Council's current estimated General Fund Capital Financing Requirement as set out within the Annual Capital and Treasury Strategy that was presented to Full Council in March are summarised as follows:

2024/25	2025/26	2026/27
£4.442m	£4.264m	£4.093m

The estimated General Fund MRP charge in 2024/25 based on the most up to date Capital Financing Requirement is **£185,103**.

Yes **The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

The Section 151 Officer is the author of this report.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

The decisions set out in this report are required to be made in advance of the Final Budget Proposals being considered by Cabinet / Full Council in early 2025. This enables the associated calculations that support the council tax base and budget to be completed, which also need to be communicated to the Preceptors in a timely way so they can be reflected in their own budget setting processes.

ASSOCIATED RISKS AND MITIGATION

The LCTS Scheme affects low income working age families, and therefore a key risk is their ability to pay if the level of support awarded reduced which would have a knock on impact on the overall collection rate.

The annual review process therefore seeks to balance such issues along with the Council's overall financial position and as highlighted, it is not proposed to make any changes to the LCTS scheme in 2025/26, which supports the financial stability of residents.

EQUALITY IMPLICATIONS

These form part of the wider considerations and discussions within the main body of the report.

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

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

The application of discounts and premiums are relevant to all properties across the District and it is considered that there are no equality and diversity implications specific to this issue.

It is also important to highlight that the Government have acknowledge that there may be circumstances where it may not be appropriate to charge a council tax premium. Following a consultation period, the Government have introduced a number of exceptions as set out elsewhere in this report.

SOCIAL VALUE CONSIDERATIONS

These form part of the considerations and discussions within the main body of the report.

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

Not applicable

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

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

PART 3 – SUPPORTING INFORMATION

PROPOSED LCTS AND COUNCIL TAX HARDSHIP SCHEMES 2025/26

There are two parts to the LCTS scheme;

- one for pension age claimants where 100% support is provided
- one for working age claimants.

The Pension Age Scheme is set in accordance with rules laid down by the Government whereas the Working Age Scheme rules are decided locally by each local authority (billing authority).

Authorities must adopt a scheme on an annual basis, which must be agreed by 31 January each year for the subsequent year's scheme.

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

The LCTS is therefore an annual 'cost' met within the Council's overall financial position / budget each year. Any increase in the discount would therefore be treated as a cost pressure and conversely, any reduction in the level of discount would reduce the Council's net costs. However, the level of discount given is not primarily a financial decision as one of the primary drivers is the level of financial support that the scheme provides to households across the district, which in turn needs to be considered in the wider demographic / economic position for the area.

The Council recognises the on-going impact on residents from welfare reforms and cost of living challenges, so it is proposed to maintain the maximum discount at 80% for working age claimants. In terms of the overall scheme, no significant changes are proposed with the scheme remaining the same as 2024/25 - the scheme for 2025/26 is set out as **Appendix A**.

As part of previous year's decision making, the potential exploration of alternative options in terms of the underlying design of the scheme was discussed, with one such option based on a 'banding' approach. It is understood that some local authorities have adopted such an approach, which will inherently create 'winners' and 'losers' in terms of the financial support awarded. The Council's current scheme is based on a means tested approach, which although likely to be more administratively burdensome and potentially duplicate effort for prospective claimants who may have to provide the same information to the DWP if claiming other financial support, it is felt that it provides the basis for a potentially fairer system.

Notwithstanding the above, such alternative approaches will be kept under review, but the current means tested approach will continue for 2025/26.

For information, statistics relating to the LCTS scheme in 2024/25 are set out below:

As at the end of September 2024:

There are currently 11,772 household receiving LCTS.

The total working age households receiving support is 5,943

The total pensioner households receiving support is 5,829

Council Tax Hardship Scheme

The Council has operated a council tax exceptional hardship policy since the inception of the LCTS scheme.

As highlighted during the previous review of the policy, as with any exceptional hardship scheme, it is difficult to define exceptional hardship or descriptive criteria that will apply, as there may be a number of variables to consider when an application is made. However, the policy continues to set out broad guidelines, which promotes transparency and openness in the Council's decision making processes. The policy also has a focus on 'reasonable'

expenditure and affordability for the claimant and is based on evidence that they are also being proactive themselves in managing the situation. This mirrors the same approach being applied to discretionary housing payments where in consultation with the Department for Works and Pensions, support is focused on those claimants who are seeking employment for example.

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

It is not proposed to amend the existing scheme for 2025/26, apart from recognising that council tax payable on second homes / empty properties is not eligible for support.

PROPOSED COUNCIL TAX DISCOUNTS, EXEMPTIONS AND PREMIUMS 2025/26

Discounts and Exemptions

There are a number of mandatory exemptions and discounts available, with only a limited number of classes of dwelling where there is local discretion. These relate to 4 classes of unoccupied dwelling and for 2025/26 it is proposed to keep the level of discount at the same level as 2024/25 as set out in **Appendix C**.

As was the case last year, by leaving the current level of discounts / exemptions unchanged it supports the stability of the council tax base, which is one of the Council's core income streams within the long term forecast.

Council tax income raised following the impact of the locally determined discounts also has the additional benefit of increasing the contribution receivable from the major preceptors under the current council tax sharing agreement, which is based on total council tax income collectable.

A council tax policy was introduced in 2022/23 to support young people leaving care. It is proposed to continue with an unchanged policy going into 2025/26, which is set out in **Appendix D**.

Premium on Long Term Empty Properties

As a key driver to bring empty properties back into use, the Government allows Local Authorities to levy a council tax 'premium' on long term empty properties and is applied across 3 'bands' based on the length of time the property has been unoccupied for. The Government sets a maximum 'premium' that can be charged against each of the 3 'bands', with the highest amount being 300% for a property that has been empty for over 10 years.

It is worth highlighting that the Government expanded the lower 'banding' for 2024/25, which this Council adopted from 1 April 2024. The expanded 'banding' meant that a property that has been unoccupied for 1 year would now attract a council tax premium, unless otherwise determined by the Local Authority, instead of 2 years, which was previously the case.

The existing chargeable premiums are set out in **Appendix E** and it is proposed that these remain unchanged for 2025/26.

Premium on Second Homes (Properties Occupied Periodically)

As set out earlier in this report, the Council approved the introduction of a council tax premium of 100% on second homes from 1 April 2025, which is subject to confirmation or otherwise as part of this report.

As part of the Government's introduction to such a premium, recognition was given to the impact that second homes can have on communities, particularly where a significant proportion of properties are not occupied all year round. Large numbers of such properties can contribute to housing supply pressures and risk the sustainability of local services e.g. large concentrations of second homes reduce the size of the permanent population, which can lead to unfavourable impacts on the local economy / local services.

At the present time there are 1,241 properties that would be subject to this premium if they remained 'second homes' from 1 April 2025.

In terms of second homes (and long term empty properties) the previous government recognised that the premiums were not intended to penalise owners who were making a genuine effort to make use of the properties. As highlighted in the legal section above, following a period of consultation, the previous government regulated for when the premium should not apply, with a number of exceptions therefore introduced. The current Government considered the consultation responses and decided to continue with the policy announced by the previous Government and introduced the necessary regulations.

Since the decision of Full Council there has only been a limited level of feedback regarding the introduction of this premium. The general tone from some second homeowners is that these are not empty dwellings which are not in use and are being used as and when they choose to. Customers have stated that they feel that it is unfair to charge double when they are not using the local services as often as a resident that lives in the area on a permanent basis and they are already paying a full council tax for their main residence. Conversely, some people have also stated that they stay at their second properties for significant parts of the year and therefore contribute to the local area and that the introduction of a second home premium is not justified on this basis.

It is also recognised that fraudulent attempts may be made by the owners of second homes to try and register their property as a person's sole/main residence to avoid paying the second home premium charge. This would reduce the income due to the Council by 25%, if applications for a single person discount are made. It is therefore acknowledged that 'policing' this may be time consuming and require capacity to prove / disprove sole / main residency, which would be required on a case by case basis. However, it will be important to ensure that the integrity of the Council Tax system is maintained and that second homes are correctly recognised as such and effective ways to respond to this potential risk will be considered, such as 'spot checks' and timely reviews during the year.

Although the above point is appreciated, it is useful to refer back to the previous Government's original principle highlighted earlier, that relates to the potential for second homes to reduce the size of the permanent population, which can have an impact on the local economy and local services.

The proposed introduction of a council tax premium is not based on raising income but to encourage the supply of properties for local people to occupy on a permanent basis that in turn support the local economy and local services.

The associated chargeable premium is included within **Appendix E**.

Other Considerations

As highlighted in previous years, the Council does from time to time receive feedback from residents or other third parties in terms of putting forward a case to review existing discounts and premiums.

Apart from the feedback highlighted above regarding the introduction of a council tax premium on second homes, no other relevant issues have been raised.

Annual Minimum Revenue Provision Policy Statement (AMRP)

Attached as **Appendix F** is the proposed Annual MRP policy statement for 2025/26 that sets out how assets funded by borrowing are accounted for, which is required to be approved by Full Council each year.

As highlighted in the Legal Section earlier, revised guidance was issued earlier in the year that is applicable from 1 April 2025. The main changes set out within this revised guidance included the following, which were primarily in response to some local authorities taking high risk decisions when calculating their Minimum Revenue Provisions:

- Local authorities cannot exclude any amount of CFR from its calculation, unless by an exception set out in statute.
- Capital receipts cannot be used to directly replace, in whole or part, the prudent charge to revenue.

The revised guidance states that these measures were taken to strengthen compliance with the duty to make MRP and failure to do so, through under-charging of MRP, creates risk to Local Authorities, the finance system and to local and national taxpayers. Under-provision can result in a local authority being unable to repay a proportion of its debt, passing the liability to future taxpayers, which will need to be met from capital receipts or accelerated MRP payments. Further, if a prudent charge is not made, then this can also encourage Local Authorities to take on greater levels of debt than might otherwise be affordable.

Local Authorities may vary the methodologies that they use to determine prudent provision during the year provided there is justifiable reason to do so in compliance with statute, associated guidance and proper practices. Local authorities should not change their MRP policy or methodologies where the primary objective of any change is to reduce the revenue charge. When a local authority varies the methodology used to determine prudent provision, they should present a revised MRP statement to the next meeting of Full Council or equivalent explaining the rationale for the change and the financial impact. Where a change in MRP methodology would impact on the value for money assessment of investments, the updated statement should summarise this impact

This Council has not been impacted by the revised guidance as it was not undertaking the higher risk activities mentioned above that prompted the Government to take the necessary action that they have.

The Government stated that: *revised guidance introduced more prescription into statute rather than a substantive policy change. The government was clear at the time that these*

changes were a “strengthening” of the duty to make MRP. Those local authorities that were already making prudent provision would be unaffected.

Notwithstanding the above, although the underlying approach to calculating the MRP remains unchanged, the attached statement has been amended to reflect the highlighted changes, which includes affirmative statements relating to the points set out in the revised guidance e.g. the Council has not deviated from the guidance and there are no plans to use capital receipts to offset MRP.

The attached statement also now includes a brief explanation relating to the determination of the Council’s Capital Financing Requirement (a key determinant behind the calculation of MRP)

Although there are no expectations of supported borrowing within the General Fund, for completeness the policy in respect of any potential future supported borrowing has also been set out and is based on a rate of 4% pa.

The timing of approval of the MRP is to enable it to be taken into account when setting the budget for 2025/26 over the coming months.

PREVIOUS RELEVANT DECISIONS

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

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A Proposed Local Council Tax Support Scheme (summary) 2025/26
Appendix B Council Tax Exceptional Hardship Policy
Appendix C Council Tax Discounts and Exemptions 2025/26
Appendix D Care Leavers Council Tax Discount Policy
Appendix E Council Tax Premiums 2025/26
Appendix F Annual Minimum Revenue Provision Policy Statement 2025/26

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Local Council Tax Support Scheme (LCTS) 2025/26

**A summary of the scheme for Working Age persons and
the Government Scheme for Pension Age claimants**

Local Council Tax Support (LCTS)

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Introduction

As part of the major changes to the Welfare Benefits system, from 1st April 2013 Council Tax Benefit ended and was replaced by a new scheme called Localised Support for Council Tax or Local Council Tax Support (LCTS). Both systems are means tested which means that they compare your income and capital against an assessment of your needs.

The new scheme is decided by each Council rather than nationally by Central Government. The monies available to each Council have been reduced and if you are of working age the amount of help you receive will be less than under the previous national scheme (Council Tax Benefit).

Central Government has decided to protect pensioners (persons who are of an age where they can claim pension credit) therefore if you are a pensioner, then the amount of help you receive under the new LCTS scheme will be broadly the same and operate in a similar way to the previous Council Tax Benefit system

To assist certain vulnerable groups, the Council has also decided that there will be additional protection given. More details are given later within this document.

The rules of the LCTS scheme divide the persons who can claim support into various classes. The classes or groups are set by Central Government for pensioners and the classes or groups for working age applicants are set by the Council.

The LCTS scheme for working age persons

The Council has decided that there will be two classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Any reference to "income" in the working age scheme refers to household income (i.e. including Non-Dependants income)

Class A

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance on Maximum Universal Credit or income-related employment and support allowance.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. not have capital savings above the capital limit set by the Council
- e. be a person who's *income* is **less** than their living allowances (*applicable amount*) or the claimant or partner is in receipt of Income Support, Jobseekers allowance (income based), Maximum Universal Credit or Employment and Support Allowance (income related); and
- f. have made a valid claim for support.

Class B

To obtain support the individual must:

- a. have not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance Maximum Universal Credit or on an income-related employment and support allowance.
- c. be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident
- d. be somebody in respect of whom a maximum LCTS amount can be calculated

- e. not have capital savings above the capital limit set by the Council
- f. be a person who's *income* is **more** than their living allowances (*applicable amount*)
- g. have made a valid claim for support

What LCTS will be payable to working age person?

If a person matches the criteria in Class A, including that their *income* is less than their *applicable amounts*, that person qualifies for a reduction on their council tax liability. The Council has decided that for 2025/26, the maximum council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount*. Twenty per cent of the difference between the two will be subtracted from the maximum council tax liability allowed. The Council has decided that for 2025/26, the maximum 6 council tax liability used in the calculation of LCTS, will be a Council agreed percentage of council tax the person is liable to pay.

Protection for certain working age persons

Relevant income disregards in the calculation of Local Council Tax Support will be applied to the following groups:-

- o Families in receipt of child benefit;
- o Disabled in receipt of Disability Living Allowance (DLA) / Employment and Support Allowance (ESA)/Personal Independence Payment.
- o War widows.

The LCTS scheme for Pensioners (persons who have reached the age at which pension credit can be claimed)

The Government has created three classes and the Council will decide which class each applicant is in. The class will determine the level of LCTS that can be provided:

Class A

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. must have their assessed income less than or equal to the set living allowances (applicable amounts) set by Central Government; and
- f. have made a valid application for the support

The class also includes persons who have successfully claimed Pension Credit Guarantee.

Class B

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. not have capital savings above £16,000;
- e. have made a valid claim for the scheme; and
- f. have assessed income above the set living allowances (applicable amounts) set by Central Government

Class C

To obtain support the person must:

- a. have attained the qualifying age for state pension credit;
- b. not be somebody with a partner of working age in receipt of income support, income-based jobseeker's allowance, on Maximum Universal Credit or income-based employment and support allowance;
- c. be liable to pay council tax in respect of a dwelling in which they are resident;
- d. made a valid claim for the scheme;
- e. be somebody who has at least one second adult living with them who is not his/ her partner, not somebody who pays rent, and who is on a prescribed low wage and/or prescribed benefit, as set out by Central Government.

What LCTS will be payable to Pension Age persons?

If a person matches the criteria in Class A, including that their *income* is less than their *living allowances (applicable amounts)* that person qualifies for 100% reduction on their council tax liability. This also applies if a person is in receipt of state pension credit guarantee credit from the Department for Work and Pensions (Pensions Service).

If a person matches the criteria in Class B, it will mean the person's *income* is greater than their *applicable amount (living allowances)*. Twenty per cent of the difference between the two will be subtracted from this individual's council tax liability.

LCTS for a person in Class C may be awarded in respect of a second adult sharing the household who would normally be expected to contribute towards the council tax bill, but who cannot afford to do so, based on their low income or on prescribed benefits. This reduction will equate to the *second adult rebate* available under the Council Tax Benefit scheme and may be awarded at 100%, 25%, 15% or 7.5% of the council tax liability, depending on individual circumstances

How LCTS works

Who can claim?

If you have to pay Council Tax, you may be able to get LCTS

You can only get support if you have a right to reside and are habitually resident in the United Kingdom (UK). If you have entered the UK within the 2 years before your claim for benefit, the council will ask you about this.

People given refugee status, humanitarian protection or exceptional leave to remain in the UK will be eligible for support.

Most full-time students are not entitled to LCTS.

How much LCTS can I get?

Maximum LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much council tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the council tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.

How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

Extended Payments

This is if your Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance or Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stops because of work.

Extended Payments of LCTS are available and the payment is an extra four weeks of support to help pay towards your Council Tax when certain other benefits stop because you are going back to work, working more hours or earning more money.

You do not have to claim an Extended Payment if you or your partner/civil partner (and they remain a partner throughout the claim) have stopped getting one of the benefits mentioned below because one of you is expected to do one of the following for five weeks or more:

- Return to work full time
- Work more hours
- Earn more money

And you have been getting one of the following benefits:

- Jobseeker's Allowance, Income Support, or income-related Employment & Support Allowance or a combination of these benefits continuously for at least 26 weeks
- Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance continuously for at least 26 weeks

and

- you have not been getting Income Support, income-based Jobseeker's Allowance or income-related Employment & Support Allowance with your Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance when it ceased.

Normally you will get the same amount of LCTS as you did before your income-based Jobseeker's Allowance, Income Support, income-related Employment & Support Allowance, Incapacity Benefit, Severe Disablement Allowance or contributory Employment & Support Allowance stopped.

It is paid by the Council directly to your Council Tax account. The Council will decide whether or not you're entitled to an Extended Payment. The Council will also consider whether you are entitled to in-work LCTS. Once your extended payment period has ended, you can move onto in-work LCTS (provided you are entitled to it) without having to make a new claim.

If you do not get Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance

Even if you do not get Pension Credit Guarantee, Income Support, income-based JSA or income-related Employment & Support Allowance you may still get some help with paying your council tax.

This is worked out by comparing the maximum LCTS you could get with:

- your needs (called your living allowances or applicable amounts); and
- your income and capital resources

Capital

Savings and investments (capital) may have an effect on the assessment of your income. Capital will only affect your income if you have more than the capital limit set by the Council and are of working age or £10000 if you are of pension age. If you have more than £16,000, you will not normally be able to get LCTS (unless you are aged 60 or over and receive the Pension Credit Guarantee, in which case there is no limit to the amount of capital you can have).

Absences from home

There are some special situations in which you may continue to get LCTS and these are explained below.

Going away

You should normally let the council know if you are temporarily absent, for example if you go away on holiday. However the Council may not need to know if you will be absent for only a short time (for example less than 4 weeks) and your circumstances remain unchanged. If in doubt, please ask us.

- If you are temporarily absent you can normally get LCTS for a maximum of 13 weeks as long as you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 13 weeks.

In certain circumstances, you may be able to get LCTS for up to 52 weeks, for example if you are in hospital, or are held in custody on remand, provided that:

- you intend to return home; and
- in your absence you will not let or sub-let the part of your home where you normally live; and
- you will not be away for longer than 52 weeks.

How to claim

Claims for LCTS can be made in writing, by telephone and electronically. Contact the Council via the Tendring District Council website at www.tendringdc.gov.uk or via the Helpline 01255 686811 for details.

All claims will need to be supported by evidence of your circumstances and this will need to be

provided to the Council. If you are claiming Housing Benefit as well as LCTS, the Council will provide you with a joint claim form.

If you are married and your husband or wife normally lives with you, or if you live with someone as though you are a married couple, only one of you can make the claim for LCTS. You may choose who is to make the claim, or if you cannot agree who is to claim, the Council will nominate one of you to be the claimant.

Appointees

An appointee, for the purposes for LCTS, is someone over 18 appointed by the Council, to manage the LCTS claim of someone who is incapable of doing so themselves (mainly because of mentally incapacity).

If you are already an appointee for other benefits and wish to be the appointee for LCTS, you should write to be appointed by the Council. The role and responsibilities are the same. If you wish to become an appointee you should get in touch with the Council; they will explain the process and your responsibilities. The Council can end the appointment at any time. It is ended automatically if one of the people listed below is appointed. As an appointee you can resign at any time. An appointee cannot be made where there is already someone acting for the customer's financial affairs in any of the following capacities:

- a receiver appointed by the Court of Protection
- under Scottish law, a tutor, curator or other guardian, a continuing attorney or welfare attorney
- someone appointed to have the power of attorney.

Information and evidence

The Council may need more information or supporting evidence so that they can calculate your LCTS. If all the information they need is not on the claim form, or they need to clarify something or want some more verification of your circumstances the Council will write to you. If you do not reply within one month a decision will be made on your claim based on the evidence you have provided.

How long will it take to decide your claim for LCTS

The Council will deal with your claim for LCTS as soon as possible after receiving all the information from you that they need to work out your entitlement

Date of claim

The date of claim will be the date of first contact, typically by phone, provided that the claim form is returned to an office of the Council within one month of the claim form being issued.

If you change your address

If you move to a different area, you must make a new claim for LCTS at your new Council. If you move within the same area, you must still tell the Council.

Backdating a claim (Pension Age Scheme only)

If you have reached the qualifying age for state pension credit your LCTS may be paid for up to 3 months before the date you made your claim. You do not have to ask for this and you do not have to show "good cause" for not having claimed earlier.

Start of LCTS

If you become liable for the Council Tax for the first time, for example if you move to a new address or reach the age of 18 or stop being a registered student, you should claim either in advance (you may claim up to 13 weeks before you expect to become liable), or in the week that



your liability starts. You then get support from the day you start being liable for Council Tax. If you claim later than this, your support starts on the Monday after the day you claim

If you are already paying Council Tax and become entitled to support because you have less money or your applicable amount changes, you also start getting support on the Monday after you claim.

Start of LCTS where a claimant acquires a partner

If you acquire a partner, you and your partner will be jointly and severally liable for Council Tax.

If you notify the Council of the change, either before, or in, the week that your partner becomes jointly and severally liable, support for you and your partner, as a couple, can be paid from the day that joint liability for Council Tax begins.

If you notify the Council of the change after the week in which your partner becomes jointly liable for Council Tax, support for you and your partner, as a couple, can only be paid from the Monday following the day you told the Council about the change. In this case, the Council will re-assess your support entitlement from the Monday following the day you and your partner become a couple, and they will take any income and capital your partner has into account and will look at your joint needs.

End of LCTS

If you stop being liable for the Council Tax, for example if you move away from an address or become exempt or start being a registered student, your LCTS stops on the day you stop being liable. If you no longer qualify for LCTS because, for example, your income increases or your applicable amount changes, your LCTS will be stopped from the beginning of the next support week.

End of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance entitlement

If you stop getting Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or income related Employment and Support Allowance, you must tell the Council and they will have to stop your LCTS. At the same time they will ask you to explain your new circumstances, because you may still be able to get some help with your Council Tax.

People who live with you - non-dependants

People who normally share your accommodation but are not dependent on you for financial support are known as non-dependants. Others who live with you as a family and any children you have fostered do not count as non-dependants.

Non-dependants for Pension Age Scheme

Any non-dependants who normally share your accommodation could affect the amount of LCTS you get whether or not you are also getting Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit income related Employment and Support Allowance or Pension Credit Guarantee

The following people do not count as non-dependants, whether they share accommodation or not:

- carers employed by a charity that charges for the service;
- joint tenants;
- subtenants;
- boarders;



- tenants of owner occupiers; and
- Landlords and their partners.

They do not count as part of your household.

Non-dependants are people like grown-up sons or daughters and elderly relatives. If you have non-dependants living with you, your LCTS may be affected by Non-Dependant deductions for the Pension Age Scheme, or inclusion of their income in the LCTS calculation for the Working Age Scheme.

Non-dependant deductions from LCTS for Pension Age Scheme

Deductions will be made from your LCTS for non-dependants aged over 18 who normally live with you. There are four levels of deduction. If the non-dependant is working less than 16 hours a week, the lowest deduction will apply. If the non-dependant is doing paid work for 16 hours or more a week, the level of deduction will depend on the non-dependant's gross income.

A deduction will not be made from your LCTS if:

- the non-dependants' normal home is somewhere else; or
- you, or your partner, are registered blind or treated as blind; or
- you, or your partner, are receiving the care component of Disability Living Allowance or Attendance Allowance in respect of yourself or your partner; or
- the non-dependant is receiving Pension Credit Guarantee, Income Support or income-based JSA or income-related Employment & Support Allowance; or
- the non-dependant is a prisoner; or
- the non-dependant is severely mentally impaired; or
- the non-dependant is over 18 but Child Benefit is still payable for them; or
- the non-dependant is a student nurse or apprentice or on Youth Training; or
- the non-dependant has been a patient in hospital for 52 weeks or more; or
- the non-dependant is living in a residential care or nursing home; or
- the non-dependant is a care worker; or
- the non-dependant is a resident of a hostel or night shelter for the homeless; or
- the non-dependant is a full-time student (even if they work full-time in the summer vacation).

A deduction may be delayed for 26 weeks if you or your partner is aged 65 or more and a non-dependant moves into your home, or the non-dependant's circumstances change to increase the deduction.

Working out the amount of LCTS

The maximum amount of LCTS depends on:

- Whether you are in the Pension Age scheme (attained the qualifying age for state pension credit) or are in the Working Age scheme;
- How much Council Tax you have to pay; and
- Who you live with.

How is maximum LCTS calculated for the Working Age Scheme

For the Working Age the maximum LCTS is set by the Council as a percentage of the Council Tax you are liable to pay.

For the Working Age in receipt of income-based jobseeker's allowance (JSA IB) for a period of 3 or more years the maximum council tax liability used in the calculation of LCTS may be subject to a further reduction as decided by the council.



How is maximum LCTS calculated for the Pension Age Scheme

For the Pension Age Scheme the maximum LCTS is set by the Government as up to 100% of the council tax you are liable to pay less any non-dependant deductions (see non-dependant deductions later in this document). If you are already getting or have claimed Pension Credit Guarantee the Council will grant maximum LCTS

What if I do not receive Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance, on Maximum Universal Credit or Income related Employment and Support Allowance?

If you do not get Pension Credit Guarantee, income Support, income-based JSA, maximum Universal Credit or income related Employment and Support Allowance, the council has to work out if you can get LCTS and if so, how much you can get.

To do this, the Council works out your maximum LCTS, and then compares your needs – called the living allowances or applicable amount – with your resources (your income and capital).

For customers receiving the Savings Credit of Pension Credit, the Council will use a statement supplied by The Pension Service to assess your resources (income and capital).

Second Adult Discount (SAD) for Pension Age Scheme

Apart from LCTS for yourself, you may also be able to get LCTS if you share your home with one or more adults. This is separate form of LCTS for you and is called Second Adult Discount (SAD). Second Adult Discounts are intended to assist you with Council Tax if you share your home with someone who is on a low income. Second Adult Discounts may be awarded in the following circumstances:

- if you are treated as living on your own for benefit purposes, and share your home on a non-commercial basis with a person who is on a low income and who is not liable to pay the council tax;
- the second adult is aged 18 or over; and
- no other person is paying rent to you for living in your home.

In order to be classed as a second adult, they must not be:

- liable for the council tax;
- a joint owner or tenant with you;
- your married or unmarried partner;
- someone who is disregarded for the purposes of a discount; or
- living with more than one liable person.

You will need to make a claim for SAD unless you have already claimed LCTS for yourself. The gross income of the second adult will be taken into account when assessing entitlement to SAD.

Gross income includes earnings from employment, as well as other income such as social security benefits and occupational pensions and actual income from the second adult's capital. Any Attendance Allowance or Disability Living Allowance paid to a second adult is completely disregarded. You may apply for SAD even if your own capital exceeds £16,000.

SAD is awarded on the basis of your Council Tax bill, after any reductions that you may be entitled to, are deducted. The amount of SAD that can be awarded is as follows;

Second Adult	Alternative Maximum LCTS
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(a) Where the second adult or all second adults are in receipt of income support, maximum Universal Credit, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	25 per cent of the Council Tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support maximum Universal Credit, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance	<p>Gross Income is less than £265.00 per week; 15 per cent of the Council Tax due in respect of that day;</p> <p>Gross Income is not less than £265.00 per week but less than £344.00 per week; 7.5 per cent of the Council Tax due in respect of that day;</p> <p><i>(Above are 2024 rates which will be subject to a 2025 uplift by the Govt.)</i></p>
(c) If the dwelling is occupied by a second adult/adults on state pension-credit, income-related jobseeker's allowance, maximum Universal Credit, income-related employment and support allowance or income support, living with a full-time student(s).	100 % of the Council Tax due in respect of that day.

Income less than applicable amount (see "Living Allowances or Applicable Amounts" below)

In this case you get maximum LCTS (depending on whether you are of Pension Age or Working Age this may vary in amount).

You will also get maximum LCTS as allowed under the scheme if your income is the same as your applicable amount.

Income greater than applicable amount (see "Living Allowances or Applicable Amounts" below)

In this case you will get an amount less than your maximum LCTS. The amount by which your LCTS is reduced is based on the difference between your income and your needs.

A percentage of this difference – called a taper – is taken away from your maximum LCTS

Calculating your needs

Your needs are known as your living allowance or applicable amount and this is an amount that is set each year. For the Pension Age scheme this is set and approved by Parliament. For the Working Age scheme this is set by the Council. Your applicable amount takes into account the size of your family, your age and extra needs you may have. It is made up of personal allowances and



premiums. Premiums are included if you have a family, or disability, or a disabled child.

Living Allowances or Applicable Amounts

The living allowances or applicable amount represents the needs of you and your family if you have one. The larger your family then the larger your applicable amount. The applicable amount is made up of three parts:

- a personal allowance; and
- personal allowances for children in your family; and
- premiums

Personal allowance

Your applicable amount always includes a personal allowance. Different amounts apply according to your age and whether you have a partner.

Personal allowances for children

If you are looking after children (other than foster children) then you get an allowance for each child included in your applicable amount according to his or her age. This allowance is included until that child leaves school or reaches their 20th birthday.

A special rule applies if the child has left school and started work before Child Benefit stops.

Premiums for your family

Once personal allowances and allowances for children have been worked out, premiums can be added – if they apply – to make up your applicable amount.

Your children

A family premium will be included if you have any dependent children in your household. No matter how many children you have, you can only get one family premium.

Premiums or components for disabilities

These premiums are included in your applicable amount for people in your family with disabilities. There are three premiums and two components in this group:

- disabled child premium (for each disabled child in your household);
- disability premium (if you or your partner gets one of the benefits listed below or you have been off sick for more than 52 weeks);
- severe disability premium (if you are disabled and live in special circumstances);
- work related activity component; and
- support component.

Disabled child premium

The disabled child premium is a flat-rate premium, which may be awarded for each disabled child in your household and can be included with any other premiums. Your child is considered disabled if they are:

- registered blind; or
- receiving Disability Living Allowance/Personal Independence Payment.

Disability premium

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

- either of you is registered blind; or



- either of you gets one of the qualifying benefits listed below; or
- has been off sick for 52 weeks or more.

Qualifying benefits

You will get the disability premium if you or your partner gets any of the following benefits:

- Disability Living Allowance ;or
- Personal Independence Payment.
- Working Tax Credit Disability Element; or
- Constant Attendance Allowance; or
- War pensioners' mobility supplement; or
- Severe Disablement Allowance; or
- Incapacity Benefit – long term rate or short-term higher rate paid at the long term rate.

Severe disability premium

This premium cannot be included on its own. You must first qualify for the disability premium.

If you are single or a lone parent - The severe disability premium may be included in your applicable amount if you:

- receive the care component of Disability Living Allowance at the highest or middle rate, Personal Independence Payment, Attendance Allowance or Constant Attendance Allowance; and
- live alone (but if others live with you, see below); and
- no one receives Carer's Allowance for looking after you.

If you have a partner

You may get the severe disability premium if you both:

- receive the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; or
- your partner is blind and you receive the care component of DLA at the highest or middle rate, Personal Independence Payment, Attendance Allowance (AA) or Constant Attendance Allowance; and
- no one lives with you; and
- no one receives Carers Allowance for looking after either one or both of you.

For the purposes of severe disability premium your LCTS is not affected if other people living with you are:

- Children; or
- aged 16-17; or
- a person who is registered blind; or
- receiving the care component of Disability Living Allowance (DLA) at the highest or middle rate, Personal Independence Payment or Attendance Allowance (AA); or
- people caring for you who are employed by a charity that makes a charge for this service



Enhanced Disability Premium

- Enhanced Disability Premium is awarded where you, or a member of your family, who is aged under 60 receives the highest rate of Disabled Living Allowance (DLA), Enhanced component of Personal Independence Payment or where the claimant is in receipt of Employment and Support Allowance Support Component. This premium will remain in payment if the DLA/PIP is suspended during hospitalisation. This premium is awarded at three different rates. They are:
 - a rate for each dependent child/young person in your household who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
 - a rate for a single person who receives the highest rate of DLA/Enhanced component of Personal Independence Payment;
 - a rate for couples where at least one member of the couple receives the highest rate of DLA/Enhanced component of Personal Independence Payment.

Work Related Activity Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Support Component

This is awarded where you or your partner receives main phase Employment and Support Allowance and receives a similar component within that benefit

Carer Premium

The Carer Premium is awarded if either you or your partner is looking after a disabled person and:

- receive Carer's Allowance; or
- made a claim for Carer's Allowance and would be entitled but for an overlapping benefit.

If both you and your partner satisfy the qualifying conditions two premiums can be awarded.

The carer premium continues for eight weeks after caring ceases.

Calculating your resources

Your resources are made up of your income and your capital. These are worked out as a weekly amount of income.

Income

Income is all the money that you have coming in from earnings, social security benefits, maintenance payments and other sources. Depending on the type of income, it may be completely or partially ignored in the calculation of your LCTS (the disregards), or taken fully into account.

For the Working Age Scheme your resources and those of your partner are taken together along with any Non-Dependants income when your household income and capital are worked out.

For the Pension Age Scheme your resources and those of your partner are taken together when your income and capital are worked out.

Income from employment

This explains what counts as your income from work you do, as an employee, when you are employed by someone else. If you are a company director or any other officeholder in a company you are classed as an employee of that company.



Earnings from employment mean any money you are paid when you work for someone else. This includes the following types of payments:

- bonuses or commission (including tips);
- money you get instead of your normal pay (for example, a liquidator may give you money when your employer stops trading and you are owed some pay);
- money you get in place of notice to end your employment, or money you get to make up for losing your job;
- money you get for holidays you did not take (holiday pay) – but not holiday pay owed to you more than four weeks after you stopped work;
- money you get if you are kept on while doing no work (for example, a retainer paid to school cooks during school holidays);
- expenses you are given to cover your travel to and from work;
- expenses you are given to cover the costs of looking after someone in your family
- any expenses you are given that are not essential for you to carry out your work;
- money you get, under the Employment Protection (Consolidation) Act 1978, when you are not given work because of bad weather, or money you get because of unfair dismissal;
- money that an industrial tribunal orders your employer to give you if the period of notice or redundancy that is required by law has not been given;
- money you get from your former employer's redundancy funds if the business goes into liquidation;
- Statutory Sick Pay or Statutory Maternity Pay;
- Statutory Paternity Pay and Statutory Adoption Pay;
- Employer's sick pay or employer's maternity pay
- earnings from permitted work, that is, work while you are getting an incapacity benefit which your doctor thinks would benefit your health.

Earnings from employment do not include:

- payment in kind (where no money is involved)
- expenses you are given that are essential for you to carry out work
- any occupational pension.

Net earnings

Once your gross earnings have been worked out, your council will take away:

- your income tax payments (allowing for personal relief); and
- your National Insurance (NI) contributions; and
- half of any contributions you make to an occupational or personal pension scheme (any amounts paid to a pension scheme by your employer do not count).

This gives your net earnings, which are used to work out your LCTS

Self-employed earnings

If you are self-employed, all the money you earn when you are not employed by someone else is known as your earnings from self-employment. You may have self-employed earnings even if you are also working for someone else, or if you are a franchise holder.

When working out your earnings the Council will want to know how much you earn when you are self-employed, and you will be asked to provide evidence, if possible, of how much you earn.

There are three stages in working out your self-employed earnings. The first is calculating the



gross profit of your business. In the second stage, deductions – which are called allowable expenses – are taken away from the gross profit to give the net profit of the business. In the third stage, tax, NI, and pension payments are taken away from your net profit to give your net earnings. The Council will apply a minimum income floor calculation in such cases where the declared income is less than an amount determined as appropriate for the type of business.

Child-minders

If you are a child-minder only one third of your earnings from child-minding will be taken into account when the council works out your LCTS for the Pension Age Scheme.

For the Working Age Scheme all of your earnings from child-minding will be taken into account.

Earnings and earnings disregards

After working out your net earnings, any amount that is not counted in the calculation of your LCTS is known as a disregard.

The amount of your earnings that is not counted depends on which premium is included in your applicable amount. There is more information on the applicable amount and premiums.

When £5 is not counted - If you are single and you cannot get a greater disregard by any of the means explained below, up to £5 of your weekly earnings will not be counted (the £5 disregard).

When £10 is not counted - If you have a partner and you cannot get the £20 disregard by any of the means explained below, up to £10 of your joint weekly earnings will not be counted (the £10 disregard).

When £20 is not counted - £20 per week of your earnings will not be counted if your applicable amount includes:

- the disability premium; or
- the severe disability premium; or the carer premium (where the carer is working).

If both you and your partner are carers, the total disregard cannot be more than £20. The carer premium and this earnings disregard can continue for a further eight weeks after caring ceases.

If you have a partner, your earnings are added together when your LCTS is worked out.

If you cannot get the £20 disregard under the above categories, you may still be able to get it if you are:

- a part-time fire-fighter; or
- an auxiliary coastguard; or
- a part-time member of a crew launching or manning a lifeboat; or
- a member of the Territorial Army or the Reserve Forces.

Additional disregard

If you work on average 30 hours a week or more you will usually be able to get an extra earnings disregard. In certain circumstances you can also qualify for the higher earnings disregard if you work 16 hours or more e.g. if you are a lone parent or disabled. This is the same amount as the 30-hour tax credit in your Working Tax Credit (WTC)

Childcare charges

In certain circumstances, average childcare charges of up to £175 (for one child) or up to £300 for 2 or more children per week per family can be offset against your earnings. This disregard, which



is in addition to the other earnings disregards, is available to:

- lone parents who are working 16 hours or more per week;
- couples where both are working 16 hours or more per week;
- couples where one member is working 16 hours or more per week and, generally, the disability premium, or, in certain circumstances, the higher pensioner premium, is included in the applicable amount on account of the other member's incapacity or the other member is in hospital or in prison.

It applies where formal childcare is provided by, for example, registered child-minders or day nurseries for children until the first Monday in September following their 15th birthday (or the 16th birthday for children who are entitled to Disability Living Allowance or who are registered blind).

In certain circumstances, help with childcare costs can be given while you are on maternity leave or paternity or adoption leave or you are sick. The authority will be able to give you more details.

In some other cases explained here, different amounts of your earnings are not counted.

If you are in receipt of Pension Credit Guarantee, Income Support, income-based Jobseeker's Allowance or income related Employment and Support Allowance then any earnings you get will not be counted again in working out LCTS.

Notional Earnings

If you have done some work and you seem to have been paid very little for it, then the Council will estimate what that work is worth. If you have a good reason for the pay being so low – for example, if you worked for someone who had very little money – then you should let the Council know. If necessary, the Council may check your statement of earnings by asking your employer.

Other income

Other income is all the other money you have coming in apart from earnings from employment or self-employment. It is sometimes called unearned income. In some cases none of your unearned income is counted. Sometimes part of it is counted, and in other cases it is all counted.

State benefits

The following benefits are counted in full as income for LCTS:

- Contribution-based Jobseeker's Allowance
- Contribution-based Employment and Support Allowance
- Universal Credit
- State Pension
- Incapacity Benefit
- Severe Disablement Allowance
- Carer's Allowance
- Industrial Injuries Disablement Benefit
- Industrial Death Benefit
- Working Tax Credit
- Child Tax Credit (ignored if you or your partner are pension age)
- Savings Credit of Pension Credit
- Bereavement Benefits (ignored if you or your partner are pension age).



Unearned income that is not counted

The following types of income are not counted by the Council when it works out your LCTS:

- any income you get if you are getting the Guarantee Credit of Pension Credit, Income Support, income related Employment and Support Allowance (ESAIR) or income-based Jobseeker's Allowance (JSA);
- Disability Living Allowance (DLA)/ Personal Independence Payment (PIP);
- Attendance Allowance (AA) or Constant Attendance Allowance (CAA);
- Attendance allowances paid as part of a War Disablement Pension or Industrial Injuries Disablement Benefit;
- Child Benefit;
- Child Maintenance (spousal maintenance is taken into account in part or in full depending on whether you have a child);
- money you get which takes the place of DLA, AA, CAA, or Income Support;
- war pensioners' mobility supplement;
- any money you get from the Social Fund;
- Guardian's Allowance;
- money you get as a holder of the Victoria Cross, the George Cross, or any comparable award;
- any grants or allowances you get from your local education authority if you have a dependent child who continues in education after school leaving age;
- any training premium and any refunded travelling expenses or living away from home allowances when you are on a Department for Education and Employment Training Scheme training course or at an employment rehabilitation centre;
- any money such as interest or dividends from savings or investments;
- any expenses you get from an employer that you need to carry out your work;
- any expenses you get from a charity so that you can carry out unpaid work;
- any income in kind (where you are given something other than money);
- any income you have which has been held back outside this country, as long as it remains held back, and it is not within your control;
- any money you get for fostering a child;
- any money you get for looking after an elderly or disabled person temporarily (community boarding out schemes);
- any money you get from a local Social Services Department to help keep a child at home instead of putting them into care;
- any Council Tax Benefit you have received;
- special payments made with your War Widow's Pension if you have been designated as a pre-1973 war widow;
- any charitable or voluntary payments which are made regularly;
- payments made under the Employment Department's 'Access to Work' scheme for disabled people; or
- War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country (Local Scheme)
- Payment(s) made via regulations or other means, that the Government instructs the Council to disregard during the year

Some types of income may be counted as capital.

Unearned income that is counted in part

The following are the types of unearned income that are only partly counted.

- the first £15 of Widowed Mother's Allowance or Widowed Parent's Allowance;
- the first £20 of any money from sub-tenants; or
- the first £20 then 50% of the excess of money you receive from a boarder is ignored. The



balance is treated as income.

Notional income

The council may think that there is income, which you could get, but you are not claiming it. This is known as notional income because you do not actually receive that income. The Council may take this into account for LCTS purposes

Parental contributions to students

If you are making a parental contribution to a student then part of your income is not counted to take account of this.

Capital

Your capital includes savings and investments held by yourself in any form (for example, bank and building society accounts, investment trusts, and shares) from any source (for example, inheritance, redundancy payments, and irregular payments from a charitable or voluntary source). It will normally also include the net sale value of land and housing that you do not occupy, after deducting 10% for expenses of sale.

If you have a partner, capital belonging to your partner is treated as yours for the purposes of LCTS

Capital outside the United Kingdom

If you have capital – in the form of liquid or fixed assets – outside this country, the Council will need to know how soon it can be transferred and how much it is worth. If the capital cannot be brought into this country, enquiries will be made about how easily it can be sold, and whether a willing buyer can be found. If no willing buyer can be found, it may not be counted.

Capital for Working Age

The first £6,000 of capital is not counted. Capital over £6,000 up to £16,000 will be taken into account at £1 a week for each £250 (or part of £250) of capital over £6,000. Actual interest payments or dividends are not counted as income but as capital.

Capital for Pension Age

The first £10,000 of capital is not counted. Capital over £10,000 up to £16,000 will be taken into account at £1 a week for each £500 (or part of £500) of capital over £10,000. Actual interest payments or dividends are not counted as income but as capital.

For customers who receive the Guarantee Credit of Pension Credit there is no upper limit on the capital you can have.

For the Pension Age scheme if you have capital over £16,000, you may still be entitled to Second Adult Discount, as your income and savings are not taken into account. However, the actual income received from the second adult's capital will be taken into account.

Personal possessions

Personal possessions – for example, a car, furniture and fittings in your house, and family belongings – are usually not included in the calculation of capital. However, this may not be the case where the Council has good reason to believe that something has been bought to reduce your capital in order to gain or increase entitlement to benefit. If the Council decides that you deliberately disposed of capital just so that you can get LCTS, it may assume that you have



notional capital to the value of the capital you disposed of.

If you own your home

The value of your property (including the house, garage and outbuildings) is not counted unless any part of the property could reasonably be sold off separately. Loans raised on the property will be counted as capital.

Property you own but do not occupy

The value of this property is counted as capital but you may be able to get LCTS even if the value of the property means that your savings are more than £16,000. This is because the value of the property may be ignored when your savings are worked out, in certain circumstances.

If the property is occupied by an elderly or disabled relative as their home, its value is not taken into account for as long as it is so occupied.

If you have recently acquired the property and you intend to occupy it as your home, its value may not be counted for 26 weeks, or for a longer period if reasonable, from the date you acquired it.

If you are trying to sell the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if you are finding it difficult to sell the property.

If you are carrying out essential repairs or alterations so that you can live in the property, its value may not be counted for a period of 26 weeks from the date you first arranged for repairs to be carried out. It may not be counted for longer than this if you are finding it difficult to finish the work.

If you are taking legal action so that you can live in the property, its value may not be counted for the first 26 weeks after you start doing this. It may not be counted for longer than this if legal action is continuing and you cannot live in the property.

If you have left the property after the breakdown of a relationship, and it is occupied by your former partner, its value may not be counted for the first 26 weeks after you left. If the property is occupied by your former partner and they are a lone parent, the property will not be counted for as long as it continues to be so occupied.

Deposits on your accommodation

Sums that have to be deposited with a housing association as a condition of your tenancy are not counted.

Earmarked capital

If capital from the sale of a house is kept for a house purchase, it is not counted for up to six months, or longer if:

- major repairs or adaptations are needed for you to occupy your home; or
- the completion of the purchase of your new home is unavoidably delayed.

Compensation received for a burglary or for damage to or loss of a house is also not counted for six months, as long as it is to be used for repair or replacement

Valuation of property

Property will be valued at the price it would be expected to fetch on the open market, less any outstanding mortgage or legal charges on the property. Ten per cent of the current market value will also be deducted to take into account the cost of the sale.



If you have property outside Great Britain and there is no restriction on transferring money to this country, your property will be valued at its local sale value. If there is a restriction, its notional value will be the value of a sale to someone in the UK. In both cases, any outstanding mortgage or legal charges will be deducted, together with 10% of the total to cover the cost of the sale.

National Savings Certificates

National Savings Certificates of the current issue are valued at purchase price. Certificates of a previous issue are valued as if they were purchased on the last day of that issue.

Life assurance policies

The surrender value of life assurance policies is not taken into account when assessing LCTS.

Arrears of benefits

Any arrears of Disability Living Allowance, Attendance Allowance, Pension Credit, Income Support, income-based Jobseeker's Allowance, Personal Independence Payment, Universal Credit, Working Tax Credit and Child Tax Credit that you get are not counted for up to 12 months.

Lump sum payment of deferred State Pension

The gross amount of lump sum, or an interim payment made on account of a final lump sum, paid at the end of the period of deferring State Pension will be disregarded as capital for the life of the recipient.

Compensation payments

For LCTS purposes, compensation payments will normally be counted in full as capital. Capital will not be counted if it is held in trust or by the 'Court of Protection' as a result of a personal injury payment – for example, a criminal injury payment or a vaccine damage payment. For persons of Pension Age compensation payments made as a result of personal injury are ignored whether or not placed in a trust.

Business assets

Business assets of a self-employed earner are not counted while engaged in that business. Nor are they counted in certain other circumstances, but any shares owned will be treated as capital.

Notional Capital

The council may think that there is capital which you could get but which you do not have. This is known as notional capital because you do not actually possess that capital.

- Capital you have disposed of - You will be treated as having notional capital if you have disposed of capital in order to get LCTS or to get more LCTS.
- Capital you could have got - If you have the right to money held in a private trust, then that is actually your capital, and will be taken fully into account.

If the Council has decided to treat you as possessing notional capital they will reduce the amount of this capital on a regular basis by a set calculation. This calculation reduces your notional capital by the amount of support you have lost as a result of deprivation.

How LCTS is paid

If you are liable to pay the Council Tax, the Council will normally send you a Council Tax bill from which your LCTS has already been deducted. You will then have to pay only the reduced amount. This means that you will not actually receive any money, but your Council Tax bills will be reduced.



How you will be notified about your LCTS

The Council will reach a decision on your entitlement to LCTS as soon as possible after our claim and all supporting evidence is received.

How can I appeal?

If you disagree with the decision you will need to write to the Council stating the reasons. The Council has two months to reply to you. If the Council agrees with your appeal then the LCTS will be amended and you will receive another Council Tax bill showing the revised amount.

If the Council does not agree with your appeal or you do not receive a response within two months, you may appeal to the Valuation Tribunal. This is an independent tribunal who will hear your case (either in person or in writing). If the Valuation Tribunal agrees with you they will instruct the Council to amend your LCTS accordingly.

Throughout the appeal you will still be required to make payment of your Council Tax liability as determined by the Council.

Changes of circumstances

You must notify your Council immediately if there is a change in anything that might affect your right to or the amount of LCTS.

This will include:

- where you live; or
- who you live with; or
- your income, savings and investments; or if you stop getting Pension Credit, Income Support, income-based Jobseeker's Allowance, Universal Credit or Employment and Support Allowance; or
- if you get a job; or
- if you or your partner go into hospital; or
- if there is any other change in your circumstances which you might reasonably be expected to know might affect your right to LCTS

The changes must be notified in writing although in certain circumstances the Council may accept this by telephone or electronically

Most of these changes will affect your LCTS in the following support week, but changes in the amount of Council Tax payable will affect your LCTS from the day on which the change occurs.

Students

LCTS is not normally available for students. The exceptions are:

- vulnerable students, such as disabled students and lone parents;
- part-time students; and
- couples where one partner is not a student.

Students who are liable to pay the Council Tax may claim Second Adult Discount (SAD) if they are of pension age.

Loan and grant income

The grant money you get is generally paid to cover the period you are studying. If it does not cover this period the Council, or Student Awards Agency for Scotland, will tell you the period it does



cover.

If you are eligible for a loan or have been awarded a grant the Council will assume that these amounts are paid, whether they are actually paid or not.

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

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

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

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

Students and partners

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

Other income

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

Loans from the Student Loans Company

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

Access funds

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

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

Information and information sharing

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



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

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

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

Counter Fraud and Compliance

In order to protect the finances of the Council and also in the interests of all Council Taxpayers, the authority will undertake such actions as allowed by law to;

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



Localised Support for Council Tax Exceptional Hardship Policy



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1.0 Background

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

1.2 The main features of the fund are as follows:

- The operation of the Fund will be at the total discretion of the Council;
- The Fund will be operated by the Revenues and Benefits section of the Council;
- There is no statutory right to payments from the fund although the Council will consider all applications received;
- Exceptional Hardship Fund payments are not payments of Council Tax Support (as defined within S13a of the Local Government Finance Act 1992);
- Exceptional Hardship Fund payments will only be available from 1st April 2013 and **will not be available for any other debt other than outstanding Council Tax**;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant and it is expected that payments will be made for a short term only to give applicants time to explore sustainable / alternative solutions; and
- All applicants will be expected to engage with the Council and undertake the application process.

2.0 Exceptional Hardship Fund and Equalities

2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.

2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not to support a lifestyle or lifestyle choice. Whilst the definition 'Exceptional Hardship' is not exactly defined by this policy, it is accepted that sudden or unexpected changes to individual circumstances may cause temporary financial hardship with any support made under this policy being at the total discretion of the Council. However exceptional hardship should be considered as 'hardship beyond that which would normally be suffered'

3.0 Purpose of this policy

- 3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.
- 3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in gaining accessibility to the Fund and also in respect of the decisions made on each application.

4.0 The Exceptional Hardship Fund Process

- 4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:
- Make a separate application for assistance;
 - Provide full details of their income and expenditure;
 - Accept assistance from either the Council or third parties such as the CAT or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
 - Identify potential changes in payment methods and arrangements to assist the applicant;
 - Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
 - Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.
 - Where applicable, explain actions they are currently exploring to find a sustainable response to their current circumstance if it is expected that exceptional hardship may continue for a longer period of time.
- 4.2 Through the operation of this policy the Council will look to
- Support those in exceptional hardship;
 - Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
 - Enable long term support to households in managing their finances;
 - Help applicants through personal crises and difficult events that affect their finances;
 - Help those applicants who are trying to help themselves financially; and
 - Encourage and support people to obtain and sustain employment.
- 4.3 It cannot be awarded for the following circumstances:
- Where full Council Tax liability is being met by Council Tax Support;
 - For any other reason, other than to temporarily reduce Council Tax liability;

- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these;
- To pay for any overpayment of Council Tax Support caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly;
- To pay for Council Tax liability on a second or empty home;

5.0 Awarding an Exceptional Hardship Fund Payment

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be up to a maximum of the amount of Council Tax outstanding, with each decision being reviewed by a senior manager to demonstrate fairness and consistency.

5.2 When making this decision the Council will consider:

- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- All capital, income received & expenditure of the applicant, their partner and any member of their household irrespective of whether the income is included or not as household income under the Council Tax Support scheme
- How **reasonable** expenditure exceeds income;
- The difficulty experienced by the applicant that prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will last.
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner any dependants and any other occupants of the applicant's home;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances;
- The length of time they have lived in the property; and
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent;

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

6.0 Publicity

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

7.0 Claiming an Exceptional Hardship Fund payment

- 7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council, preferably via email to benefitsmail@tendringdc.gov.uk.
- 7.2 If it is not possible to make a claim via email or if any further help is required, assistance is available at the Council Tax Office, Pier Avenue, Clacton.
- 7.3 Where the Revenues and Benefits Service identify a household that is failing to clear previous years Council Tax but are paying current Council Tax with best endeavours, then their ability to pay arrears maybe considered for help through the hardship fund. This clause is not intended to cover those taxpayers who have not paid or have failed to pay until a summons has been issued.
- 7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person liable to pay Council Tax, however, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

8.0 Changes in circumstances

- 8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed.

9.0 Duties of the applicant and the applicant's household

- 9.1 A person claiming an Exceptional Hardship Fund payment is required to:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

10.0 The award and duration of an Exceptional Hardship Payment

- 10.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances of the claim.
- 10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

11.0 Award of the Exceptional Hardship Fund payment

- 11.0 Any Exceptional Hardship Fund payment will be made direct onto the customer's Council Tax account, thereby reducing the amount of Council Tax payable.

12.0 Overpaid Exceptional Hardship Fund Payments

- 12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

13.0 Notification of an award

13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

14.0 Appeals

14.1 Exceptional Hardship Fund payments are not part of Council Tax Support, and are therefore not subject to the statutory appeal process.

14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduced amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 10 working days of referral or as soon as practicable. This decision will be final.

14.4 Any request for an appeal must be made within one month of the date of the notification letter confirming the original decision.

14.5 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

15.0 Fraud

15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

16.1 The Council's Complaints Procedure (available on the Council's website) will be applied in the event of any complaint received about this policy.

17.0 Policy Review

- 17.1 This policy will be reviewed at least every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.

Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discretionary discounts will apply for the 2025/2026 financial year:-

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

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

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

0% discount

Class C – Unoccupied and substantially unfurnished dwellings.

0% discount

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

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

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

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

(ii) is undergoing structural alteration; or

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

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

100% discount up to 12 months

Care Leaver's Council Tax Discount Policy

Introduction

This policy utilises the discretionary power available to billing authorities arising from S13A(1)(c) of the Local Government Finance Act 1992 to reduce, or further reduce, the amount of council tax a care leaver is liable to pay with effect from 1 April 2025.

Definitions

For the purpose of this policy, a 'care leaver' is defined as:

A person aged up to 21, who has either

- (a) been looked after by Essex County Council 'Essex' for at least 13 weeks since the age of 14; and who was looked after by the local authority at school-leaving age or after that date; or
- (b) who is entitled to leaving care support from Essex.

The Children Act 1989 defines the categories of children entitled to leaving care support as:

'Eligible children' are those young people aged 16-17 who are still in care and have been 'looked after' for a total of 13 weeks from the age of 14 and including their 16th birthday;

'Relevant children' are those young people aged 16 and 17 who have already left care, and who were 'looked after' for at least 13 weeks from the age of 14 and have been 'looked after' at some time while they were 16 or 17;

'Former relevant children' are those young people aged 18, 19 or 20 who have been eligible and/or relevant.

Policy statement

For the purpose of calculating the amount of discretionary council tax reduction to apply, care leavers and those in their household are required to take steps to minimise their liability for council tax by claiming discounts, exemptions and council tax reduction.

After all discounts, exemptions and council tax reduction have been claimed the Council will reduce the council tax liability so that the liability of the household is the same that it would have been had the care leaver been a 'disregarded persons' (such as students) as detailed in s11 and Schedule 1 of the Local Government Finance Act 1992

For example:

A care leaver joining an existing household with a single person discount in place will be given sufficient discretionary relief to ensure that the council tax liability does not increase as a result of their presence.

A household where only care leavers are liable to pay council tax will be given sufficient discretionary relief to extinguish the council tax liability completely.

A care leaver in a property, which would otherwise be exempt from council tax, will be given sufficient discretionary relief to ensure that no council tax continues to be payable.

Council Tax Premiums to apply for the 2025/26 financial year:-
Long Term Empty properties (unoccupied and substantially unfurnished - From 1 April 2025, additional amounts of council tax will be charged when a property has been empty for one year or more as follows*:
For one year, but less than five years, will attract a premium of 100%, and therefore charged 200% of the set council tax.
For five years, but less than ten years, will attract a premium of 200%, and be charged 300% of the set council tax.
For ten years or more will attract a premium of 300%, and be charged 400% of the set council tax.
Properties Occupied Periodically / "Second Homes" (no resident of the property and the property is substantially furnished) - From 1 April 2025, additional amounts of council tax will be charged as follows:
A premium of 100%, and therefore charged 200% of the set council tax.

****The above premiums apply to the property, so a change of ownership or tenancy will not affect the premium.***

It is also important to highlight that exceptions to the above premiums have been introduced by the Government via The Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024.

ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT for 2025/2026

The Council is required to have a policy on providing a prudent minimum revenue provision which must be approved by Full Council each year.

The duty to make a Minimum Revenue Provision (“MRP”) is an important component of the legislative and regulatory framework which underpins the decision making by local authorities to demonstrate that borrowing is prudent, affordable and sustainable. Therefore, where local authorities finance capital expenditure with debt, they must set aside an amount of money each year to ensure that debt can be repaid and in deciding whether any capital expenditure is affordable, an authority must consider whether it can meet the cost of the associated MRP charged within its budget.

The amount of MRP should be determined with respect to a local authority’s Capital Financing Requirement (CFR). CFR is the total outstanding capital expenditure that has not yet been funded from either revenue or capital resources and is therefore a measure of the Council’s underlying borrowing need after taking into account the provision included in the revenue budgets for the repayment of outstanding debt. The calculation of actual CFR is defined in the prudential code and is derived from the consolidation of a number of items on the Council’s Balance Sheet that is published within its Statement of Accounts each year.

In-line with the prudential code, the Council makes reasonable estimates of the total capital financing requirement at the end of each forthcoming financial year and the following two years. These prudential indicators are referred to as the estimates of capital financing requirement. The estimate of capital financing requirement at the end of each year will relate to all capital expenditure – i.e. it includes relevant capital expenditure incurred in previous years. The capital financing requirement will reflect the authority’s underlying need to finance capital expenditure by borrowing or other long-term liability arrangements. In order to make these estimates, the Council considers all of the financing options available and estimates their use of these. The estimates will not commit the local authority to particular methods of financing. These estimates of CFR are set out within the Annual Capital and Treasury Strategy presented to Full Council in March each year.

The actual financing of capital expenditure is determined at the end of the financial year, which is reported within the associated financial outturn reports presented to the Finance and Governance Portfolio Holder / Cabinet.

It is important to highlight that, except in the short term, total gross debt should not exceed the CFR.

There are currently no plans to reduce the Council’s indebtedness via the use of capital receipts, and therefore no impact on the calculation of the MRP charge. It is important to highlight that:

- capital receipts are not being used to replace MRP
- there are no instances where MRP is not being made with respect to any amount of CFR
- no debt financed capital spend has been excluded
- there are no planned voluntary overpayment of MRP and no offset of a previous years overpayments will be made.

In preparing this statement, the local authority has considered the requirements set out in statute and associated guidance to ensure it is meeting its duty to make prudent provision. There have been no departures from this guidance.

The aim of the regulations is that the period over which an MRP is calculated closely relates to the life of the asset and therefore in determining the period of time over which the debt should be reduced to nil, local authorities should align the period over which they charge MRP to one that is commensurate with the period over which their capital expenditure provides benefit. With this in mind, the options applicable in calculating MRP as set out in the guidance are as follows:

Where Capital Expenditure is financed by Government Supported Borrowing

- **Regulatory Method** – This is where borrowing is supported by the Government through the Formula Grant and Local Authorities can continue to use the existing approach as set out in the old regulations.
- **Capital Financing Method** – Similar to the above, Local Authorities can continue to set aside 4% of their General Fund capital expenditure financed by borrowing each year as MRP. The difference compared with the regulatory method is that it excludes a transitional adjustment that relates to the regulations that were applicable before the current regulations. As this adjustment does not apply to TDC, the two approaches are essentially the same.

Where Capital Expenditure is financed by Prudential Borrowing

- **Asset Life Method** – Two alternatives are provided within the guidance. The first is that MRP can be calculated by taking the amount borrowed and dividing it by the associated assets useful life – equal instalment method. The second is based on a more complicated annuity basis although based on the same principle. *(This method will be applied to assets and equipment leased in, where the MRP requirement will be regarded as met by a charge equal to the associated annual rental / service charge)*
- **Depreciation Method** – This requires that an MRP is made in accordance with current rules for depreciation accounting whereby an amount would be charged equal to the annual depreciation of the specific asset which could differ from the previous options given the alternatives for calculating depreciation.

An advantage of the asset life method over the depreciation method is that MRP does not have to start until the year the related asset becomes operational which may be different to the year in which depreciation would be charged.

It is important to note that subject to the type of asset acquired there may be a significant impact on the revenue budget, which would need to be taken into account in any future spending / borrowing decisions.

The above applies to the Council's General Fund. In respect of the Council's Housing Revenue Account (HRA) it has been the Council's policy not to make any MRP charge to the HRA because the level of borrowing relating to the HRA is significantly less than the capital value of the housing stock. Following the implementation of the new self-financing arrangements from April 2012, the structure of the borrowing to fund the associated HRA debt settlement was based on principal being repaid over the 30 years of the HRA business plan. Therefore this principal is in effect the amount set aside to repay debt and will therefore be treated as HRA MRP. In terms of MRP for 'old' HRA debt, this will be kept under review as part of future HRA business planning processes.

Having reviewed the position for 2025/26, there are no changes to the Council's approach to calculating MRP compared to 2024/25. The Annual Minimum Revenue Provision Policy Statement for 2025/26 is therefore as follows:

In accordance with the Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2003 and having due regard to guidance issued under Section 21 (1A) of the Local Government Act 2003, the Council's policy for the calculation of MRP for 2025/26 shall be the Capital Financing Requirement Method for supported borrowing and the Asset Life (equal instalment) Method for prudential borrowing.

CABINET

15 NOVEMBER 2024

REPORT OF PORTFOLIO HOLDER FOR ENVIRONMENT

A.10 CLIMATE ACTION PLAN 2024-2027

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Cabinet to determine its recommendation to Full Council with a proposal of amending the Council's current policy target to achieve net zero carbon in scope one and two emissions from 2030 to the Government's target date, currently 2050, to allow for more financially sustainable investment to meet the target.

The set out the proposed Climate Action Plan for 2024-27, as set out in Appendix A, subject to Cabinet's endorsement, to deliver against the new target, following Full Council's approval.

For Cabinet to note that an action within Appendix A, is for further work to be undertaken to improve and streamline data collection on energy usage and emissions.

EXECUTIVE SUMMARY

In August 2019, Council declared a Climate Emergency with a commitment to the Council's operations becoming carbon neutral by 2030 and community leadership activities pursued in order to influence and encourage others across Tendring to strive towards carbon neutrality for the District as a whole. That declaration had committed the Council to a number of actions including setting up of a members' working group, the calculation of the Council's carbon emissions and the development of a climate change action plan.

The previous Climate Action Plan

At its meeting in November 2020, Cabinet recommended to Council that the Tendring Climate Emergency Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form the policy framework of the Council would include the Climate Change Action Plan. Council approved this at its meeting on 24 November 2020 (Minute no.45 refers).

In 2020, Cabinet accepted changed terminology, from 'carbon neutral' to 'net zero'. This reflects that operating a Council is an activity that is unlikely to ever be possible without the emission of some greenhouse gases. The emissions that we cannot prevent will have to be offset.

The previous Action Plan covered the period to 2023, and has been reviewed to reflect ongoing work, identify new opportunities and lessons learnt, recognise successes and examples of good practice which can be replicated, and crucially monitor progress against the aim of becoming net zero by 2030 ("the current target date").

The current 2030 target date includes only the Council's direct emissions (called 'scope one')

and emissions from electricity generation (called 'scope two'), not those of suppliers (known as 'scope three'). Scope three emissions include the services the Council delivers via business contracts rather than directly employed staff, such as waste collection.

Work so far

There are successes to recognise under the previous 2020 action plan:

- **The Jaywick Sunspot business units** and market place won a national planning award for brownfield regeneration, and is an A-rated building that opened in 2023. The building is designed conserve heat, and there are plans to include solar panels which will bring it up to A+ rating for energy performance.
- **Consolidation of the estate** and moving from the Council's site in Weeley, which was powered by a carbon intensive oil-fired boiler.
- Successful application to the Swimming Pool Support Fund to install an energy efficient **Air Handling Unit** at Walton on the Naze Lifestlyes
- **Pool Covers** have been installed in all Leisure Centres which conserve energy from swimming pools and installation of LEDs to reduce the electricity demand, which complements the LEDs installed in the theatre.
- **Carnarvon Terrace** (Clacton) and Victoria Street (Dovercourt) which are part of the wider Levelling Up Fund projects for Clacton and Dovercourt are currently being design to environmental performance substantially above building regulations.
- Technical design work complete on the Clacton **town hall hybrid boiler system**, which will be significantly more energy efficient than existing boilers.
- Purchase of **electric / hybrid fleet vehicles**.
- The **waste contract** negotiations have included the options for vehicles which will be Hydrogenated Vegetable Oil (HVO) compliant, with final decisions meeting best value. with proposal for increased recycling rates as a result of the new contract.

Case Study – Pool Covers & LEDs at Leisure Centres

On 29 September 2023, Cabinet approved drawdown of £250,000 allocated via the Climate Action Plan to fund the installation of pool covers in the Council's leisure estate, installation of LED lights in the leisure and wider Council estate, and appointment of contractors to prepare plans for lower carbon heating systems in the Council's estate.

The tender process undertaken, the work approved in February 2024 and has now been completed. This is an example of inter-Departmental co-operation to deliver against the Council's Climate Action Aims, as well as investing in opportunities of this type to make both financial and emissions savings over time with a two had half year payback period anticipated; future-proofing the Leisure estate. Opportunities have also been taken to apply for related opportunities to support work of this type, for example the Swimming Pool Support Fund to supplement improvement works Walton Leisure Centre.

Emission reductions

With 2018/2019 providing a data baseline, the Council emitted 2,797 tonnes of carbon for scope one (internal) and scope two (electricity) emissions in that year. In 2021/22 this had fallen to 2,245 tonnes of carbon emitted. As a result, the Council saved 552 tonnes of carbon since the baseline year in direct emissions made up from 144 tonnes of scope one (internal) emissions, and 376 tonnes from scope two, electricity.

In addition, we recorded 2,317 tonnes of carbon emissions in the baseline year of 2018/19 through our supply chain, called scope three emissions. This had fallen to 2,052 by 2021/22. The majority of these emissions come from the Veolia fleet of waste vehicles.

Looking forward: aligning the Council's target Date with the National Target

In 2024 the specialist firm APSE reported on the action required to meet the 2030 net zero ambition, including for Veolia waste fleet, which is in scope three. APSE identified opportunities to achieve the target by 2030, including the installation of air source heat pumps at Clacton Town Hall and a zero carbon waste fleet. However, it was estimated that to meet the target by 2030 would require investment of £18 million, at a time when the Council is required to find substantial savings.

As the Council cannot financially sustainably meet its 2030 ambition, it is recommended that the Council aligns its target date for scope one and two emissions to reach net zero to national the Government target date, which is currently set at 2050. This change is a realistic, value for money approach to responding to climate change. Aligning with the national target means that the Government policy, regulation and funding required to meet net zero will be brought forward to enable the Council to meet what remains a challenging ambition. It also means that innovative low carbon technologies will have time to mature and become cost effective.

Developing a new Climate Change Action Plan for 2024-2027 for Cabinet's approval

Once Council has approved the new target, the Climate Action Plan 2024-2027 at Appendix A sets out the steps the authority will take to make progress towards our net zero ambition. This plan demonstrates that the Council remains committed to reducing carbon emissions and to nature recovery.

The new Climate Change Action Plan is based on a theme of 'High Nature, Low Carbon', and identifies climate action as important in its own right and also a key contributor to the future of the local economy, jobs and skills, community impact initiatives, social wellbeing, as well as direct savings to the Council supporting value for money services for residents.

The 2024 Action Plan has been reviewed and then edited in line with recommendations made by APSE, based on examples of best practice nationally. It is ambitious but realistic, identifying opportunities for Scope one, two and three reductions in emissions and recommending the moving of the target date to 2050. The new Draft Plan can be viewed at Appendix A. The Council will look to opportunities for funding, technologies and resourcing to facilitate delivery of the plan.

Further projects are identified in the Plan. Projects include those which are funded, those where funding has been identified to apply for but not yet secured, and those where the Plan can act as a basis for future funding opportunities. This pipeline of projects will stand the Council in good stead for making a commitment to improve its carbon reduction performance in the medium term, as well as a financially sustainable approach that will be undertaken over a number of years. This, coupled with the moving of the target date to 2050 to align with the national target, will strengthen the Plan with achievable, realistic, and consistent works to continue over its lifetime. Further governance will come forward on a case-by-case basis as projects within the plan are pursued.

The Plan also encourages businesses and residents in the District to play their part in reducing carbon emissions as part of a wider local initiative; the Council as facilitator but not the deliverer of the wider work to be done.

The Climate Action Plan presented at Appendix A includes the content of the plan, which will be designed before being formally published.

The Council continues to adhere to its Corporate Plan theme of openness and transparency and will publish its recorded information as required, including in relation to climate action.

RECOMMENDATION(S)

It is recommended that Cabinet:-

- a) notes the contents of the report and in particular the development of a draft Climate Change Action Plan set out in Appendix A for 2024-27 based upon a revised target of achieving Net Zero carbon emissions by 2050;**
- b) subject to (a) recommends to Full Council that**
 - i) the Council's Policy Framework (within Article 4) be amended to "*Approval of the Council's target for achieving Net Zero carbon emissions with the relevant strategy and action plans being adopted and delivered by the Executive*"**
 - ii) in recognition that at a national level the UK government has outlined comprehensive targets aimed at achieving Net Zero carbon emissions by 2050 and based on the Council's resources, the Council's new target for achieving Net Zero carbon emissions be aligned with the UK's national objectives to achieve Net Zero, by 2050; and**
 - iii) Cabinet adopts and delivers against its strategy and action plans in accordance with the Council's Budget and Policy Framework.**
- c) subject to Full Council approving the revised Net Zero target, the new Climate Change Action plan for 2024-2027 be adopted with the decision being recorded by the Portfolio Holder for Environment; and**
- d) notes the limitations of currently available carbon emission data and commends further investigative work by Officers to improve data.**

REASON(S) FOR THE RECOMMENDATION(S)

It is proposed that the Council aligns its target date for scope one and two emissions to reach net zero to national the Government target date, currently set at 2050, because the Council cannot financially sustainably become net zero by 2030. This change is a realistic, value for money approach to responding to climate change. Aligning with the national target means that the Government policy, regulation and funding required to meet net zero will be brought forward to enable the country, and so the Council, to meet what remains a challenging ambition by 2050.

The Government will need to regulate to meet the 2050 target, and as it does so new statutory responsibilities for the Council will come with new burdens funding to deliver them. Over time it is expected that innovations in technology will make improvements in carbon reductions better value for money, more locally available (in terms of supply and maintenance), and more realistic in terms of delivery. The national target date of 2050 is therefore recommended.

Our consultant's APSE identified opportunities to achieve meet the target by 2030, including the installation of air source heat pumps at Clacton Town Hall and a zero carbon waste fleet at an estimated cost of £18million, far beyond the council's reserves, at a time when the Council is required to find substantial savings.

The process of collating data from 2023 has identified an opportunity for improved Council processes. While this is undertaken, modelling of emissions can be calculated using previous years' data to supplement definite data collected for 2023; this is clearly identified and explained in terms of methodology to ensure transparency in the Plan itself.

ALTERNATIVE OPTIONS CONSIDERED

Financial and achievability considerations were modelled via the APSE reporting for keeping the target date at 2030. The option for retaining the 2030 date was considered. However, it was recognised that without significant borrowing to make the investments required, and recruitment of additional capacity to ensure they were delivered, the 2030 date would not be met. The required actions to reach 2030 were unaffordable for the Council, so it was not appropriate to keep a target that the Council did not have a prospect of meeting.

A date of 2035 was also considered, giving a decade to reach net zero. However, given costs modelled by APSE it was felt unlikely the Council would be able to make the necessary investment over a decade, at the same time as making £3m work of savings. It is considered prudent to align the target with national goals.

A further option would be to amend the target date but not develop an action plan. However that would halt progress made so far, and to meet the zero carbon ambition by 2050 still requires continued action.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

This refreshed Climate Action plan delivers against two key elements of the 2024-2028 Corporate Plan:

- Championing Our Local Environment – through furthering the Council's commitment to achieving net zero
- Financial Sustainability & Openness – by recognising and responding to challenges by moving the target date to 2050

Furthermore, reducing carbon emissions is based on reducing energy use, which will save ongoing revenue costs for the Council, as well as wider beneficial impacts relating to community and social wellbeing outcomes, and benefits to the local economy including the Council being well-placed to support the green economy.

The highlight priorities for the Council includes Cabinet approval for the Climate Action Plan 2024-2027 in Quarter Three 2024/5 (realigned)..

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 updated Report has been reviewed and amended in line with a best-practice exercise undertaken by APSE, to ensure TDC's published commitments and goals are as transparent as possible but also realistic, achievable, and balanced alongside the Council's other integral responsibilities.

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	The target affects all wards in the District.
		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)	Yes 10/11/23

The Council adopted the ambition to be achieving net zero carbon emissions by 2030 and the Climate Change Action Plan within its corporate policy framework (Article 4 of the Constitution). This report recommends updating the timing to align with the national target, currently 2050 and recommending an amendment to the policy framework through a decision of Full Council. The amendment reflects full Council setting the policy of the Net Zero target with the Executive developing its strategy and action plan for delivery within the Council's Budget and Policy framework.

The Government has passed a number of Acts which set out the national framework regulating different aspects of Council business that impact on the levels of carbon emissions. The overarching legislation is the Climate Change Act 2008 which commits the UK government by law to reducing greenhouse gas emissions by at least 100 percent of 1990 levels (net zero) by 2050. The 100 percent target was based on advice from the Climate Change Committee's 2019 report. The Climate Change Act did not include a statutory duty for local authorities to develop plans and deliver cuts in line with its carbon budgets. Nor did it set local authorities their own carbon budgets.

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

Nothing further to add in addition to the content of the report, as the feedback has been covered within the drafting.

FINANCE AND OTHER RESOURCE IMPLICATIONS

At its July 2019 meeting (item 24) Cabinet allocated £150,000 of the General Fund Variance for 2018/19 to a climate emergency budget, producing 2021's energy audit reports and consultancy fees. Subsequently, at its December 2019 meeting (item 101) Cabinet allocated £250,000 from the existing Asset Refurbishment/Replacement Reserve to fund Climate Change Projects to make improvements at TDC Leisure Centres, as outlined in a previous case study, for pool covers and LED lighting. As reported as part of the General Fund outturn position for 2023/24, the remaining balance on the Asset Refurbishment/Replacement reserve is £1.019m.

This Cabinet Report is not designed to commit the Council to specific projects but instead refocus commitment to the updated 2024-2027 Action Plan itself, and therefore there are no immediate financial implications. However, the extension of the target date to 2050 reduced the financial risk to the Council, as meeting the target would require substantial and potentially unsustainable

borrowing to carry out the works needed to reach net zero. The longer target date allows for national funding opportunities to be made available in the meantime which could support the Council to meet the aims outlined in the updated Plan, and for the reduction in price in new low carbon technologies.

Prominent emitters have been identified as part of the Council's remit and responsibility (Leisure, Housing, Office Estate, and Scope 3 Veolia for Waste Collection) and the updated Plan offers a strategic view of options to be further pursued to address these. Costed projects will be subsequently brought forward before decisions can be made or work progressed in any specific project contained within the Action Plan.

The actions have been considered in terms of available funding, prioritising those already underway or achievable within currently available resources, with the distribution set out below:

Funding		
Within existing resources	Possible within existing finances and/or funding already in place	80%
Funding available	Existing fund identified: Capacity and/or revenue implications to apply	5%
Subject to funding	Funding to be identified	15%

Potential funding sources identified are set out within the plan and include the Public Sector Decarbonisation Scheme, Green Heat Network Fund and OZEV Workplace Charging Scheme, recognising that there are costs associated with applying for and managing external funding .

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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The report has been reviewed, with no additional comments necessary.

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 change of target date increases the financial sustainability of the Council as achieving the goal by 2030 could require unsustainable borrowing levels to deliver.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks	Costed plans and standard procurement processes will be undertaken in due course for specific projects laid out in the Plan, with required governance to be brought forward before any work is committed to. The APSE report has provided the information required to manage the financial risks associated with the Climate goal.

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 APSE report sets out the cost information required to make an informed decision on the Climate Action Plan 2024. Value for money and commitment to the net zero principles will be considered as part of all aspects of TDC work going forward as per the 2024-28 Corporate Plan.
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MILESTONES AND DELIVERY

The updated Action Plan relates to the period from 2024 to 2027 inclusive. Based on the time of adopting the strategy towards the end of 2024, actions are assigned to:

- Year 1 2025, Year 2 2026 or Year 3 2027 where time limited, such as the preparation of a specific strategy or completion of a specific element of work; and
- 'ongoing' actions which are continual or regular in nature, such as annual reporting.

The distribution of actions across the time period has been considered to avoid an uneven burden on any one period. The split is set out as follows:

Timescale

2025	Target to complete within Year 1	20%
2026	Target to complete within Year 2	20%
2027	Target to complete within Year 3	20%
Ongoing	Action ongoing over strategy period	40%

The actions set out have also been considered in terms of available resource, to mitigate placing an unachievable additional burden on council resources, with sixty percent of actions already with resource in place.

Recognising the evolving nature of any strategy, the Action Plan proposes a milestone review at the end of Year 1, to appraise the updated position, with particular consideration of the policy position and funding availability.

The actions identified for Year 1 are set out below.

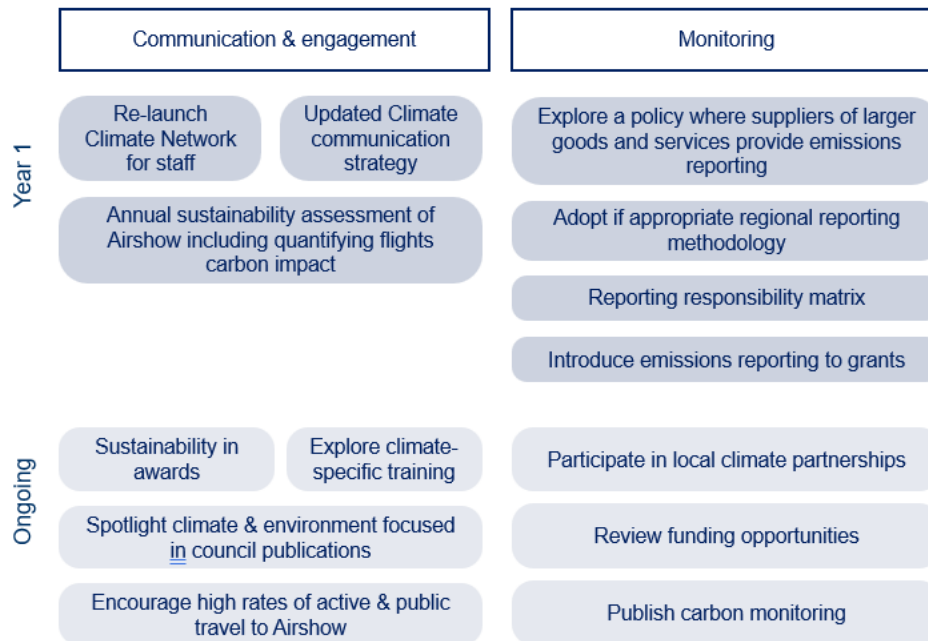
Low Carbon

		Scope 1	Scope 2	Scope 3			
Year 1		Our buildings	Our electricity	Council housing	Homes in Tendring	Travel in Tendring	Travel in Tendring
		Performance review of our council assets Building upgrades to Clacton Leisure Centre	Transition to single supplier	Housing Investment Programme review	Jaywick Healthy Homes Initiative 1 Jaywick Sands Energy Hub Fuel Poverty Officer	Improved cycle infrastructure and signage Improved bus infrastructure in Clacton & Jaywick	Support staff to cycle to work such as Cycle to Work
Ongoing		Operational review of council assets	Support National Grid decarbonisation Engage with national National Strategic Infrastructure Projects (NSIPS) consultations	Pro-active maintenance to reduce emissions Resident engagement promoting behaviour change	Promote heat networks Require higher energy efficiency of new homes Promote Sustainable Warmth	Support Town Centre Success Include Social Value in Council contracts Support local business growth	Promote collective travel Hybrid working & events

High Nature

		Care for our environment		Climate adaptation	
		Less waste, more recycling	Nature recovery and biodiversity	Preparing for future change	Water use & efficiency
Year 1		Review council offices waste contracts	Develop a Nature Strategy for ecology & biodiversity improvements on council-owned land		Water Cycle Study
		Work with key partners to promote single use schemes Internal comms: recycling and single use plastics	High aspirations of BNG Promote Tendring Land Bank Tree planting Local Plan update	ECC & EA flood defence engagement Require high levels in all new developments High aspirations for SUDS	Water efficiency in new developments Anglian Water engagement on infrastructure Promote national low usage schemes
Ongoing					

Our Operations



ASSOCIATED RISKS AND MITIGATION

Financial

The transition to net zero will have costs for the Council, as it is required to change its upgrade its buildings, heating systems and fleet. The costs are currently estimated at £18M by APSE, including a low carbon third party waste collection fleet. However, by aligning the target with the Government’s ambition, currently 2050, the Council makes the achievement of the goal more financially sustainable, both as costs are spread over a longer period, and as Government regulation and private markets have the time to mature to make the transition to net zero the cost effective option. In addition, the actions within the Action Plan will require additional governance.

Reputational

There may be reputational implications of the change of target date to from 2030 to 2050. However, aligning with the national target date allows the Council to demonstrate its financial prudence for taxpayers and realistic, evidence based approach to delivering on net zero. The Council has commissioned research to set out the costs of meeting the current ambition, and does not have the resources to achieve it.

Policy

No change has been indicated by the current Government to the 2050 date for achieving net zero carbon. However, Government could bring forward the net zero target date, which would bring the Council’s date forward as the two align. However, any new statutory responsibilities would come with new burdens funding for delivery, and the government would need to regulate and invest to meet any nearer date than 2050, which would support the district council to meet the changed date.

Delivery

There are delivery risks to the Action Plan. There are limited resources within the Council to take forward projects and monitoring of carbon emissions, and funding for actions in the plan will be decided on a case by case basis against other priorities. As a result the action plan is realistic in scope and includes in one place a number of actions which are already underway to reduce carbon

emissions and promote nature, for example bio diversity net gain, or asset improvements.

EQUALITY IMPLICATIONS

No specific protected characteristic is impacted positively or negatively via these recommendations. Further EQUIA will come forward on a case-by-case basis as projects are recommended in due course.

SOCIAL VALUE CONSIDERATIONS

The Plan is not only focused on Low Carbon, but also a High Nature. As well as improving the area’s impact on the climate, this High Nature focus will have wider benefits to the local community, including well-documented benefits to mental health and biodiversity of improved nature facilities and green spaces, better access to active travel, and improved air quality.

Local suppliers and wider social value considerations now form part of the Council’s procurement process and therefore further detail will come forward on this aspect on a project-by-project basis.

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

This topic responds directly to this aim by retaining focus on the overall aim but recommends moving the Net Zero target date to 2050 as set out in detail in the rest of this report. The action plan sets out actions that will reduce carbon in the coming years.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder	No impact on crime and disorder is anticipated as a result of these recommendations.
Health Inequalities	Moving towards and reaching net zero has a number of health benefits for residents including improved air quality and aspects such as active travel. However, updating this Plan specifically does not impact any health inequalities in and of itself.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	This updated Plan will require standard procurement procedure for any external works and is therefore not subject to subsidy control considerations.
Area or Ward affected	All Wards

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In August 2019, Council declared a Climate Emergency with a commitment to the Council’s operations becoming carbon neutral by 2030 and community leadership activities pursued in order to influence and encourage others across Tendring to strive towards carbon neutrality for the District as a whole. That declaration had committed the Council to a number of actions including setting up of a members’ working group, the calculation of the Council’s carbon emissions and the development of a climate change action plan.

The previous Climate Action Plan

At its meeting in November 2020, Cabinet recommended to Council that the Tending Climate Emergency Action Plan 2020-2023 be adopted and that, in view of the significance of this plan, the Constitution (Part 4.01(a)) be amended such that the list of local choice plans to form the policy framework of the Council would include the Climate Change Action Plan. Council approved this at its meeting on 24 November 2020 (Minute no.45).

In 2020, Cabinet accepted changed terminology, from 'carbon neutral' to 'net zero'. This reflects that operating a Council is an activity that is unlikely to ever be possible without the emission of some greenhouse gases. The emissions that we cannot prevent will have to be offset.

The previous Action Plan covered the period to 2023, and has been reviewed to reflect ongoing work, identify new opportunities and lessons learnt, recognise successes and examples of good practice which can be replicated, and crucially monitor progress against the aim of becoming net zero by 2030 ("the current target date").

The current 2030 target date includes only the Council's direct emissions (called 'scope one') and emissions from electricity generation (called 'scope two'), not those of suppliers (known as 'scope three'). Scope three emissions include the services the Council delivers via business contracts rather than directly employed staff, such as waste collection.

Emission reductions

With 2018/2019 providing a data baseline, the Council emitted 2,797 tonnes of carbon for scope one (internal) and scope two (electricity) emissions in that year. In 2021/22 this had fallen to 2,245 tonnes of carbon emitted. As a result, the Council saved 552 tonnes of carbon since the baseline year in direct emissions made up from 144 tonnes of scope one (internal) emissions, and 376 tonnes from scope two, electricity.

In addition, we recorded 2,317 tonnes of carbon emissions in the baseline year of 2018/19 through our supply chain, called scope three emissions. This had fallen to 2,052 by 2021/22. The majority of these emissions come from the Veolia fleet of waste vehicles.

Looking forward: aligning the Council's target Date with the National Target

In 2024 the specialist firm APSE reported on the action required to meet the 2030 net zero ambition, including for Veolia waste fleet, which is in scope three. APSE identified opportunities to achieve the target by 2030, including the installation of air source heat pumps at Clacton Town Hall and a zero carbon waste fleet. However, it was estimated that to meet the target by 2030 would require investment of £18 million, at a time when the Council is required to find substantial savings.

As the Council cannot financially sustainably meet its 2030 ambition, it is recommended that the Council aligns its target date for scope one and two emissions to reach net zero to national the Government target date, which is currently set at 2050. This change is a realistic, value for money approach to responding to climate change. Aligning with the national target means that the Government policy, regulation and funding required to meet net zero will be brought forward to enable the Council to meet what remains a challenging ambition. It also means that innovative low carbon technologies will have time to mature and become cost effective.

Developing a new Climate Change Action Plan for 2024-2027 for Cabinet's approval

Once Council has approved the new target, the Climate Action Plan 2024-2027 at Appendix A sets out the steps the authority will take to make progress towards our net zero ambition. This plan demonstrates that the Council remains committed to reducing carbon emissions and to nature recovery.

The new Climate Change Action Plan is based on a theme of 'High Nature, Low Carbon', and identifies climate action as important in its own right and also a key contributor to the future of the local economy, jobs and skills, community impact initiatives, social wellbeing, as well as direct savings to the Council supporting value for money services for residents.

The 2024 Action Plan has been reviewed and then edited in line with recommendations made by APSE, based on examples of best practice nationally. It is ambitious but realistic, identifying opportunities for Scope one, two and three reductions in emissions and recommending the moving of the target date to 2050. The new Draft Plan can be viewed at Appendix A. The Council will look to opportunities for funding, technologies and resourcing to facilitate delivery of the plan.

PREVIOUS RELEVANT DECISIONS

[Cabinet July 2019 Original Allocation to Climate Emergency Budget](#)

[APSE Energy Contract Dec 2019](#)

[Adoption of Climate Change Action Plan Nov 2020](#)

[£250,000 Drawdown for LEDs, Pool Covers, and Heat Studies Oct 2023](#)

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

[Audit Committee 2-Year Progress Update Oct 2023](#)

[CEUK Climate Scorecard Relevant Links](#)

- CEUK's methodology for 2024 can be viewed at <https://councilclimatescorecards.uk/methodology/>
- FOI questions can be viewed at <https://docs.google.com/document/d/1psO30U3LlqdJTVta9vqnm1U0qi8Jhtr8ua5aPhPIqDA/edit>.
- TDC 2021/22 Scorecard can be viewed at <https://councilclimatescorecards.uk/plan-scorecards-2022/scoring/district/#jump=tendring-district-council>
- TDC 2022/23 Scorecard can be viewed at <https://councilclimatescorecards.uk/scoring/district/#jump=tendring-district-council>

APPENDICES

Appendix A – 2024-2027 Climate Action plan

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Climate Action Plan 2024-2027

Low Carbon, High Nature

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A.10 APPENDIX

Foreword

Climate change poses a global challenge, demanding urgent and collective action. Tendring District Council (TDC) acknowledges this imperative. This **Climate Action Plan** reflects a commitment to our local initiatives that complement national efforts. The plan, rooted in principles of low carbon, high nature, and financial sustainability, aligns with the UK's goal of net-zero carbon emissions by 2050.

TDC has made significant strides, reducing its emissions by over a fifth since 2018/19, primarily through decreased electricity emissions. This progress exemplifies the Council's dedication to environmental stewardship and sets a precedent for the broader Tendring community to amplify its climate action.

The Council's approach to 2027 is pragmatic, aligning its net-zero target with central government timelines, ensuring that ambitions are attainable and grounded in financial viability. By doing so, the Council leads by example and encourages a district-wide increase of climate-responsive measures, to support a future where Tendring thrives as a sustainable and resilient community.

Cllr. Adrian Smith, Portfolio Holder for the Environment

Executive Summary

Tendring District Council (TDC) declared a Climate Emergency in August 2019 and published the council's first Climate Change Action Plan in November 2020, setting out a plan of action for the three years up to 2023.

In November 2024 the Council aligned the date for achieving Net Zero carbon emissions with national Government, currently set at 2050. This updated Action Plan 2024-7 sets out what the council has achieved to date, reflecting on the progress that has been made since 2019; and establishes a refreshed set of actions for 2025.

Our strategy champions the benefits that improving efficiency and reducing waste will bring for our residents. Reducing our collective carbon consumption has the potential to deliver improvements to day-to-day life across the district: from supporting health and wellbeing; protecting our special coastlines and landscapes and reducing costs.

Significant events, not least COVID-19, have had global, national and local impacts in the period since the original Climate Action Plan was adopted – but also shone a light on the power of collective action.

This refreshed plan aims to establish **a renewed, realistic and pragmatic roadmap** for how the council will use its **combined influence, powers and resources** to achieve **Net Zero**. This is what we are doing – to power our services, reduce waste and build nature – and make our council more effective and more efficient.

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1. Introduction

The Challenge

As the impacts of a changing climate increase across the world, local authorities like Tendring District Council (TDC) are taking proactive measures to mitigate its impact and ensure a sustainable future for our communities. Globally, climate change poses significant challenges, evidenced by rising temperatures, extreme weather events, and dwindling natural resources. In response, nations around the world, including the United Kingdom, have set ambitious objectives to reduce carbon emissions and transition to a low-carbon economy.

In 2019 when the Council declared the Climate Emergency, the Council set the aspiration of achieving carbon neutrality by 2030. Progress has been made in reducing our Scope One emissions since then, such as through streamlining our estate, and further progress has been made in terms of Scope Two emissions, largely down to central Government commitments moving from coal and gas to renewable energy generation, resulting in lower carbon electricity.

In renewing the council's commitment to climate action and updating our Plan for the period 2024-7, the Council asked experts APSE Energy to carry out a high level review of the likely costs for the Council to reach Net Zero by 2030. APSE Energy's report provides the council with a clear evidence base, assessment of the actions identified to date, and identification of good practice that may be applicable from elsewhere in the public sector. Based on this evidence achieving Net Zero by 2030 would require primarily capital investment of £18m. The council's declaration in 2019 recognised external investment and funding as essential for the council's transition to Net Zero. The evidence shows the importance for government to provide additional funding to enable local authorities to make the progress necessary to decarbonise.

At the same time, as is well known, local authority finances nationwide are under substantial pressure, with inflation driving costs to rise faster than revenues. While TDC remains in a stable financial position through prudent management over many years, it needs to make tough choices to remain on a strong financial footing, focused first on its statutory responsibilities. At the time of this Plan's development, the Council is seeking £3m annual savings target on a net £14m budget.

Our plan to 2027

At the national level the UK government has outlined comprehensive targets aimed at achieving Net Zero carbon emissions by 2050. Based on the resources currently available, the council's strategy for 2024-8 moves to align our targets with the UK's national objectives to achieve Net Zero by 2050.

The move to achieve net zero by 2050 takes a realistic, value for money approach to responding to climate change. Aligning with the national target means that the Government policy, regulation and funding required to meet net zero will be brought forward to enable the Council to meet what remains a challenging ambition. It also means that innovative low carbon technologies will have time to mature and become cost effective.

This strategy sets out how we will work with the resources currently available to the council, and further actions that would be possible subject to additional funding. We will focus our efforts where we can see reductions in carbon and also reductions in future revenue as a result of investment. The Council's plan is guided by the principles of low carbon, high nature, set in the context of the requirement for financial sustainability. Our Plan is aligned with the ambitions of Essex County Council's Climate Commission, a collaboration dedicated to driving forward climate action across the county.

It is very clear that a collaborative approach is needed to tackle the Climate Emergency: the council recognises the important role local authorities play in driving collective action to urgently address climate change and is committed to continue to show community leadership. In order to do this, it is crucial that we adopt a credible plan of action.

2. Context

The Council's declared Climate Emergency in August 2019 passed by full council. The motion defined a suite of immediate actions to frame the council's proactive response to the Climate Emergency, namely the preparation of an Action Plan to form part of the Policy Framework, with the aim of the Council's activities being carbon neutral by 2030, and called for external funding to support action.

The motion initiated a Working Party to work alongside officers on the preparation of the Action Plan; established a Climate Emergency budget including funding to finance the Plan's preparation; and set out the Plan's expected structure.

The council's first Climate Emergency Action Plan, adopted in November 2020, covered the period 2020-3, with the expert input of consultants APSE Energy. The Plan set out actions and milestones to be taken by the council; alongside community leadership actions, for wider opportunities and priorities for the council's partners and communities it serves across the district, in pursuit of tackling climate change.

Our corporate priorities

Tendring District Council's Corporate Plan 2024-7 puts community leadership at the heart of everything we do. With research suggesting that local authorities have significant power to influence over a third of emissions within their areas, the council recognises both our responsibility and the opportunity of our leadership to drive the transition to Net Zero across the district. This strategy seeks to continue working proactively with partners and empower local communities to work together towards a cleaner, greener, healthier and more equitable district of climate-resilient communities.

The actions set out here will contribute to this goal and the council's corporate aspirations and priorities:

Championing our local environment

- To do what is within the council's control to protect Tendring's important and unique natural landscapes in the face of a changing climate
- Enact holistic measures to tackle both the climate and ecological crises

Pride in our area and services to residents

- Continue to deliver the council's statutory services alongside ambitious climate action
- Consult with the public as part of the delivery of individual projects and actions

Working with partners to improve quality of life

- Using the council's power to enable and convene partners and communities
- Champion the opportunities of climate actions to also deliver powerful health and wellbeing benefits

Raising aspirations and creating opportunities

- Seeking to lead the way in climate action locally, and championing our partners to do the same
- Build local skills in low carbon and green economies to support local economic growth
- Boost local public awareness around the changing climate, the challenges this poses, and the actions we can all take to make our communities more climate resilient

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

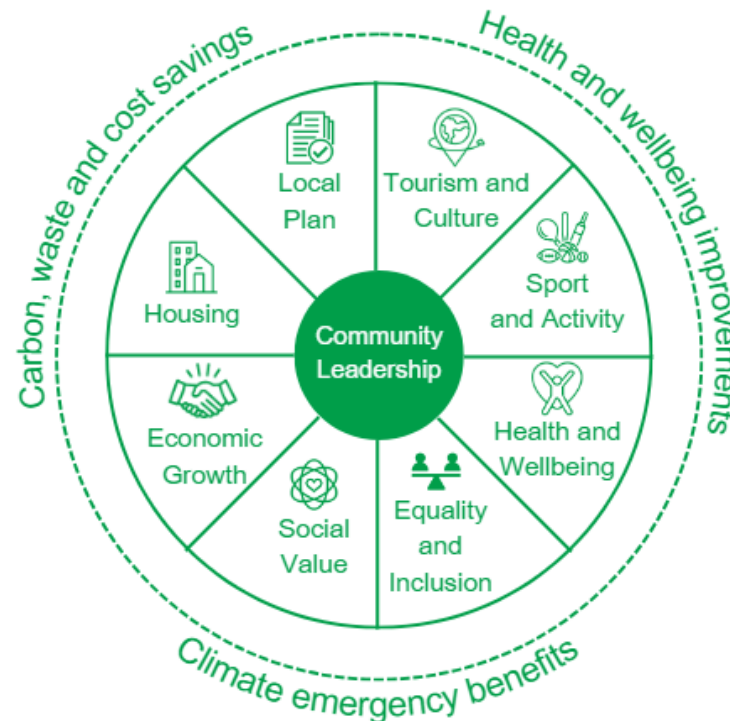
- Work to align other council strategies and activities with our sustainability commitments to harness the opportunities that these present, such as green tourism

Financial sustainability and openness

- By utilising opportunities for funding from central government and private partners

- Continuing to monitor, report on and adjust the council's approach, actions and targets, to ensure that the measures being taken are deliverable and achieve best value

In addition, this document should be considered in conjunction with a range of approved and emerging Council strategies, including the Economic Development Strategy, the Sport and Activity Strategy, and the emerging Health and Wellbeing and Social Value strategies. The actions identified here are mainly taken from these existing strategies already in place across the council, together presenting a significant opportunity to save cost, waste and carbon, and bring health & wellbeing improvements to residents and communities across the district:



Terminology & structure

This Plan adopts the definition of '**Net Zero**', a development from the climate emergency declaration which referenced 'carbon neutral'. Since the declaration, both approach and terminology surrounding climate action have developed further: with 'carbon neutral' increasingly open to interpretation; and a cross-sector, international drive to be proactive in terms of Scope 3 emissions. Accordingly, in refreshing our plan of action for the coming years, TDC have adopted the revised terminology, which is recognised to involve reducing emissions as much as technically and financially possible with remaining hard-to-reduce emissions offset – thereby achieving 'Net Zero' emissions.

In setting out the council's **Low Carbon** commitment, this Plan adopts the structure of **Scope 1, 2 and 3 emissions** to ensure transparency and clarity in terms of where the council is able to directly control emissions, and where the council's remit will be to seek to influence other partners and show leadership. The Scopes are defined as follows:

- **Scope 1** emissions are those that come directly from sources owned or controlled by the council. For example, emissions from oil or gas heating systems; operational vehicular emissions; and refrigerant gases from air-conditioning.
- **Scope 2** emissions arise from the council's consumption of purchased energy. For example, this includes emissions made by our energy suppliers in the process of producing the energy the council uses for our assets and operations.
- **Scope 3** emissions exist elsewhere within the supply chain, either up- or down-stream from the council, and though related to our activities are not within the council's direct control, such as emissions from our suppliers, waste disposal and recycling services and council employees commuting to work.

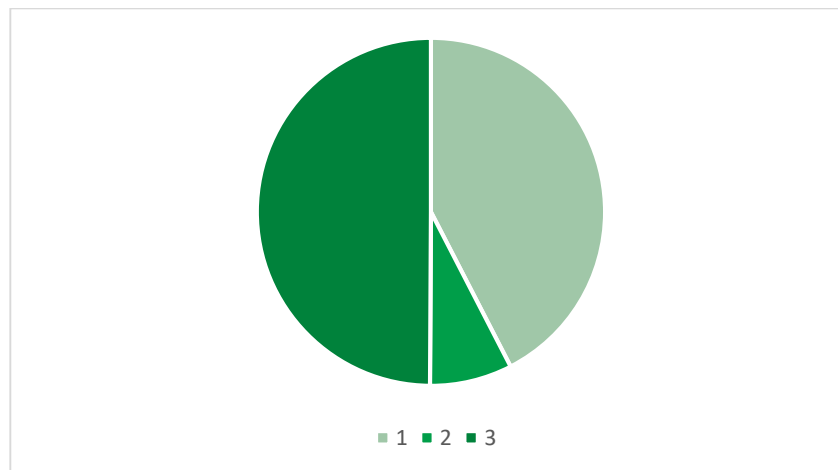


Figure 1 Distribution of emissions across Scopes 1, 2 & 3

Within each scope, the Plan identifies specific **areas of focus**, such as **Transport** or **Homes**. Further themes relating to the council's **High Nature** commitment and ongoing **Climate Action** activities such as **Communication and Monitoring** are also set out. Each **area of focus** follows the same structure, which can be navigated as follows:

- | | |
|-------------------------------------|---|
| Target | - Setting an over-arching target for the theme: for instance, a measurable reduction in carbon emissions |
| The Challenge | - Summarising the particular risks and considerations posed within each theme, which the council needs to be cognisant of, as well as the wider context for action |
| What we have achieved so far | - Setting out what the council has already achieved under the previous Plan period 2020-3 to recognise where we have already made progress and champion others within the district to do likewise |
| Our plans for Year One | - Identifying specific actions which the council commits to take during Year One |

What we have achieved so far

The Council has calculated its emissions since 2018/19 (the baseline year). The data currently available suggests that overall emissions have reduced since then over a fifth. This fall largely attributed to a steady decrease in emissions from electricity. The available data suggests that electricity consumption has reduced by 58% from the baseline year, emissions from electricity have also reduced as the carbon intensity of the electricity grid has reduced annually as more power from renewables is contributed towards electricity generation.

The Council has taken several specific actions to reduce its carbon emissions, as outlined in the October 2023 Audit Report. The council has successfully integrated climate action into its planning across departments, embedding it in the reporting structure, ensuring that environmental considerations are a core aspect of its operations, such as:

- The installation of LED lights at the Council's Sports Facilities, which not only reduce energy consumption but also lower maintenance costs due to their longer lifespan;
- Installation of pool covers in all three swimming pools across the district to reduce energy consumption of one of our largest energy users;
- Completed the Award-winning Sunspot business units and market in Jaywick Sands, with an EPC rating of A;
- Establishing high energy efficiency targets for our new build properties, including Passivhaus equivalent level of performance for a major new masterplan, residential & commercial development in central Clacton-on-Sea;
- Securing funding Government's Swimming Pool Support Fund to install a Building Management System (BMS) and a new Air Handling Unit at Walton-on-the-Naze Lifestyles. These systems are designed to optimise energy use and improve indoor air quality.

These actions demonstrate Tendring District Council's commitment to reducing its carbon footprint and its proactive approach to implementing its Climate Emergency Action Plan.

CASE STUDY: Reducing waste to save cost and carbon from one of the Council's most significant emitters

The period from the first Climate Emergency Action Plan has seen substantial work to improve the district's leisure centres, investing in the infrastructure and energy efficiency measures across the Dovercourt and Walton-on-the-Naze sites. Further works continue as part of funding secured from the Swimming Pool Support Fun. Measures delivered have included:

- Pool covers, aiming to deliver the equivalent savings of just under 130,000 kWh per year
- Replacing lighting throughout the three district sites with LED luminaires, forecast to save almost £50,000 per year
- Increasing monitoring rates of energy usage from weekly to daily to more closely track consumption patterns and improving internal procedures for the tracking and recording of raw data
- Physical upgrades including insulation to plant rooms and pipework lagging to reduce energy wastage
- Upgrades to systems across the two sites including Variable Speed Drives, Air Handling Units and Building Management Systems, with savings forecast to achieve 70,000 kWh/annum saving for Gas and 19,600 kWh electricity savings per year with the new BMS system and a further energy saving of 89,600 kWh per year resulting from the AHU
- Introducing periodic external environmental audits to identify additional measures and support best practice across both centres

Measures to improve operations at the Clacton-on-Sea Leisure Centre are being considered as part of wider feasibility work towards the ambition of establishing an Active Wellbeing Hub, aiming to both substantially upgrade facilities on site and contribute to improving health and wellbeing across the district.

Future savings are compared to the baseline year of 2018/9. The Council has calculated its Scope 1 & 2 emissions and known Scope 3 emissions between 2018/19 to 2022/23 as shown in the table below, with graphic analysis of the data set out in the relevant Scope sections:

Table 1 Carbon emissions by scope between 2018/19 and 2022/23

Emissions	Reporting Year				Baseline Year
	Apr 2022 – Mar 2023	Apr 2021 – Mar 2022	Apr 2020 – Mar 2021	Apr 2019 – Mar 2020	Apr 2018 – Mar 2019
Scope 1 - Direct Emissions	1,660	1,577	1,455	1,716	1,721
Natural Gas	1,217	1,093	1,024	1,161	1,199
Fuel Oil	268	269	230	331	314
Council Owned Vehicle	175	215	201	225	209
Scope 2 – Electricity Emissions	299	669	654	892	1,045
Total Scope 1 & 2 Emissions	1,959	2,245	2,109	2,608	2,767
Scope 3 – Indirect Emissions	1,951	2,052	1,771	1,938	2,317
Gas – Well to tank emissions	207	187	133	151	167
Fuel Oil – Well to tank emissions	59	59	44	5	5
Council Owned Vehicle – Well to tank emissions	42	52	48	54	50
Electricity – Distribution and transmission emissions	27	59	56	76	89
Electricity – Well to tank emissions	71	174	90	135	168

Water Supply	11	9	14	12	14
Water Treatment	19	16	28	25	27
Leased Assets emissions	N/A	N/A	N/A	N/A	310
Employee Vehicle emissions	53	60	40	91	83
Third Party Vehicle emissions	1,461	1,435	1,317	1,390	1,404

Total Gross Emissions	3,909	4,297	3,881	4,546	5,083
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Carbon offset	0	0	0	0	0
Solar PV Exported	0	0	0	0	0

Total Net Emissions	3,909	4,297	3,881	4,546	5,083
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Further Information					
Solar PV Generated	0	0	0	0	0
Degree Days at 15.5 °C (an indicator of heat demand)	1,673	1,891	1,875	1,856	1,757

Total electricity kWh	1,545,057	3,149,552	2,805,971	3,487,918	3,692,656
Total gas kWh	6,664,382	5,969,015	5,566,860	6,312,744	6,516,069

Net Zero Carbon

The Council commissioned a carbon trajectory showing a projection of the Scope One, Two, and Three carbon emissions to achieve a Net Zero target by 2030.

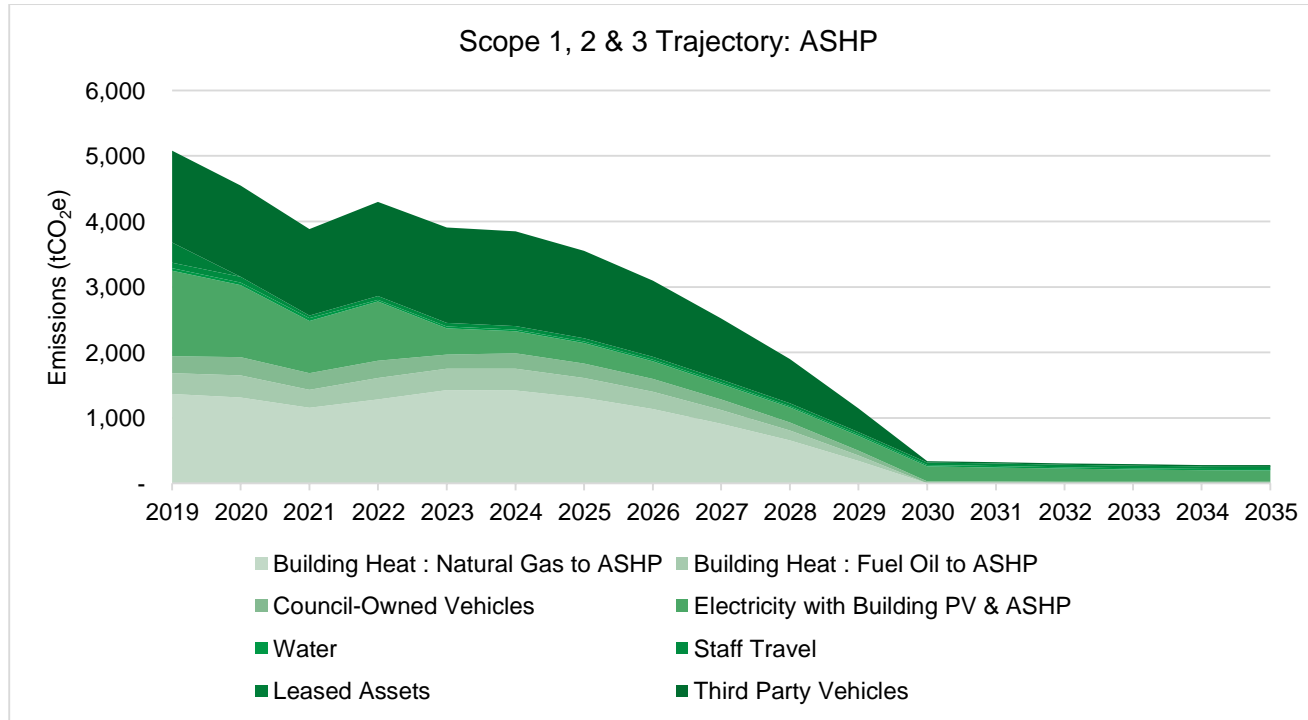


Figure 2 Scope 1 & 2 CO₂e trajectory

The trajectory showed that a 93% reduction in carbon emissions from the baseline year of 2018/19 would be required. To achieve the above reduction by 2030 would require actions for the Council such as: improving energy efficiency of buildings; installing Air Source Heat Pumps; generating power; replacing council owned vehicles; and developing a tree planting scheme. It is estimated that there would be 336 tCO₂e from hard-to-reduce sources that will be unavoidable by 2030 that would need to be offset through a further range of measures.

However, an estimated financial budget of approximately **£17.9million** would be required to reach Net Zero carbon by 2030 through these measures, set against forecast savings of £448,000 in 2030. As a result, the Council could not financially sustainably reach net zero by 2030.

The Council will align its target date for Scope One and Two emissions to reach net zero to national the Government target date, which is currently set at 2050. This change is a realistic, value for money approach to responding to climate change. Aligning with the national target means that the Government policy, regulation and funding required to meet net zero will be brought forward to enable the Council to meet what remains a challenging ambition. It also means that innovative low carbon technologies will have time to mature and become cost effective.

Low Carbon

3. Scope One Emissions

The Council is committed to reducing its direct carbon emissions. These emissions are easiest to monitor and reduce, because the council is in direct control of their sources. There are four categories of Scope 1 emissions:

- stationary combustion, such as boilers;
- mobile combustion, such as vehicles;
- fugitive emissions, unintentional emissions such as from leaks; and
- process emissions, which come from industrial processes.

Based on the available data for 2022/3, Scope 1 emissions consisted of just over 40% of the council's emissions, compared with just under 35% of the council's overall emissions in 2018/9. The increase in relative share, despite some reductions in the council's Scope 1 emissions, is due to the most significant reductions in emissions being achieved within Scope 2, due to the decarbonisation of the National Grid.

Based on the available data for 2022/3, a 3.5% reduction in Scope 1 emissions has been achieved since the baseline date of 2018/9:

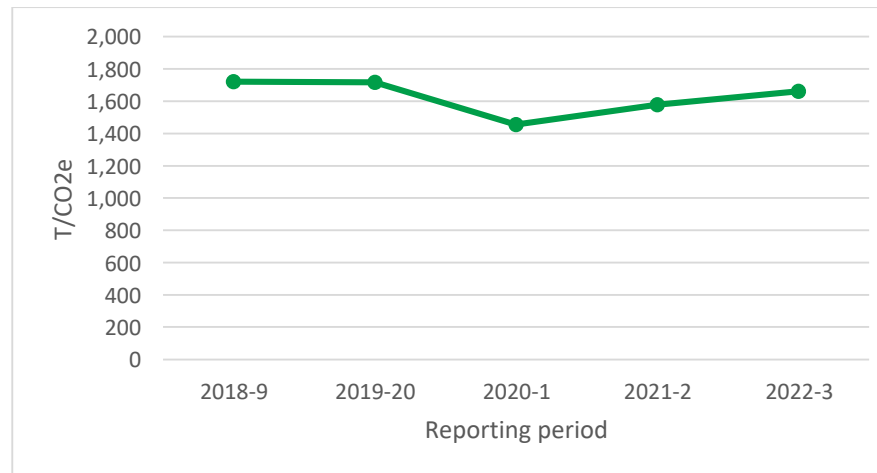


Figure 3 Scope 1 reduction since baseline year

The relative share of the council's Scope 1 emissions for the data available for 2022/3 shows 89% of the emissions resulting from the council's estate, with the remaining from our vehicle fleet:

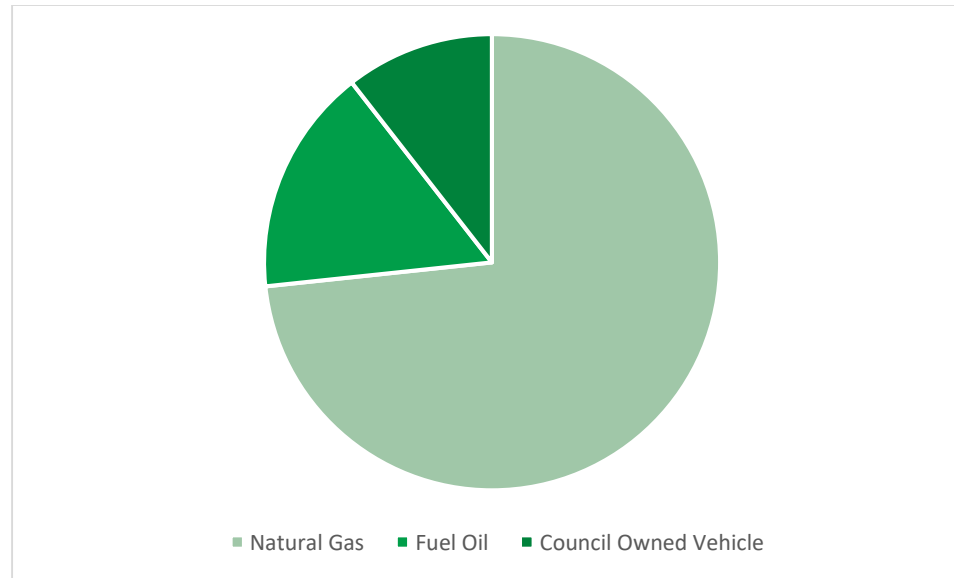


Figure 4 Relative make-up of Scope 1 emissions

The council's main areas of focus within Scope One emissions are:

- **Our buildings:** working to boost energy efficiency and climate resilience through a low carbon estate
- **Our vehicles:** transitioning to a low-to-zero carbon fleet

3.1 Our Buildings

Target: Reduce carbon emissions from our buildings from 2,244tCO₂e in 2018 to 229tCO₂e in 2035

The challenge

The Committee on Climate Change recommended delivering a 78% reduction in emissions from 1990 to 2035 nationally, in order to achieve Net Zero by 2050.

Reducing energy consumption has the benefit of moving the Council towards Net Zero at the same time as saving the increased costs of energy.

The council has a short list of energy intensive buildings. The three leisure centres (electricity, gas and oil) and the Town Hall (electricity and gas) use most energy.

Street lights that TDC own and Pier Avenue Office are high electricity users.

In addition the communal areas in council housing is a high energy user. Mary's Court has high electricity usage, and Groom House, Greenfields, Crooked Elms, Vyntoner House and Mead House have high gas usage.

What we have achieved so far

- The Council has reduced the size of its estate, closing the Weeley Offices, which included an oil fired boiler.
- Energy audits have been commissioned for the most significant council assets including the Town Hall and leisure centres, identifying a range of measures through which the energy efficiency could be improved at each site;
- We have also made our estate more efficient, for example improving operation of the Town Hall, and building new buildings with a high energy efficiency, such as the EPC rated A Sunspot in Jaywick Sands.

Our plans for Year One

The Council will work to reduce our Scope 1 emissions through the following actions in the period through to 2025:

- Making building upgrades to Clacton Leisure Centre, including feasibility study for identify future proposals for the site in the context of the proposed Active Wellbeing Centre;
- Completing a performance audit of the Council's assets, including both corporate estates and Housing Revenue Account, with a gap analysis of Energy Performance Certificates (EPC) and related recommendations reports;

- Continuing to monitor and appraise the operational effectiveness of the Council's estate and making further efficiencies where possible (ongoing action).

CASE STUDY: Removing the barriers to create a landmark of social sustainability

The Council recently delivered The Sunspot, a landmark, purpose-built business centre on the seafront at Jaywick Sands, offering 24 affordable units designed to support local entrepreneurs taking their first steps, start-ups looking to grow or established businesses looking to expand. The centre has already proven a significant success, hosting a diverse range of local organisations, with multiple businesses having already upgraded into larger units due to the sustained growth they achieved since arriving, in the year since the centre launched.

A high level of energy performance in the building helps to reduce the barriers for local residents starting and scaling businesses, by reducing the running costs of premises through measures including:

- A passively designed and fabric-first approach to carbon reduction for operational carbon, ensuring that the orientation, layout, design and construction technology used passively reduces the amount of carbon needed to heat and light spaces, as well as lowering the energy required to maintain the building;
- Windows designed to be the right size for daylighting and views without causing overheating and avoiding need for mechanical air handling and/or air conditioning, further supporting by designed-in solar shading;
- Airtightness reduces heat losses in the cooler seasons and high insulation performance is specified, utilising mineral wool insulation which has a relatively low embodied carbon when compared with XPS or PIR;
- Low energy fixtures and fittings including: metering to all units, which has been shown to be very effective in driving down resource usage; internal and external LED light fittings throughout;
- Design for climate adaptation, such as the hotter summers and wetter winters likely in the coming decades, using high levels of insulation, pale cladding and solar shading to reflect excess heat; and robust structure & drainage including flood resilient building fabric and services;
- All-electric services powered by renewable sources and incorporating ASHP as the primary heat source;
- Demountable steel frame allowing recycling or reuse at end of life, alongside mechanically fixed sheet cladding;
- Community garden provides biodiversity benefits such as native planting and aggregate landscapes supporting invertebrates;
- Low running costs delivered by the Fabric First approach taken have supported organisations to deliver social value such as community programming, supporting social sustainability as well as climate action.

3.2 Our vehicles

Target: Reduce emissions from the vehicle fleet from 209tCO₂e in 2018 to 25tCO₂e

The challenge

Four percent of the Council's carbon emissions come from our fleet of 61 vehicles. The vehicles are required by services including Open Spaces, Building Services, and Beach Patrol.

The challenge to electrification is the power, range and cost of electric vehicles compared to petrol and diesel vans and trucks.

The waste fleet accounts for a 37% of the overall emissions from the Council across all scopes; as it is contracted out, it is a major contributor to the council's Scope 3 emissions and covered in that later section.

What we have achieved so far

- The Council has already purchased four electric vehicles, making 2% of our fleet electric, which exceeds national standards.
- Budgets have been allocated internally to facilitate rolling out EV charging points across the Council's assets, commencing with the Town Hall, to support further conversion of the fleet.

Our plans for Year One

Over the course of this Action Plan period, the Council will continue to work to reduce emissions from the vehicular fleet. No specific deadlines are identified for 2025.

4. Scope Two Emissions: Electricity

Sometimes referred to as indirect emissions, Scope Two relates to emissions released as part of the production of electricity used by the council. This can be reduced through moving away from electricity generated by fossil fuels, such as by using renewable energy sources such as wind and solar.

Based on the data available for 2022/3, Scope 2 emissions made up just under 8% of the council's overall emissions, reduced from just over 20% in the baseline year.

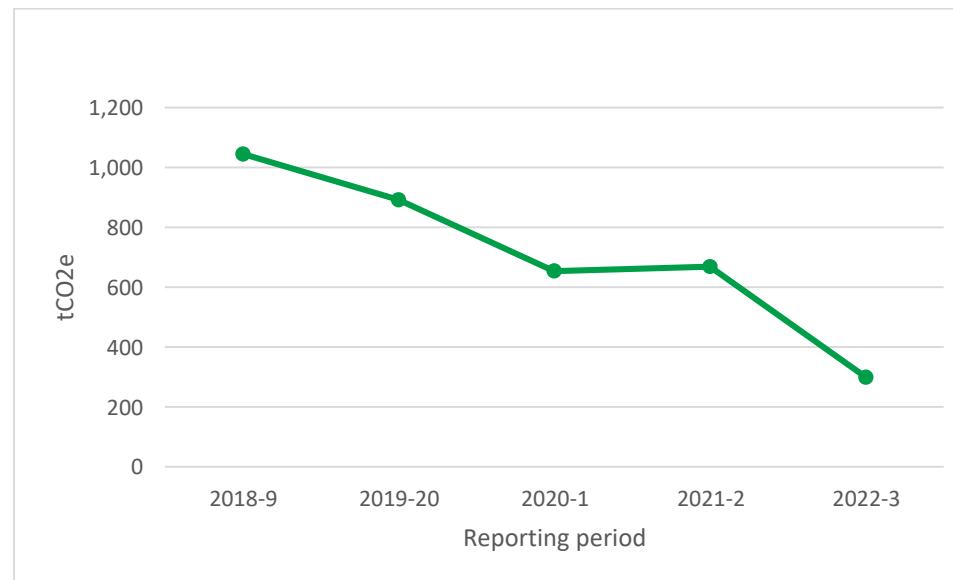


Figure 5 Reduction in Scope 2 emissions since baseline year

Target: Shift towards the purchase of 100% renewable energy

The Challenge

One of the major opportunities for the Council's move towards Net Zero is reduction in carbon within the electricity supply, as the country moves from fossil fuels to renewables with energy generation. The council must balance potential savings in emissions with achieving best

value for money and financial responsibility as part of its statutory duties; as the National Grid progresses towards decarbonisation this will support the council to reduce Scope 2 emissions.

What we have achieved so far

- To date, this has led to a 300 tonne fall in Carbon emissions from the Council;
- The Council continues to engage proactively with green energy projects, such as the range of new offshore wind farms currently under development of the coast of north-east Essex;

Our plans for Year One

The Council will work to reduce our Scope 2 emissions through the following actions in the period through to 2025:

- Complete adoption of council framework and shift all contracts onto single supplier to enable improved data collection and monitoring, alongside reduced costs;
- Support National Grid decarbonisation where appropriate (ongoing action);
- Engage with government on national schemes that support decarbonisation of the grid including National Strategic Infrastructure Projects (ongoing action).

5. Scope Three Emissions: Carbon through our supply chain

Scope Three are the remaining indirect emissions that occur beyond the direct control of the Council, but within the value chain of the Council's operations. Examples include emissions resulting from our staff working from home, commuting emissions, and the emissions of our suppliers and contractors.

Reporting on Scope 3 emissions is relatively new and methodologies for accurate monitoring and calculating are still emerging. As a result, care needs to be taken when comparing the annual totals as the data sources may have some variance between different years as this field continues to develop. The figures reported within this Plan are based on data sources that the council can accurately obtain, for instance: emissions from the waste fleet; staff commuting mileage; and where available data for council homes.

The Council does not have direct control over these emissions but can use its influence through policy and procurement to reduce these emissions.

Despite the challenge in tackling these indirect emissions, the available data indicates a 15% reduction in emissions has been achieved so far against the baseline year.

Nevertheless, Scope Three should remain a key focus for Climate Action within this period, now representing half of all the council's emissions and accounting for the largest share of emissions of all the Scopes.

Our main areas of focus to reduce Scope Three emissions are:

- **Homes in the district**, including council homes, owned and privately rented homes
- **Transport in the district**, including staff travel to work

CASE STUDY: Innovative steps forward in sustainable construction through reducing embodied carbon

Clacton-on-Sea based business Dura Composites have received industry recognition for their work delivering innovative recyclable composite solutions: including the 2024 Kings Award for Innovation for their d² range. This local success demonstrates the potential for the wider Tendring district and council partners to contribute to reducing waste, costs and carbon.

Providing an alternative to traditional GRP grating, the patented d² range re-engineered the material to reduce weight and carbon without compromising performance. This reduction in weight results in a 33% improvement in carbon efficiency, which has been calculated to have saved over 5 million kilograms of CO₂ and have reduced waste to landfill since the product's release. Offsetting the equivalent amount of carbon saved by the design require the planting of over 700,000 trees plus ten years of their growth, which would cover an area of over 300 football fields.

5.1 Reduce carbon emissions from homes in Tendring

Target: All homes within the district to achieve an Energy Performance Certificate of 'C' or above

The Challenge

In April 2020 there were approximately 70,200 homes in the Tendring area.

To ensure the UK remains on track to reach national goals for net zero by 2050, all homes must achieve an Energy Performance Certificate (EPC) rating of 'C' or above. Most homes, however, currently fall within band 'D'¹.

The main change required is to move away from fossil fuel heating in homes, by phasing out new gas boilers by 2035.

The district has a slightly lower rate of high performing properties when compared nationally:

	Domestic		Nationally
	Tendring		
A	237	0%	0%
B	8087	12%	12%
C	15556	22%	31%
D	27524	39%	38%
E	13167	19%	15%
F	3879	6%	4%
G	1437	2%	1%
Total	69887		

	Non-domestic		Nationally
	Tendring		
A+	13	0%	0%
A	95	3%	3%
B	364	12%	14%
C	862	29%	30%
D	839	28%	28%
E	446	15%	15%
F	176	6%	4%
G	178	6%	5%
	2973		

¹ Retrofitting the UK's Housing Stock to Reach Net Zero, Energy Saving Trust

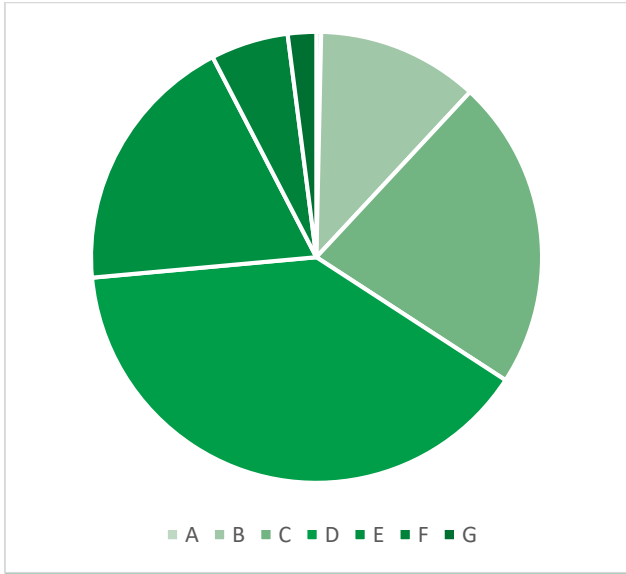


Figure 6 Distribution of Domestic EPC certificates within Tendring District

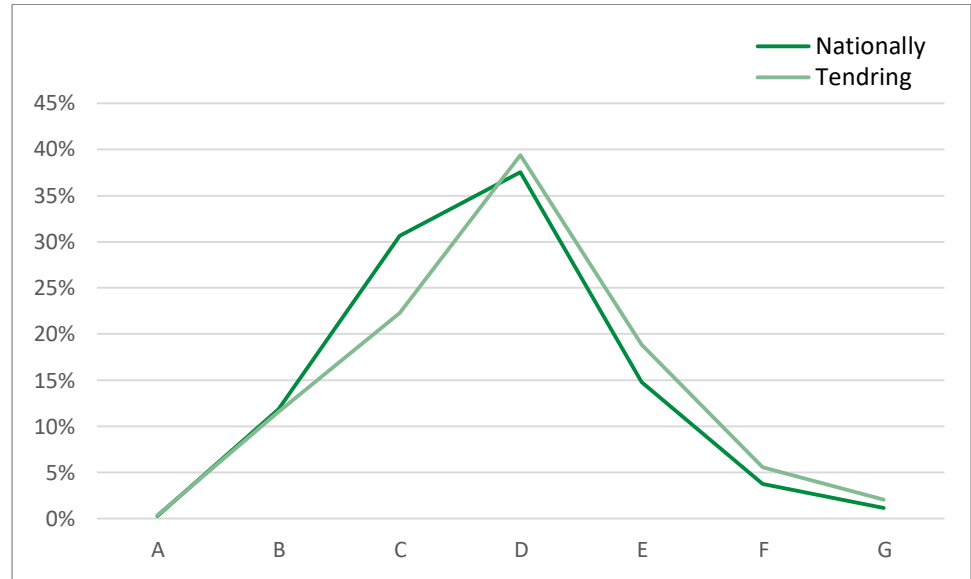


Figure 7 Comparison between Tendring district and national distribution of Domestic EPC rating

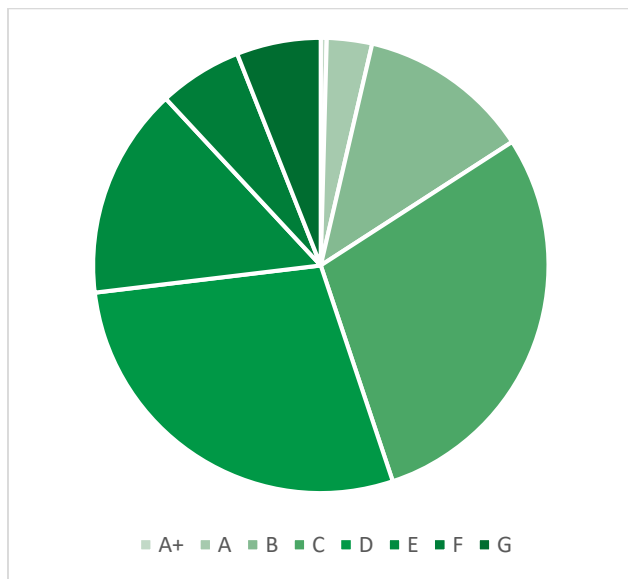


Figure 8 Distribution of Non-Domestic EPC certificates within Tendring District

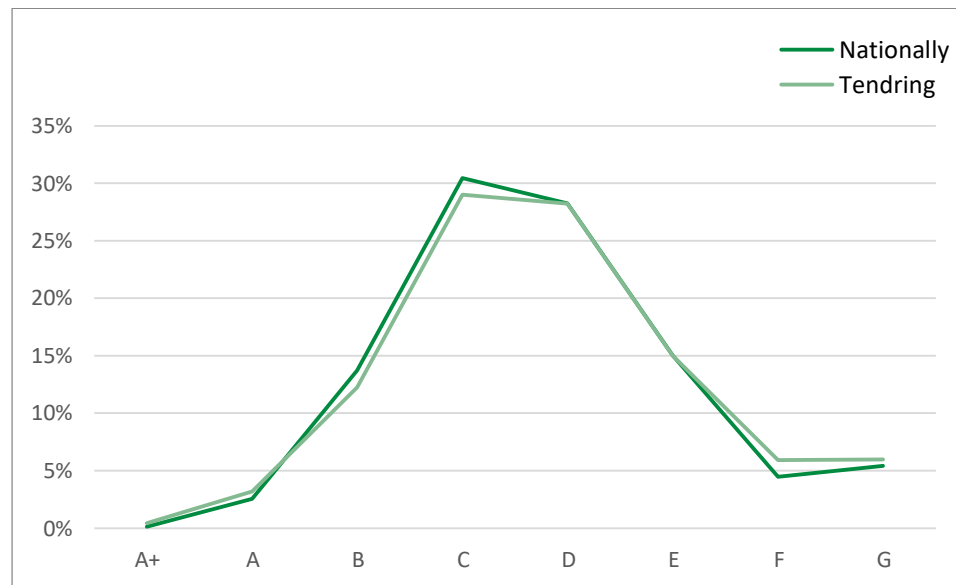


Figure 9 Comparison between Tendring district and national distribution of Non-Domestic EPC rating

What we have achieved so far

- The Council has supported residents to apply for government funding to retrofit homes through promoting national funding opportunities such as the Renewable Heat Incentive, through which 45 fully accredited Renewable Heat Incentive schemes took place within the district, with an installed capacity of 19MW
- We are supporting Essex County Council to deliver national funding schemes, The Energy Company Obligation (ECO4) and Great British Insulation Scheme (GBIS)
- The Council has put planning requirements in place for new homes, aligning requirements with the Building Regulations to allow for uplift in sustainability and performance requirements during this period.

Our plans for Year One

The Council will work to reduce emissions from homes across the district, primarily through improving the efficiency and performance of homes, through the following actions in the period through to 2025:

- Continue the work of dedicated environmental health officers as part of the Jaywick Healthy Homes Initiative Phase 1, to tackle poor housing and improve residents' quality of life in Jaywick Sands;
- Capitalising on funding for a dedicated officer to tackle fuel poverty across the district including working to reduce energy wastage and promoting sustainable warmth;
- Delivering the Jaywick Sands Energy Hub in collaboration with Citizens Advice Tendring (ongoing action);
- Setting a high aspiration for energy efficiency in new homes, including reviewing policy as part of the updated Local Plan to embed this aspiration within the Local Development Framework (ongoing action);
- Promote sustainable warmth including signposting the funding available such as from the Greater South East Net Zero Hub (ongoing action);
- Engage with partners to delivery local heat networks, including funding research as part of the Tendring Colchester Borders Garden Community, and engaging with Essex-wide work underway to develop a Local Area Energy Plan (ongoing action).

5.2 Reduce carbon emissions from Council homes

Target: All homes within the district to achieve an Energy Performance Certificate of 'C' or above

The Challenge

The Council owns 3,052, just over 4% of homes in the district².

While there is no set national ambition for improving energy efficiency of homes, the Government previously (2021) proposed a goal for all homes to be EPC C rated by 2035 and the Skidmore Review recommended the date should be 2033.

The Government has provided a limited amount of social housing decarbonisation funding to support retrofit of social homes EPC rated G-D, which requires 50% matched funding. The most recent round was £80m, the equivalent of £18 for each of the 4.4m social homes in the country.

The Council is responsible for heating and lighting the communal areas in social housing which sits within our Scope 1 emissions, as set out above and the Council will carry out feasibility studies on how to decarbonise these schemes.

What we have achieved so far

- Tendring's Housing Strategy 2020-5 identifies improvements to existing housing stock as a key priority, and recognises the importance of energy efficiency for both climate and resident welfare, including enforcement on private rented accommodation where necessary;
- The council maintains an annual Housing Investment Programme which includes both work on individual properties and estate environmental improvements³;
- Alongside these works the council is working to conduct an audit of the housing stock to gather up to date information on condition issues including condensation and provide support to tenants in measures to reduce risk of damp.

Our plans for Year One

Looking specifically at the Council's housing stock, during 2025 we commit to:

- Review our Housing Investment Programme to identify available match funding and increase the council's readiness to access central funding and delivery decarbonisation works;

² A Guide to Council Accommodation, Tendring District Council, 2020

³ Housing Strategy 2020-5, Tendring District Council

- Maintenance programmes to reduce carbon emissions from properties (ongoing action);
- Communication and engagement with residents to promote behaviour change (ongoing action).

CASE STUDY: Landmark low carbon council-led regeneration

In 2023, Tendring District Council secured significant funding to deliver a range of regeneration projects within the district, including Carnarvon Terrace: a mixed-use masterplan on a large parcel of land to the east of the town centre. The regenerated site will provide new affordable housing, mixed-use spaces targeting a range of civic uses and extensive new soft landscaping and public realm, as well as re-providing car parking provision within a new structure.

The scheme, due for delivery by autumn 2027, seeks to deliver a high level of sustainability and climate positive measures, as well as delivering on the council's commitment to Community Leadership – championing other partners within the district to match these aspirations.

The low energy building design approach will deliver better construction quality, protection against fuel poverty, improved comfort and wellbeing, closing of the gap between predictions and actual performance, lower repair and maintenance costs.

The following measures are part of the designs for Carnarvon Terrace:

- Fabric-first approach to deliver a high level of energy performance of the built fabric, reduce energy wastage and improve residents' health & wellbeing;
- Landscape-led approach delivering substantial gains in ecology, biodiversity and habitat creation, incorporating sustainable drainage and referencing local landscape ecologies, native & naturalised species;
- Fossil fuel free development with no new natural gas installations on site utilising highly efficient Air Source Heat Pumps in place of gas boilers and local energy generation in the form of solar PV;
- Conscious of embodied carbon with material palettes considered for emissions and local procurement opportunities;
- Supporting low carbon and active travel through provision of EV charging and cycling infrastructure, and improving pedestrian links;
- Low consumption fixtures and fittings including LED lighting and low-flow sanitaryware to reduce energy and water consumption.

5.3 Travel in Tendring

Target: percentage reduction in district-wide transport emissions

The Challenge

Petrol and diesel cars and other road vehicles make up the vast majority of transport emissions, which contribute 4% of the district’s emissions.

As seen nationally, car mileage dropped significantly during the COVID-19 pandemic, however across Essex it has now resumed pre-COVID levels and further increases are likely in the coming years.

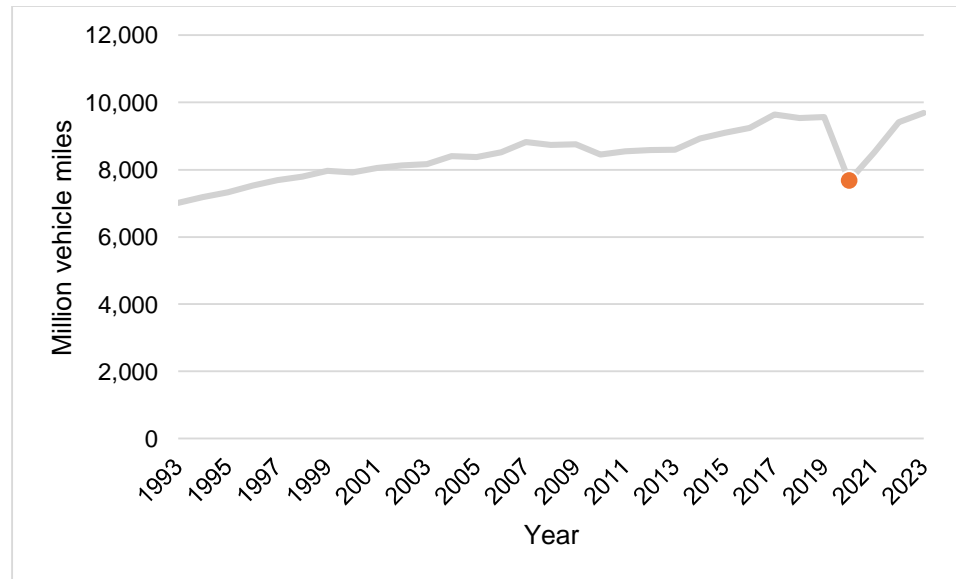


Figure 10 Change in annual vehicle miles across Essex⁴

Based on available data from Department for Transport, the East of England region has one of the highest rates of cycling in the United Kingdom, measured by billion vehicle miles.⁵

⁴ TRA8901 Motor vehicle traffic (vehicle miles) by local authority in Great Britain, Department for Transport, May 2024

⁵ TRA0403: Pedal cycle traffic (vehicle miles) by region and country in Great Britain, annual from 1993, Department for Transport, May 2024

What we have achieved so far

- The Council has delivered new cycle and EV infrastructure, including cycle parking and charging points, such as at Orwell Place
- We have worked with partners to deliver active travel schemes to help people avoid car usage, such as Pedal Power, alongside ongoing work on a Local Cycling and Walking Infrastructure Plan;
- In partnership with Sustrans, the Council has supported the establishment of National Cycle Network Route 150, which runs from Frinton-on-Sea south, including extending the route from Clacton-on-Sea to Jaywick Sands
- 2024 saw the revival of Tour de Tendring, a community event which saw almost 300 cyclists join 60- and 20-mile circular routes throughout the district
- Other events celebrating active lifestyles and travel during 2024 have included free swimming events at Dovercourt Bay, and the Skatepark Jam, organised by Maverick Skateparks and Harwich Town Council, at the neighbouring Harwich and Dovercourt Skatepark
- The Council has supported Beat the Street, a free community game incentivising residents to join teams and be active around their town to find and earn points towards prizes, which saw thousands of participants
- The Council is investing in town centres to make access to amenities easier without a car

Our plans for Year One

The Council will work to reduce transport emissions across the district through the following actions in the period through to 2025:

- Improved cycle infrastructure and signage, continuing investments to facilitate cycling within the district including new bicycle stores facilitated by Pedal Power and improved signage;
- Include Social Value Benefits of contracts with Council (ongoing action);
- Support local business growth through provision workspace and business support (ongoing action);
- Deliver measures to support success of town centre (ongoing action);
- Support active travel through the planning service (ongoing action).

CASE STUDY: Tackling deprivation and building access to skills through active transport

In collaboration with partners including Sport England and Essex County Council Tendring District Council has delivered Pedal Power, a pilot community-based free bike scheme, in Clacton, Jaywick Sands and Harwich & Dovercourt.

Recognising that the cost of a bike can be a key barrier to some residents when it comes to both active travel and access to work & skills, around 1200 bikes have been given away to residents to support them to become more active.

Since June 2021, Essex Pedal Power has been giving out free new bikes to eligible residents in Clacton and Jaywick, and launched in Harwich in Summer 2023. These distinctive orange bikes can now be seen being ridden all over Tendring, as riders enjoy the benefits of keeping fit and enjoying the countryside. The bikes carry trackers which provide anonymised data of popular routes and locations, which continues to support the council in delivering improved cycle infrastructure where it's most needed across the district.

This project is a key example of the wider benefits that can be delivered by climate positive actions above and beyond reducing carbon: a bike can be much more than an alternative to a car, for some a new bike means a way to get active, for others it could be the only way they can get to work or visit family.

Since launching the scheme in Clacton and Jaywick Sands there is an average of: 1,130, cycle rides; Between 8 and 9 cycle rides per rider; and 2.4km cycled each trip, per rider. Statistics show that riders have increased their life satisfaction score, decreased their anxiety score, and significantly decreased their car journeys.

5.4 Travel to work

Target: Reduction in car mileage across council staff

The Challenge

The Council has 570 staff with over 700 including casual staff. Most staff live within the district. Reducing the number of journeys to and from work helps to reduce carbon emissions from travel.

Though defined as Scope 3 emissions, this is the easiest area of transport emissions for the Council to influence within the district, such as through working with staff to develop mutual support and shared travel, which can also offer a range of other benefits.

Monitoring in 2024 of work-related mileage, gathered through Staff Mileage and Subsistence reporting, suggests approximately 500,000 miles undertaken in the course of Council business, including Beach Patrol and other key services.

What we have achieved so far

- Commuting came to an end during the COVID lockdowns. The return to work at Tendring has seen office staff come into work 3 days a week, reducing the overall need for travel;
- Further, the Council has continued to live stream its committee meetings, which has reduced the need to travel to attend in person.

Our plans for Year One

The Council will work to reduce transport emissions from our team travelling to and from work, through the following actions in the period through to 2025:

- Support staff to cycle to work, such as Cycle to Work scheme;
- Engage with staff to offer the opportunity of lift sharing (ongoing action);
- Promoting working from home and reducing travel through virtual meetings and events (ongoing actions).

High Nature

6. Care for the environment

6.1 Less waste, more recycling

Target: percentage reduction in non-recyclable waste

The Challenge

In 2018, 44.7% of the waste collected from households in England was recycled, reused or composted. This equates to 394kg of waste generation per person per year, of which 176kg was recycled, composted or reused. (Govt Waste Management Plan p20)

The East of England has the lowest rate of increase in recycling regionally across the UK⁶.

What we have achieved so far

- Recognising the importance of recycling to reduce waste and emissions both from the council and partners, the Council is currently reviewing its waste contract ahead of a decision in 2026 on the future operation of the service, when the current contract ends, to provide best value and the best service for our residents;
- In 2023 the Council's Democratic Services agreed to go paperless, so that agendas are no longer printed for all members of Cabinet and Council;
- During the office transformation, the Council introduced recycling bins to its main offices;
- The Council cut single use plastic from its main buildings and theatre. For example theatre goers can take reusable plastic cups into the auditorium and drop them off as they leave, and the Council takes glassware, cups and cutlery to use at events.

Our plans for Year One

The Council will work to reduce waste across the district through the following actions in the period through to 2025:

- Review council offices' waste contracts, requiring the contractor to measure the volume of all waste streams collected;
- Work with key partners to promote single use schemes, including Clacton Pier and other key local partners (ongoing actions).

⁶ Statistics on waste management by local authorities Figures and Tables Dataset, Department for Environment, Food & Rural Affairs, 2022/3

CASE STUDY: Taking a proactive approach to reducing waste from the Prince's Theatre, the district's key Council-run cultural and community venue

In recent years, the Theatre team have adopted a wide range of measures and interventions to significantly reduce waste, including:

- The Theatre now uses only re-usable cups instead of disposable ones for cold beverages including full and half pints, and all coffee cups are now free of plastic linings, to ensure recyclability. Straws are made from vegetable matter and fully compostable;
- Velcro straps have replaced using single-use cable ties, ensuring the materials can be used multiple times and avoiding unnecessary plastic waste;
- The amount of PVC tape used on lighting bars has been reduced, as re-usable bungees are now used, the same that are used normally to tie saplings to steaks when growing trees;
- The main auditorium is now lit by over 90% LED lighting for energy efficiency;
- The dressing rooms will soon be refurbished, which will include backstage areas being lit by LED and all lights will either be on a timer (around the mirrors) or PIR (movement sensors) to reduce unneeded lighting and resultant energy consumption, to further improve efficiency;
- All used PVC banners are collected and distributed to local organisation Unsealed, based less than 5 minutes from the Theatre, for upcycling;
- Water heaters used in the kitchens are on timers to save energy, and grease traps have been fitted to prevent grease build-up in the sewer and drainage system;
- The Box Office encourages E-Tickets and QR codes to minimise printing and have now made our tickets have an 'add to wallet' function for mobiles;
- Brochures (4000+ annually) are posted out on clear bags which are made from vegetable starch and are fully compostable;
- Environmentally friendly cleaning products and chemicals are sourced wherever possible.

6.2 Nature recovery and biodiversity

Target: Become Nature Positive and contribute to thriving nature by 2050

The challenge

There is a reciprocal relationship between climate change and habitat loss; at the same time, nature recovery is one of our key opportunities to mitigate and adapt to climate change, such as by sequestering carbon and providing shade & cooling. The Environment Act 2021 sets out new statutory duties on nature recovery.

Tendring district is home to a variety of unique and special landscapes, including three RAMSAR sites and a constellation of national and local nature reserves, Sites of Special Scientific Interest and Local Wildlife Sites. The district is also home to substantial food-growing agricultural land, essential for future food security, but with the potential to contribute to local nature depletion and pollution in particular of local water bodies. Access to trees and green spaces also has measurable benefits for health and wellbeing of the districts residents – as well as its wildlife.

Becoming Nature Positive, as set out within the Joint Nature Conservation Committee 2023 report, means “reversing the current decline of biodiversity so that ecosystem restoration is underway and species are increasing in abundance and fewer are threatened with extinction”⁷.

The International Union for the Conservation of Nature (IUCN) recognises the power of nature-based solutions to tackle the twin crises of biodiversity loss and climate change, whilst providing well-being benefits. Not only this – over half of global GDP is dependent on nature - so a vibrant economy relies on a healthy environment⁸.

Action to date

- Following 2023 government guidance, Essex County Council is developing a Local Nature Recovery Strategy (LNRS) to work towards reversing the decline in biodiversity and restoring habitats and wildlife
- Tendring’s Local Plan requires new developments have a Biodiversity Net Gain of minimum 10%, in line with the Environment Act 2021
- Tendring’s volunteer wardens have planted in excess of 100,000 trees over the period across both Council-owned and private land
- Funding has been secured for a variety of green infrastructure projects across the district, from public realm improvements in Clacton-on-Sea and Jaywick Sands, to £0.5m for new green spaces and interventions in Dovercourt town centre.

⁷ Nature Positive 2030, Joint Nature Conservation Committee

⁸ Nature Positive 2030, Joint Nature Conservation Committee

Our plans for Year One

The Council will work to increase local nature recovery, biodiversity and ecology through the following actions in the period through to 2025:

- Develop a nature strategy identifying where tree planting, hedgerow planting and rewilding can be located across parks and public realm owned by the Council;
- Continue to require a minimum of 10% bio-diversity net gain, with an aspiration for more ambitious proposals from developers towards 20% (ongoing action);
- Planting in parks and open spaces including trees and hedgerows, with native species, including promoting partners to do the same (ongoing action);
- Proposals to create a new Tendring landbank to contribute to local Biodiversity Net Gain.

CASE STUDY: Tree planting

To celebrate the 30th anniversary of the Tree Council – which Tendring District Council has been a member of since its founding - the Tendring Woodland Initiative Group (TWIG) planted 30,000 trees over the course of 2021. Funded by a range of private and public partners including Essex County Council, Network Rail and local businesses such as Environmental Design Ltd and Silverton Aggregates, the scheme was driven through collaboration from the Council's tree and landscape officer in partnership with local volunteer tree wardens and members of the local community. Over 40,000 trees have now been planted by the council, to contribute to enhancing the appearance and biodiversity of the district as well as sequestering carbon through absorbing CO₂.

7. Climate adaptation

7.1 Preparing for future change

Target: Enhanced climate resilience across district

The challenge

The National Adaptation Programme explains the government's plans to adapt to climate change from 2023 to 2028, including protecting the natural environment, protecting buildings (for example, from hotter temperatures and rising sea level), and protecting public health and communities.

The Council recognises that increased temperatures and more frequent flooding are key changes that residents in Tendring - and the Council - will have to adapt to.

Surface water flood risk is relatively high with all main settlements assessed being ranked in the top 1,000 settlements most susceptible to surface water flooding, and significant levels of flood risk have been identified along the Essex coast and inland along river stretches⁹.

Action to date

- The council's Vision for the district as set out within the Local Plan 2023-33 requires all new developments to account for, adapt to and mitigate against climate change; recognising that the district's coastal areas require place adaptation and mitigation against climate change to be at the centre of sustainable development;
- The local plan requires SUDs on all new developments and promotes the requirement for permeable landscaping for new homes as well as a permeable highway network needs to be permeable;
- Furthermore, the Local Plan's Strategic Objectives include the following relevant objectives:
 - Objective 4 - Infrastructure provision: to ensure that flood defence infrastructure is considered so that future developments take into consideration the impacts of climate change;

⁹ Tendring District Local Plan 2013-33 Sustainability Appraisal, Place Services, 2013

- Objective 9 – Water and Climate Change: to reduce the risk of flooding (all types) by securing the appropriate location and design of new development (including SuDs), having regard to the likely impact of climate change.
- The Council's new build project at Honeycroft, in partnership with local firm Rose Builders, has been designed so all buildings include solar shading to combat overheating inside the properties during hot and sunny days;
- The Jaywick Place Plan has ambitious proposals to redevelop flood management at Jaywick Sands as sophisticated public realm enhancements with a board walk and improved road, alongside existing and enhanced sea defences;

Our plans for Year One

Actions during the strategy period will include:

- Require high levels of climate adaptation in all new developments including incorporating climate adaptation into new council-led public realm works (ongoing action);
- Proactive engagement with Essex County Council and Environment Agency in relation to flood measures (ongoing action);
- All new developments to incorporate SuDS (Sustainable Drainage Systems) to control the surface water discharge (ongoing action).

CASE STUDY: Exemplar sustainable social housing with climate adaptation

The Council has recently delivered new sheltered housing provision in Lawford. The new build Honeycroft has been designed to exceed current building regulations for carbon saving and energy efficiency. All 13 residential buildings will be EPC A rated, with measures including:

- New dwellings set within soft landscaping designed to maximise habitat creation, including areas of biodiversity enhancement with bird boxes, bat boxes, pond and wildflowers; planting native species and retention of existing mature trees and hedgerows on site;
- The communal gardens also include three allotments, providing opportunities for local food growing;
- Water harvesting, Smart Home controls and electric charging points
- Utilising a pre-fabricated timber insulated structural panel system (SIPS), bringing the Modern Methods of Construction benefits of eliminating unnecessary waste, improved quality and high levels of air tightness; combined with a terraced typology to further reduce energy losses;
- All dwellings include solar PV for local energy generation, Air Source Heat Pumps and mechanical ventilation with heat recovery units;
- Material palette prioritising natural and bio-based materials, reducing embodied carbon and supporting end of life, including: cedar panelling, slate roof tiling and timber-based structural system;
- Incorporating design features including roof orientation that maximises solar gain in the colder months, reducing energy consumption, and louvres to provide solar shading and prevent overheating during summer.

7.2 Water use and efficiency

Target: Reduce per person per day water consumption by 20% by 2037-38 from the 2019-20 baseline, and to below 110 litres per person per day by 2050

The challenge

As well as the need for Tendring as a coastal district to enact climate adaptation to ensure resilience in the face of rising sea levels and increasing flood risk from severe weather events, the district has very low rain fall at only 65% of the national average¹⁰ which necessitates the consideration of future responses to water stress. As a result, much of the district is defined as ‘water stressed’ and has to import substantial quantities of water to satisfy existing demand.

The national average of 141 litres per person per day

Provision for reduced water consumption will be made progressively for new housing under planning and building regulations but, as with energy use, bringing down consumption in the existing housing stock will prove to be more difficult.

The council’s target is aligned with the National Government target as set out the Environment Act 2021¹¹, noting that this is subject to change in line with national guidance. A proactive approach will serve a growing population & thriving economy, protect & improve the environment and enhance local resilience to drought.

What we have achieved so far

- The rate of water consumption per person per day is falling within the district;
- The Local Plan requires new dwellings to incorporate measures to achieve a water consumption rate of not more than 110 litres, per person, per day, and promotes the potential for the capture and reused of grey water in new residential developments;
- The council’s Honeycroft development includes water butts to collect rainwater for watering the trees, shrubs and vegetable plots, to reduce residents’ water consumption.

¹⁰ Tendring District Local Plan 2013-33 Sustainability Appraisal, Place Services, 2013

¹¹ A summary of England’s Draft Regional and Water Resources Management Plans, Environment Agency, 2024

Our plans for Year One

The Council will work to reduce water consumption through the following actions in the period through to 2025:

- Completing a Water Cycle Study to understand capacity of water infrastructure across the district and make recommendations for measures to reduce usage and increase water recycling;
- Maintain high aspirations for water efficiency measures in new developments and promote regional and national schemes for rolling out measures (ongoing action);
- Continue to engage with Anglian Water regarding infrastructure and network upgrades in the context of new developments (ongoing action).

8. Our operations

8.1 Communication and engagement

Target: Influence reductions of domestic and other Scope 3 emissions across the district

Target: Reduce the environmental impact of the Airshow

The Challenge

Delivering changes in the council's operations to reduce carbon emissions and improve environmental outcomes can be enhanced with good communication. This is especially the case for the 'Scope 3' emissions in the community, where the main route to change is through influence rather than control.

The council's declaration of Climate Emergency in 2019 recognised the importance of community leadership in the district reducing its emissions and is committed to influence and encourage partners, businesses, community groups and individuals across Tendring to join the Council in striving to achieve carbon neutrality for the District as a whole.

The council works to do this through continuing lead by example by accelerating its own activities towards a net zero carbon position whilst encouraging and influencing action by others in the district.

As well as being a community leader, active community engagement is key to influence and forming an alliance with partners and business to move them in the same direction as the Council and supporting those already active in climate change measures.

Action to date

- The Council has engaged with community groups working to improve environmental outcomes for example PACE in Manningtree. This has included providing funding towards annual Earth festival.
- The Council has shared campaigns from the Essex Climate Action Commission and other stakeholders on social media and encourage attendance at relevant events.
- Council-led awards such as Tendring4Growth recognise the importance of local leadership in climate action through including sustainability measures within the awards due diligence process and the Friend to the Environment category (2022) and Innovation in Sustainability category (2024);

- The council is committed to promoting the tourism and the district by running events, such as the Clacton Airshow attracts around quarter of a million visitors and has an economic impact of £12m. The Council encourages sustainable travel to the Airshow setting up a Park and Ride and promoting the use of the train. This is an opportunity to minimise the carbon impact while promoting the economic impact, and work is ongoing to quantify and offset the impact.

Our plans for Year One

The Council will work to embed climate action within our communication and engagement to contribute to reducing the district's Scope 3 emissions through the following actions in the period through to 2025:

- Updated Climate Change Communications Strategy to promote further community action such as PACE through communication and engagement;
- Develop the Climate Network for council staff;
- Conduct an Airshow Post-event Sustainability Assessment Quantify the carbon impact of the flights in the Airshow;
- Continue to incorporate sustainability into council-led awards (ongoing action);
- Explore additional training (ongoing action).

CASE STUDY: Supporting community partners to reduce cost, waste and carbon

Working closely with Councillors, Tendring District Council continues to support local groups to reduce costs, waste and carbon through a range of grants schemes, including the Rural Prosperity Fund.

Through this scheme, the Council awarded the Point Clear Community Association funding to deliver an Air-to-Air system at Dumont Hall in Point Clear, complementing existing solar panels on site. The grant of £15,000 secured 75% of the necessary funding, the remainder raised by the Association. With energy costs constituting the Association's biggest expenditure, the installation of new heating and cooling system will see both electricity and gas prices reduce dramatically, supporting the Association's important work at the community hall, which sees upwards of several hundred each week enjoying various clubs and activities.

8.2 Monitoring

Target: Improve monitoring of goods and services

The Challenge

As a public sector body the council has mandatory reporting requirements for its emissions. Gathering this information provides an essential evidence base to inform our approach and actions to reduce our emissions and achieve Net Zero.

Due to their indirect nature, Scope 3 emissions are recognised to be particularly challenging to both monitor and reduce, and this field is still developing. The council's reporting to date suggests that, whilst progress has been made gathering emissions data across the scopes, there remains the likelihood that some data is being missed.

Action to date

- The council has conducted annual monitoring for the period since the baseline year of 2018/9
- The council has worked with industry leading non-profit organisation APSE Energy in the gathering and analysing of emissions data to ensure best practice
- Rather than working solely from standard nationwide datasets, which can often have a lag in terms of reporting, the Council are pro-actively directly gathering data where possible, across all scopes, to provide a higher level of accuracy in terms of annual monitoring

Our plans for Year One

The Council will work to reduce missing data and improve monitoring through the following actions in the period through to 2025:

- Explore introducing a policy where suppliers of larger goods and services should provide the associated carbon emissions so this can be monitored and improved;
- Adopt if appropriate methodology proposed for use by North Essex Climate Partnership district councils to support a single regional reporting tool;
- Update a council-wide reporting matrix to establish clear lines of responsibility for reporting on emissions;
- Review expanding existing monitoring reporting from grants to introduce climate deliverables;

- Publish our carbon monitoring (ongoing action);
- Review decarbonisation funding opportunities e.g. each round of government decarbonisation funding (ongoing action);
- Participate in local climate partnerships including Essex Climate Commission Conference and North Essex Climate Partnership (ongoing action).

8.3 Offset

Target: To offset all remaining hard-to-reach emissions to achieve Net Zero by 2050

The Challenge

The Net Zero Trajectory prepared by APSE Energy¹² evidences that the council can expect to require off-setting to achieve Net Zero, due to remaining hard-to-reach emissions following the maximum feasible emissions reduction through the measures set out within this Action Plan.

The current minimum estimate required to be offset annually is 336tCO₂e¹³, based on eliminating emissions across the scope to leave only hard-to-reach emissions, a classification recognised by the industry as effectively unavoidable emissions.

What we have achieved so far

- As part of other projects particularly in relation to nature recovery, biodiversity and ecology, the Council is delivering and supporting interventions across the district which will contribute to carbon sequestration over the coming years, for example significant tree planting initiatives

Our plans for Year One

At this stage the Council does not have plans for offsetting.

¹² Tendring DC Carbon Trajectory Report 2022-23, APSE Energy, March 2024

¹³ Tendring DC Carbon Trajectory Report 2022-23, APSE Energy, March 2024

Reference material

Further reading

Title	Author	Link
Climate Change: Reporting Guidance for Local Authorities	Local Government Association	link
Carbon Policy Study Technical Evidence	Essex Design Guide	link
Tendring District Council Local Plan Section Two: Draft Publication (Regulation 19): Sustainability Appraisal: Environmental Report - June 2017	Place Services	link

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CABINET

15 NOVEMBER 2024

REPORT OF PORTFOLIO HOLDER FOR PARTNERSHIPS

A.11 TENDRING DISTRICT COUNCIL'S CARELINE SERVICE REVIEW: RESULTS OF CONSULTATION AND NEXT STEPS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to Cabinet the results of the recent consultation on the future of the Council's Careline service; and seek its decision as to how it wishes to proceed in light of these consultation results and other updated information. This report recommends, as a variance to the Cabinet's currently adopted preferred option, that the Council explores further the response received from Colchester City Council as part of the North East Essex Health and Wellbeing Alliance to create a combined telecare service that aligns with the Alliance's aims and objectives for an integrated health-system approach.

EXECUTIVE SUMMARY

The Careline service was established in 1987 and provides monitoring and response/lifting for approximately 1,859 service users in Tendring, including our sheltered housing residents. Continuing the core Careline service requires significant investment, creating cost pressures amid budget constraints. The findings of a 12-month review of the service were reported to the Cabinet on 26 July 2024 along with five potential options for the future of Careline, including information on their financial, equality and other implications.

Those options are summarised as follows:

- **Option 1** – Maintain current position (*remain in the market, which will require on-going financial support*);
- **Option 2** – Provide an Out-of-Hours Council service only (*leave the market, focussing on the Council's core business and ceasing telecare and response/lifting*);
- **Option 3** – Reduce shift pattern to 6 hourly shifts (*remain in the market, staffing changes required, which will require on-going, additional financial support*);
- **Option 4** – Remove the responder/lifting service (*remain in the market, removal of one element of the service, which will require on-going, additional financial support*); and

- **Option 5** – Termination of third-party contracts (*remain in the market and service Tendring District Council residents only via the Careline scheme, which will require on-going, additional financial support*) and cessation of the TSA accreditation.

At that July 2024 meeting, the Cabinet resolved to agree, in principle, the adoption of Option 2 as its preferred option – i.e. ceasing telecare and lifting/response services, focusing solely on Out-of-Hours and CCTV services. An extra £300,000 was allocated to support service users transitioning to alternative provisions, along with a further £446,000 to support other potential one-off costs.

To properly address the Council's duties around best value for its residents, a consultation exercise was carried out to invite feedback from customers, residents and other key stakeholders including organisations that the Council provides services to under contracts. Consultation has also been carried out with TDC staff impacted by the potential changes, albeit acknowledging that a final decision on the future of the service has yet to be made.

The six-week consultation exercise ran between 19 August and 30th September 2024. As part of the consultation process, almost 4,000 letters were issued to the 2000 (approx.) Careline service users and their next of kin, each with a unique customer number with the aim of tracking responses and guarding against the possibility of double-counting. The consultation exercise was publicised through a variety of communication channels with the aim of obtaining a positive level of response. Separate communication to Sheltered Housing Scheme residents provided assurances that their 24-hour emergency assistance would remain unchanged at this time.

1,062 submissions were received in response to the consultation, which is considered a good level of response from which reliable feedback can be gauged. Full details of the consultation and engagement strategy can be found under the 'consultation and engagement' heading below and in Appendix A. The consultation Questionnaires can be seen at Appendix B.

Some of the notable messages coming back through the consultation responses are summarised as follows:

Of the 1,062 responses: -

- 589 were from Careline users (56%)
- 395 were from friends or family of users (37%)
- 78 were from the public or others (7%)

In respect of future options for the Careline service, 72% (the clear majority) of respondents stated a preference for Option 1; with 10% preferring Option 2; 6% preferring Option 3; 7% preferring Option 4 and 5% preferring Option 5. This indicates a clear preference amongst service users and their next of kin for maintaining Careline in its current form. However to do so would, as explained in the July 2024 Cabinet Report, require considerable ongoing financial

support from the Council with competing calls on its resources.

Service users were asked if they would be prepared to pay an increased fee for a telecare only service. 48% of respondents said they would be prepared to pay more, but the levels of increase being suggested as being agreeable by those respondents would not, on current analysis, be sufficient to eliminate the current projected shortfall in revenue. An increase in fees, as indicated, would also result in Tendring District Council charging customers at a rate above current market levels thus not offering best value for money. With 48% of respondents indicating a willingness to pay increased fees, it follows that 52% of customers would not be prepared to pay an increase and would potentially seek alternative provision if fee increases were introduced.

With the Cabinet's preferred Option 2 in mind, 60% of the service users that responded to the consultation indicated that they would, if necessary, be willing to move to an alternative trusted provider but 80% of those stated that they would want assistance with that process to make the best decision.

Both during and following the consultation exercise, there has also been some contact from third party organisations either expressing an interest in potentially taking on all or part(s) of the Careline Service or otherwise inviting discussion about how a service could be delivered in an alternative way through partnerships or other means.

There have also been early discussions following the response to the consultation, and acknowledging the Council's role as a partner to the North East Essex Health and Wellbeing Alliance, to explore the potential to work with Colchester City Council, through its trading company Colchester Commercial (Holdings) Ltd, on their proposal to establish one combined telecare service to serve the whole of the North East Essex area. This option could support the Alliance's objectives for an integrated health-system approach that works in harmony with NHS health provision and the emergency services. This option might offer a potentially positive and direct response to the consultation feedback – particularly in light of the strong preference from service users to retain a Careline Service, albeit with a limited appetite to pay higher fees; some willingness to transfer to an alternative trusted provider; and a clear request to provide support to service users through any transition.

However, the detail of this opportunity should be explored to establish if it could offer the proposed potential benefits in terms of continuity, security and value for money for existing Careline users; retention of job opportunities for staff under local authority terms and conditions; and the achievement of economies of scale that could address current concerns around the budget and Tendring residents having to subsidise the Careline service. It is important to stress that with any proposed joint working, the implications of the proposed delivery model must be properly assessed to establish whether this is a viable option. It is therefore recommended that additional time is incorporated into the timetable for exploring this opportunity in more detail, along with other third-party proposals, before the Cabinet commits to implementing a preferred approach.

Alongside carrying out the consultation exercise, Officers have also continued to review, in further depth, a number of the contracts that Careline has in place for the provision of services to external bodies. On further consideration and with the agreement of the Leader of the Council on 24 October 2024 it was decided to serve notice to terminate the largest of the Careline contracts - that with AE Partners Ltd (YourStride). The detailed reasons to support the decision to terminate the YourStride contract (giving 16-weeks' notice) are exempt information and retained in Part B however, a summary is set out in the Monitoring Officer's section of this report.

As a consequence of that contract coming to an end in February 2025, it is necessary to revisit a number of the financial assumptions in terms of the options highlighted above, to provide the most up to date position, with the aim of presenting these to the Cabinet in early 2025 before any final decisions on the future of Careline are taken. The revised assumptions are still expected to demonstrate that all options, apart from preferred Option 2, will still require ongoing budgetary support and subsidy.

Currently, Option 2 remains the preferred option pending further consideration of the financial and other implications as well as the results of the consultation. However, as a variation on that preferred option, it is also proposed that more time is incorporated into the overall programme for completing the review of Careline to allow for the full and proper exploration of the proposals described above and elsewhere in this report.

Given the significant impact of third-party contracts on resources and the budgetary position of Careline (as demonstrated through the urgent decision to terminate the YourStride contract), it is also proposed that Officers are authorised to continue reviewing other existing third-party contracts and, where necessary, proceed to vary or terminate them accordingly before and without prejudice to any final decision of Cabinet as to the future of Careline.

It is proposed that the preferred Option 2 is revisited in early 2025 for Cabinet to make its final decision and that, at this stage, the previously suggested date for implementation is adjusted from the end of March 2024 to the end of June 2025. Although there may be some savings secured through the termination of the YourStride contract and review of other third party contracts, it is likely that there will be an additional cost from this change in timescales which would need to be considered alongside the exploration of the collaborative working with partners highlighted earlier. It is therefore difficult to provide an expected cost at this stage, which will therefore need to be reviewed as part of the planned report in February 2025.

Option 2 (or the potential variation) provide that any remaining service at Tendring would focus solely on the Council's Out-of-Hours and CCTV services. Officers have been carrying out further exploration of different ways in which an out-of-hours service could continue to be provided by the Council across different permutations of retaining the operation in house, outsourcing and/or redistributing duties across different services. The approach to be taken, having particular regard for the Council's statutory duties to provide telecare services for its sheltered housing tenants, will be an operational matter for Officers to conclude following further analysis and the final strategic decision from the Cabinet on the future of Careline.

RECOMMENDATION(S)

It is recommended that Cabinet:-

- a) takes into consideration the outcome of and feedback from the recent customer, resident and stakeholder consultation on the future of Tendring Careline – that was based upon balancing best value principles with the needs of our existing customers, who now have a wider range of options available on the open market, at more comparable rates than the Council can continue supplying the service for;
- b) notes the decision to terminate the third-party contract with AE Partners Ltd (YourStride) which, irrespective of the Cabinet's resolution in respect of d) below, will reduce the pressure on the capacity of Tendring Careline – which, for some months, has been dealing with a growing and increasingly unmanageable volume of calls from residents outside of Tendring; and bring about a cost saving to the Council;
- c) delegates authority to the Director of Planning and Communities in consultation with the Leader of the Council and the Portfolio for Partnerships to review and if necessary, vary or terminate other third-party contracts at suitable timely junctures as part of the move towards the fulfilment of any final preferred approach;
- d) confirms that, having considered the content of this report, it still wishes to continue, in principle, with the preferred option (Option 2) of ceasing the telecare and lifting/response provision of the Careline Service, in its entirety, including service delivery under third-party contracts with remaining service provision solely relating to the Council's Out-of-Hours and CCTV service – albeit subject to (e) below;
- e) delegates authority to the Director of Planning and Community, in consultation with the Leader of the Council and the Portfolio Holder for Partnerships, to explore further the third-party proposals that were submitted to the Council through the consultation;
- f) subject to (e) requests that third parties be invited to put forward a formal detailed proposal for further exploration within one month of this decision (i.e. by close of business Monday 16th December 2024) as starting point for Tendring District Council's consideration;
- g) requests that the Portfolio for Partnerships reports to Cabinet in February 2025 to provide an update on the opportunity explored in line with e) in respect of the third-party proposals, as well as an updated recommendation for a final Cabinet decision on the future of Careline informed by updated financial analysis and with a detailed transition plan;

- h) subject to g) above, acknowledges that there may be additional costs arising from the change in timescales set out in this report, and requests that the financial impact is included within the report to Cabinet in February 2024; and**
- i) delegates authority to the Director of Planning and Community in consultation with the Leader of the Council and the Portfolio for Partnerships, to assess different options for the continued provision of Out-of-Hours and CCTV service and to implement any necessary changes, as necessary, following the Cabinet’s final decision on the future of Careline.**

REASON(S) FOR THE RECOMMENDATION(S)

Given the changing market context, the recommendations are based on what is considered to be the best option for both service users and the Council. Several other providers on the open market offer a like for like service, at a comparable price. Furthermore, Essex County Council provides a free of charge service, if a resident is referred to them through a statutory provider, such as Adult Social Care or a health care provider. It is also important to highlight the continuing capacity challenges the authority faces in meeting the needs of a range of service users, including those supported by third-party contractual arrangements.

However, feedback recent customer, public and stakeholder consultation has presented alternative approaches that warrant more detailed and proper consideration and it is proposed that additional time is incorporated into the programme and next steps in order for that consideration to take place. It is also necessary to factor in the full implication of terminating the YourStride contract when carrying out that further work along with any changes that might need to be made to other third-party contracts.

ALTERNATIVE OPTIONS CONSIDERED

The five options subject of the recent consultation were set out in full within the report to Cabinet of 26 July 2024 and associated appendices. The alternative approach to that set out in the recommendation would have been to push ahead with a final decision on the future of Careline in line with preferred Option 2, but that would not have allowed time now suggested as necessary to give proper exploration of the proposals from third parties. As a partner to the North East Essex Health and Wellbeing Alliance, it is important to establish if there is an opportunity to further delivered against its aims and objectives for an integrated health-system approach. At the same time other third-party proposals put forward through the consultation should be explored too.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Careline service was established in 1987 and provides a high-quality service that provides monitoring and response/lifting for approximately 1,859 service users in Tendring, including our sheltered housing residents.

A revised Corporate Plan and Vision was approved by Full Council at its meeting on 28 November 2023. One of the six included themes is Financial Sustainability and Openness, with a commitment to continue to deliver effective services and get things done whilst looking after the public purse; that means carefully planning what we do, managing capacity and prioritising what we focus our time, money and assets on.

In the Plan and accompanying Vision, the authority has made a commitment that tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents. The recommendations set out in this report reflect initial consideration of the feedback from the recent consultation on the future Careline and the need to take additional time to carefully consider next steps in light of updated information.

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 Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 (“the 1999 Act”) to “*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness*”.

In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget ([Part 1 of the Local Government Finance Act 1992](#)), provide statutory services and secure value for money in all spending decisions.

The Council, as a best value authority is also required, pursuant to [section 3 of the 1999 Act](#), to consult on the purpose of deciding how to fulfil the Best Value Duty. This is the stage at which consultation will best assist the authority in deciding how to make arrangements to secure continuous improvement, however, a consultation exercise has been conducted with the service users, next of kin and key stakeholders providing them with information about the reasons for the proposed option for the Council to cease providing telecare/lifting/response provision and available options and alternative service providers.

All careline customers and their next of kin were contacted via letter with an enclosed hard copy of the consultation questionnaire and a postage pre-paid envelope for return. A total of just under 4000 letters were sent, each with a unique customer number with the aim of

tracking responses. A reminder letter was also sent out ten days before the close of consultation along with a second copy of the consultation questionnaire. In addition, the consultation questionnaire was available for completion online.

A total of 1,062 responses were received, of which 789 were returned hard copy forms and 273 were completed online. In addition, multiple stakeholder groups were contacted via email and encouraged to complete their feedback via an online form (see Appendix C for the full list of stakeholder groups)

The consultation period ran from 19th August to 30th September.

From checking against customer number information, it appears there is limited duplication of response for each service user (that is, it appears that either the service or the next of kin responded in more than 90% of cases). It is considered that the level of response to the consultation is such from reliable and useful conclusions can be gauged. Appendix A provides a more detailed record of the responses received for each question in a series of graphs and 'word clouds'.

Notable results from the consultation are set out as follows:

Total response

Of the 1062 responses: -

- 589 were from Careline users (56%)
- 395 were from friends or family of users (37%)
- 78 were from the public or others (7%)

Regarding the future of the Careline service

Overall, 72% of those who answered the consultation questionnaire stated their preference as **Option 1** (to maintain current position - remain in the market, which will require on-going financial support).

- Option 2 (the Cabinet's preferred option): 10% - (Provide an Out-of-Hours Council service only - leave the market, focussing on the Council's core business and ceasing telecare and response/lifting).
- Option 3: 6% - (Reduce shift pattern to 6 hourly shifts - remain in the market, staffing changes required, which will require on-going, additional financial support).
- Option 4: 7% - (Remove the responder/lifting service - remain in the market, removal of one element of the service, which will require on-going, additional financial support).
- Option 5: 5% - (Termination of third-party contracts - remain in the market and service Tendring District Council residents only via the Careline scheme, which will require on-going, additional financial support) and cessation of the TSA accreditation).

Benefits of Service (*multiple choice, user can select more than one answer*)

- Peace of mind – 947 (89%)
- Tackling loneliness – 152 (14%)
- Ability to alert a loved one in case of an incident – 814 (77%)
- Having someone able to come and help me (responder service) – 809 (76%)
- Helping me get back up (lifting service) – 645 (61%)
- Reliable service – 762 (72%)
- Other – 144 (14%)

Trusted Alternative Provider

- 60% of respondents would be prepared to move to a 'trusted' alternative provider.
- 20% would not.
- 13% are unsure.
- 7% did not answer.

Support During Transition

- 80% of respondents stated that they would need support during transition.
- 12% are unsure or it does not apply.
- 8% did not answer.

Willing to pay an increase in Fees (current fees are £30.55 per month)

- 48% (502) would pay a fee increase.
- 220 selected £31-£35.
- 138 selected £36-£40.
- 144 selected £40+.

353 of respondents stated that they would not be willing to pay a fee increase. 207 have stated 'other' or have not answered.

Stakeholder Responses

A total of 10 Stakeholder were responses received –

Stakeholder Consultation Response Summary

- Option 1: Chosen by 7 respondents (70%)
- Option 2: Chosen by 1 respondent
- Option 3: Nil respondents
- Option 4: Chosen by 1 respondent
- Option 5: Chosen by 1 respondent

Consultation Impact:

Customer Terminations

Between the start of the consultation and publication of this report, 126 customers have left the Careline service. Only 10 of these terminations appear linked to the Cabinet decision to carry out consultation on its preferred option. The remaining 116 departures are due to reasons such as moving into care or passing away. Customer terminations are slightly higher than the usual turnover, but not significantly so.

Staff Headcount

Staff numbers have reduced by 14% since the start of the consultation (from 46 to 40). This reduction is higher than usual turnover rates, however one of the staff members has secured employment elsewhere in the Council. To cover remaining shifts, the Council continues to rely on third-party provision.

Overall summary of consultation feedback

The consultation has resulted in a response from more than half of service users or their next of kin. The vast majority of those who responded chose options in a sequence of the 'least change to the most change', resulting in Option One being the highest preference and Option Two being the lowest. User satisfaction with the service is high and having a service that is local is clearly highly valued. For any change, service users have clearly stated that they will require assistance with any transition and as such a careful transition plan is being developed.

Although almost half of service users said they would be prepared to an increased fee for a telecare only service, the amount of fee increase was modest and half of respondents did not confirm that they would accept an increase.

Direct feedback from stakeholders was low and the response rate was disappointing despite sending reminders. Of those who did respond, the chief concern was for the well-being of the service users affected and ensuring that their welfare needs are met.

As a result of the consultation, the organisation has received proposals from some stakeholders regarding suggested future options for the service, including passing over delivery of the service to alternative providers via a number of different paths. One such approach is from Colchester City Council wishing to explore the opportunity of creating a combined service for North East Essex that aligns with the aims and objectives of the North East Essex Health and Wellbeing Alliance for an integrated health system approach.

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	✓ Significant effect on two or more wards ✓ Involves £100,000 expenditure/income ✓ Is otherwise significant for the service budget
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	<p>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)</p>	<p>7 October 2024</p>
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Best Value

In practice this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1, Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.

As a best value authority the Council is also required, pursuant to s.3 of the Local Government Act 1999, to consult on the purpose of deciding how to achieve the Best Value Duty. This is the stage at which consultation will best assist the authority in deciding how to make arrangements to secure continuous improvement.

Therefore, a consultation exercise was conducted with the service users and other key stakeholders, when they were provided with information about the reasons for the proposed option for the Council to cease providing telecare/lifting/response provision and available options and alternative service providers.

Best Value - The general duty

- (1) A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (2) For the purpose of deciding how to fulfil the duty arising under subsection (1) an authority must consult—
 - (a) representatives of persons liable to pay any tax, precept or levy to or in respect of the authority,
 - (b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions,
 - (c) representatives of persons who use or are likely to use services provided by the authority, and
 - (d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.
- (3) For the purposes of subsection (2) “representatives” in relation to a group of persons means persons who appear to the authority to be representative of that group.

(4) In deciding—

(a) how to fulfil the duty arising under subsection (1),

(b) who to consult under subsection (2), or

(c) the form, content and timing of consultations under that subsection, an authority must have regard to any guidance issued by the Secretary of State.

The rationale behind the requirement to consult when proposals are at a formative stage. If consultation is to be meaningful, it needs to be undertaken at a point where the mind of the decision-maker is still open to change and can, therefore, be influenced by the responses to the consultation. A decision-maker can consult upon a preferred option and even a decision in principle, provided that its mind is genuinely open.

It is acceptable for the decision-maker to have a preferred option before consultation begins, but there must be genuine potential for that preference to change as a result of the consultation. Case law has demonstrated that care is required if a consultation strategy entirely excludes certain options from the debate.

Unless consultees have some idea of the decision-maker's rationale for the proposals put forward or the key factors that are likely to be important in the decision-making process, it may be difficult for any effective response to be made. Therefore, consultees should be made aware of the basis on which a proposal for consultation has been considered and will be considered afterwards. They should be aware of the criteria that will be applied by the decision-maker when considering proposals and the factors that will be decisive or of substantial importance at the end of the process.

JUDICIAL REVIEW – whatever decision the Council makes there is always the possibility of an application for Judicial Review being made to the Administrative Court of the High Court. JR considers the lawfulness of a decision, action or failure to act by a public authority, e.g. the Council. Essentially the grounds for making an application for JR include three heads: illegality, irrationality and procedural impropriety. The meaning of illegality is clear but irrationality can also be defined as “unreasonableness” and the usual definition of that is “ a decision so unreasonable that no reasonable [decision maker] could ever have come to it” , whilst procedural impropriety mainly involves alleged breaches of natural justice including that no-one should be a judge in their own cause and the right to a fair hearing where each side is heard.

The results of any application for JR are usually a “quashing order” that quashes the decision subject of the JR that then has to be re-considered and re-made by the original decision maker; a mandatory order that requires the defendant to carry out a particular duty, often to re-consider the original decision; or a prohibitory order that acts in a similar way to injunctions preventing the public body from acting or continuing to act in a way that is unlawful.

X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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Tendring District Council entered into a Supply of Services Agreement' ("the Contract") with AE Partners Ltd ("the Customer") YourStride in June 2018 (and varied in January 2023), although no recorded and/or published decisions have been located to establish the authority being relied upon and reasons for doing so. Under the Contract, the Council is the Supplier and is paid by the Customer to provide a 24/7 monitoring service on behalf of the private company for registered users of the personal alarm watch. This Contract is being serviced by the Council's Careline Service ("Careline"),– which can typically require follow-up calls being made to nominated family members or other contacts, relevant support services or the emergency services.

At 7 October 2024, the number of YourStride registered users had reached a level in excess of 9,400 and it has been growing at a rate of between 500 and 600 per month over the last six months. Under the terms and conditions of the contract, the Council currently has no control over the number of users and is contractually obliged to register and serve any new customer purchasing the YourStride product.

It is currently estimated that Careline receives a call every 15 seconds from YourStride customers and that these represent around 83% of all calls handled by the Council's Careline Service. Careline is having to rely heavily on external and casual support to manage the volume of work generated under this contract. On 22 October 2024, enquiries were made as to how many residents in Tendring formed the 9,400 registered users, the Careline Manager has confirmed this to be 35 with an addition of 22 users purchasing watches directly from the Council.

It is acknowledged that the position largely remains the same as in July 2024 when the future of Careline was reported to Cabinet, in that the Contract is costing the Council more in staff resources and system costs than the income being generated. However, the scale and rate of the increased YourStride registered users are resulting in significant strain on the resources of the Careline Service and the Council. The Tendring tax-payer is effectively having to subsidise, at a growing rate, a product provided through a private company to residents living outside of the Tendring District, whom are paying a subsidised fee.

It is not certain which legal authority and powers were relied upon to enter into the agreement with AE Partners Ltd to provide the YourStride contract, the business case and reasons for doing so and the rationale behind departing from the Council's published Fees and Charges for this service area. The Supply of Services Agreement is not the Council's standard format, as required within the Constitution and a decision to enter the legal agreement has not been supported by a recorded and published decision.

The law states that where a public body carries out a consultation, whether because it is required or chooses to do so, it must consult properly. The basic requirements of an adequate consultation are interchangeably referred to as the 'Sedley criteria' and the 'Gunning principles, and have been endorsed by the Supreme Court. They are that:

- the consultation must be undertaken when proposals are still at a formative stage;
- sufficient reasons for the proposal must be given to allow intelligent consideration and response;
- adequate time is given for consideration and response; and

- the product of the consultation is conscientiously taken into account in the decision-making process.

A significant body of case law has built up in which these principles have been applied by the courts. Notwithstanding this, the courts are continuing to be kept busy with judicial review challenges on the role consultation has or has not played in public bodies' decision-making.

It is uncontroversial to say that any consultation that is undertaken is of little use if the outcome of the consultation is not duly considered and taken into account within the decision-making process. It is not enough to simply pay lip service to the principle of consultation; the responses to the consultation need to be given full and proper regard.

Precisely what this entails will be informed by the circumstances of the case. Also, while public bodies must be able to demonstrate that the outcome of the consultation has been taken into consideration that does not necessarily mean that they have to disclose the internal workings of their decision-making processes or the information used to assess the responses to the consultation.

The outcome of the consultation on the options set out in the Cabinet's Decision made in July 2024 are being reported to Cabinet in this report prior to decisions being made on the future of the Tendring Careline Service. The urgent decision from the Leader was based upon the scale of the increased registered YourStride users, which are now taking 83% of Careline's resources to respond to, with only 35 of those 9500 users being Tendring residents. The Customer (YourStride) has responded to the consultation exercise and believes Option 2 is the only viable option.

The Customer has also rejected any proposal to vary the contract and the only course of action to protect the Council is to terminate the Contract, in accordance with its terms and conditions requires 16 weeks-notice. The decision enabled the notice to be served for termination to take effect in 2025. The Customer did however offer a proposal to be explored.

The proposal referenced as being received from Colchester City Council, was submitted by its commercial holding company, which is assumed to be trading for commercial purposes. The implications of any potential proposal and understanding the delivery model must be fully understood and assessed, whilst ensuring that any procurement legal requirements are observed. Further legal implications and the necessary decision making will be advised upon once the detailed proposals are received.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The report to Cabinet of 26 July 2024 set out the recent financial performance of the Careline Service which identified that in 2023/24, the Council had to subsidise the service by £0.403m for that financial year; with a forecast subsidy for 2024/25 totalling £0.521m.

The five options for the future of the Careline service set out within the July 2024 report were accompanied by financial analysis – with options costed based on each aspect of the service,

including staffing, working patterns, service contracts, Out-of-Hours and the Telecare Services Association (TSA accreditation). The outcome of that financial analysis for each option was summarised as follows:

Option	Potential Budget Required (£)	Potential Cost Pressure Required (£)	Potential One-off Costs required (£)	Alternative Providers in the Market	Comments/Considerations
1	487,538	262,468	286,830	Yes	Recruitment/Retention challenges would remain along with challenges of a competitive market.
2	151,934	(72,956)	746,000	N/A	N/A
3	350,303	125,413	306,830	Yes	Recruitment/Retention challenges would remain along with challenges of a competitive market.
4	425,577	200, 687	378,395	Yes	Recruitment/Retention challenges would remain along with challenges of a competitive market.
5	403,435	178,545	286,830	Yes	Recruitment/Retention challenges would remain along with challenges of a competitive market.

Option 2 was agreed by the Cabinet as the recommended option and an additional £300,000 was set aside for transitional costs which would include contacting service users and/or their next of kin to explain the impact of the change and provide information about alternative providers; exploring redeployment options for affected staff; and the termination period for Careline customers as per their contracts with the Council. An additional amount of £446,000 was also agreed to support other potential one-off costs.

Following the recent consultation, the Cabinet is being asked to consider extending, by three months, the period for completing the review of Careline – allowing time for the consideration of a potential opportunity for working with Colchester City Council to establish a combined service for North East Essex and proposals from other third-parties – as per the recommendations. The addition of three month has a potential cost implication for the Council that would not have been factored into any of the five options considered previously – however, it is considered prudent to invest the additional time in exploring the North East Essex opportunity and other proposals from third-parties before the Cabinet makes a final decision, as they have the potential to offer significant benefits that positively and directly respond to the feedback from the consultation.

Based on the historic performance of the service, a sum of £296,000 was included within the 2024/25 budget to meet the on-going increased subsidy of the service whilst the review was

undertaken. In terms of the financial position to date in 2024/25, there is currently a reduced 'call on' this funding due to increased income from the Your Stride contract alongside reduced employee costs, which reflect on-going recruitment and retention issues. Although this may look positive from a purely financial perspective, as set out elsewhere, it is not sustainable from a service provision position, hence the recent termination of the contract. Although this position will undoubtedly change over the rest of the financial year, it does potentially allow funding to be 'freed up' to support the potential additional cost of the proposed extension to the timescales highlighted above.

With the above in mind, it is difficult at this stage to estimate the actual net cost of extending the timescales. It is also important to highlight that in the immediate term, there may also be opportunities to utilise the one-off money totalling £0.746m mentioned earlier to support the approach proposed, which would need to be considered alongside the work associated with exploring the option of potential collaborative working with partners, that in turn could provide opportunities to reduce the use of this one-off funding.

It is therefore important to bring these relatively complex financial strands of the on-going review of the Careline Service together for inclusion within the proposed report to Cabinet in February 2025. It is however prudent at this stage to acknowledge that there may be net additional costs associated with the proposals set out within the report, which can also be considered as part of future financial performance reports and budget setting activities as required to ensure that necessary and timely adjustments to the budgets can be made.

With the proposal to extend by three months to consider the North East Essex opportunity and other proposals for the Cabinet to take a final decision in February 2025, with implementation completed by the end of June 2025, it is proposed that the financial assumptions for the five options (and any other alternatives) are revisited and that the most up to date financial position, including the impact from the termination of the Your Stride contract are reported to Cabinet in February 2025.

The Cabinet will therefore be able to make a final decision in February 2025 on the basis of updated financial assumptions and a clearer understanding of the North East Essex opportunity or other alternatives and their financial and other implications.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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No further comments.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Full financial information was presented to the Cabinet in July 2024 for the five options – however, for the reasons stated above it is
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	proposed that this information will be revisited to inform any final decision from Cabinet in early 2025 on the future of Careline.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	This is a Key Decision (of which notice was published on 7 October 2024. A range of options for the service are identified in this report and it is recommended that additional time is incorporated into the work programme to ensure all reasonable options are given full and proper consideration before the Cabinet settles on a final decision for the future of Careline.
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.	Full financial information was presented to the Cabinet in July 2024 for the five options – however, for the reasons stated above it is proposed that this information will be revisited to inform any final decision from Cabinet in early 2025 on the future of Careline.

MILESTONES AND DELIVERY

It is recommended in this report that three months additional time is incorporated into the work programme to explore the opportunity to work with Colchester City Council to establish a combined service for North East Essex and to implement any final decision taken by the Cabinet in early 2024. The milestones for delivery are revised accordingly in the table below:

Milestone Description	Planned Date
Consultation period	19 th August to 30 th September 2024 – <u>completed</u> .
Review Options for Out of Hours Provision	Currently ongoing
Cabinet report update report	15th November 2024
Communications disseminated as appropriate following Cabinet decision	15 th November 2024
Colchester City Council invited to submit formal proposal for a combined North East Essex service (assuming agreement to recommendation f).	15 th November 2024
Proposal to be received from Colchester City Council (assuming agreement to recommendation f).	16 th December 2024
Consideration of North East Essex proposal and other alternative third-party proposals	From 17 th December to 21 st February 2025.
Report to Cabinet for final Decision	21st February 2025
Staff consultation commences	March 2025

Sheltered Scheme Users - possible consultation	March 2025
Staff consultation closes	End of April 2025
Transfer of Out-of-Hour's service and CCTV monitoring if applicable	30 June 2025
Transfer of service users to alternative provision(s)	1 st July 2025 onwards
Implementation of Transition Plan to monitor and record 'destination' and outcomes for service users	1 st July 2025 onwards
Closure of current service (if applicable)	30 June 2025

Should any Cabinet decision be called in for scrutiny, all timescales may need to be adjusted accordingly which could result in an approximate addition of between four and six weeks.

The Trade Union will continue to be updated at all times on the review process including the potential impacts on staff and service users. It has offered support throughout the process.

ASSOCIATED RISKS AND MITIGATION

The response to the consultation indicates a clear preference from service users and their next of kin to maintain Careline in its current form – however this is considered to be unaffordable with significant ongoing financial support required. Whilst the consultation feedback does indicate that some service users may be willing to pay more for a telecare only service, the majority are not willing to pay more and the extent to which some people are prepared to accept a fee increase would not be sufficient to address the financial issues at hand. The Cabinet therefore may have to make a difficult decision that runs counter to the popular view – for which communications will be key.

However, a decision to build additional time into the work programme to allow full and proper consideration of Option 2b is a potentially positive and direct response to the feedback received to the consultation. However, until proper analysis of this opportunity has been carried out and any implications and liabilities to the Council have been fully assessed and understood, it might not be appropriate for the Cabinet to commit to a final decision on the future of Careline.

The delay in making a final decision is justified in responding positively to the consultation, exploring opportunities that might offer benefits in security for service users and staff and allows for the financial implications of different options to be recalculated in light of the recent urgent decision to terminate the YourStride contract. However, delay will incur some costs on the Council into the early part of the 2025/26 financial year – albeit a cost offset in part by the saving secured through the termination of YourStride.

A decision to delay a final decision pending the outcome of further consideration of third-party proposals including that from Colchester City Council will require careful communications with service users, staff and other stakeholders – at what will be an unsettling time. However, it is in the best interest of those service users, staff, stakeholders and Tendring residents that time is taken to reflect on the feedback from the consultation and to give full and proper consideration to potential alternative approaches and updated financial information before a final decision is taken.

EQUALITY IMPLICATIONS

Section 149 of the Equality Act 2010 places a statutory duty (The Public Sector Equality Duty, “PSED”) on the Council in the exercise of their functions and is applicable when making decisions to have due regard to the needs to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender assignment, pregnancy and maternity, marriage and civil partnership, race, religion or sexual orientation. The Acts states that notably, ‘marriage and civil partnership’ is not considered a relevant protected characteristic for advancing equality of opportunity (b) and fostering good relations.

Equality Impact Assessments (“EqIA”) were conducted for each of the five options provided within the Cabinet report of 24 July 2024. As it is proposed to incorporate additional time into the work programme to give further full and proper consideration to the opportunity for a combined service with Colchester for North East Essex and for a further report for a final decision to come back to Cabinet in February 2025, along with updated financial analysis for the options, it is also proposed that the EqIAs for the options are revisited and reported back to Cabinet at that time.

The Equality Impact Assessment presented to the Cabinet in July 2024 identified that the proposals outlined in that report may potentially affect both service users and staff, particularly in relation to disability and age. It was also identified that it would be crucial to address any associated impact through any proposed transitional arrangements, with the corresponding costs specified in the financial analysis within the July 2024 report. Several key principles will need to guide the approach, as follows:

- Feedback from service users as part of the consultation.

- The use of data to determine support for individual service users .
- To regularly review and update the Equality Impact Assessments as required.
- To ensure clear Communication to both Service Users and staff.

In proposing additional time for the full and proper consideration of the proposals put forward by Colchester City Council and other third-parties, Officers will return to these principles in any report presented to the Cabinet for its final decision in February 2025.

Of note, as part of the recent consultation, the following question was asked:

Do you consider that you have a Protected Characteristic* as defined in the Equality Act (2010) that adversely affects your daily life?

**Age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation*

The answer options were 'yes', 'no' and 'prefer not to say'. Of those who answered this question, 40% responded 'yes'.

This further emphasises the importance of ensuring that an effective transition plan and associated support is developed to ensure that all service users and next of kin receive that support in a way which is suitable and, so far as possible, personalised, to meet their needs.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined through the Public Services (Social Value) Act 2012 and requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social, and environmental well-being of an area.

This is not relevant to the proposed recommended Option 2, as the Council will not be commissioning or procuring services. The current Careline Service users would have the ability to choose directly from a number of alternative providers on the open market, who are experienced and competitive in delivering telecare services.

Further consideration will need to be given to the opportunity outlined in this report of working with Colchester City Council as part of the North East Essex Health and Wellbeing Alliance to explore the possibility of combined service for the North East Essex area as well as considering other third-party proposals. Potential social value benefits could include a positive contribution to the achievement of a more integrated health system approach, continuity and security for existing Careline service users, opportunities for job retention and better value for money for tax-payers. These considerations will need to be fully and properly assessed before any final decision is taken by the Cabinet in due course in relation to the future of Careline.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
<p>No specific implications for reporting at this time; but moving forward any final decision on the future of Careline may have implications for property and fleet which, in turn, may also have implications around carbon usage and reduction.</p>	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
<p>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>	
Crime and Disorder	N/A
Health Inequalities	<p>The service enables residents to maintain independent lives and there are a number of other providers offering comparable services. A focus of the North East Essex Health and Wellbeing Alliance is supporting communities in having more active and healthy lifestyles and moving towards a more integrated health system approach. The opportunity to explore the opportunity of a combined Careline service for North East Essex has the potential to support these aims and objectives and is therefore recommended for full and proper consideration before the Cabinet takes any final decision on the future of Tendring Careline.</p>
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	<p>Since the legislation came into force in January 2023, public authorities must assess whether they are providing subsidies within the definition of the Act, which equates to financial assistance conferring an economic advantage to one enterprise over another. An assessment of the contract price agreed by the Council when the contract was entered into demonstrates that the Council has been subsidising third-party contractors.</p> <p>The decision has already been taken to terminate one such contract, the YourStride contract with AE Partners Ltd and it is recommended that Officers continue reviewing third party contracts to vary and/or terminate as necessary and for the financial implications of different options for Careline be revisited and</p>

	re-reported to Cabinet as part of any February 2025 report.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Tendring’s Careline Service (*Careline*) has been operational since 1987. When it was established, it provided a unique service to Tendring, allowing service users to maintain independent living through 24/7 monitoring and response. The service has been highly regarded by both customers and their family members. However, the telecare landscape has since changed, with several alternative providers now in the market offering similar services (*including telecare and lifting/response*) at comparable fees – as reported to the Cabinet in July 2024.

Careline is an in-house service (*not a state entity, or Local Delivery Vehicle*) which allows service users to remain living independently in their homes. An additional lifting service was established in 2016, which allows responders to lift service users, if appropriate, providing complementary support to Emergency Services.

In addition to its regular operations (*as outlined above*), the Careline team supports the authority’s Out-of-Hours service. This service provides a Council response to resident queries including Housing, Environmental Health, Emergency Planning, and CCTV during evenings, weekends, and bank holidays. It should be noted that the Out-of-Hours service is a completely separate working function to the Careline service. Outside of Out-of-Hours arrangements, CCTV is currently monitored by the Careline team and footage is downloaded as requested by Essex Police.

The current Careline Service also enables the organisation to fulfil its legal obligation to provide a telecare service for all of its Sheltered Housing tenants. As well as the required telecare service, Careline carries out resident welfare checks at the weekend and Bank Holidays, which involve an optional monitoring check on each resident called ‘I am ok’ to check for a response. If residents do not respond, then the Careline staff endeavour to contact the resident.

At its meeting in July 2024, Cabinet expressed a preference for Option Two of the five options presented which is to provide an out of hours council service only. In meeting the organisation’s Best Value requirements a public consultation was carried out from 19th August to 30th September, the full details of which are covered elsewhere in this report.

Careline holds a number of contracts of varying detail and complexity ranging from ‘informal’

to fully contractual. The majority of its contracts are for the delivery of a telecare service, the largest of which is with the aforementioned AE Partnerships Ltd. On 24 October 2024, the Leader of the Council on the advice of the Director of Planning and Community and the Council's Monitoring Officer, took an urgent decision to give 16-weeks' notice to terminate the 'YourStride' contract with AE Partners Ltd. For reasons of commercial sensitivity, the full reasons for that decision was set out in a confidential Part B report. However, in summary it was determined that the terms of the contract were allowing for rapid and unmanageable increases in third-party service users increasing significantly the pressure on the staff resources of Careline for which the cost is not met by the income. That contract will formally end in February 2025.

In light of the issues identified in relation to this particular contract, it is proposed that delegated powers are given to Officers to carry out a full review of all other third-party contracts being served by Tendring Careline and for those contracts to be varied and/or terminated accordingly – and for the financial implications to be reflected in a revised set of assumptions to be reported to Cabinet in February 2025 to inform its final decision on the future of Careline. This means progressing, in the short term, with elements of Option 5 i.e. terminating third-party contracts as necessary and then for Cabinet to take a final decision on the future of Careline informed by updated financial analysis taking into account the impact of such terminations.

Careline also holds a number of contracts for supply of service, such as telephony equipment and call alert systems in services users' homes. Appropriate notice will be given to terminate or not renew these contracts. However, should the decision be made to retain the inhouse provision of the Out of Hours, Sheltered Housing response and CCTV monitoring some of the contracts will be adjusted according the level of need.

A transition plan will be developed which will take account of the needs based upon Cabinet's decision for its preferred option and next steps. Every effort will be made to ensure that service users and next of kin receive the support they require to enable them to transition smoothly to the alternative provider of their choice; or to a combined service for North East Essex with Colchester if that opportunity is found to be a suitable and viable proposition. Either way, discussions have also started with Essex County Council to identify ways in which the two organisations can work collaboratively to support those service users who are eligible and wish to transfer to their telecare service. As appropriate, discussion will be opened up with other providers to ensure a smooth handover of all service users in a timely manner.

Human Resources have been meeting with staff and further meetings will be scheduled as required. A full consultation plan is being drafted and will be finalised following Cabinet's final decisions on how it wishes to progress.

Through the consultation, the Council has received enquiries from third-parties regarding taking over the service as well as the suggestion from Colchester City Council of a combined service serving North East Essex. This is not a straightforward process and each proposal will be carefully considered to ascertain whether it truly represents a 'like for like' proposition and

whether it would meet the Best Value requirements as previously described. From initial assessments, it appears that the North East Essex combined service opportunity could have the most potential to achieve this, however more time is needed to review all proposals and for a full proposal to be received from Colchester City Council (and others if appropriate) for consideration. It is proposed that Officers will bring forward their recommendations to Cabinet in February 2025.

Pending the full and proper consideration of these alternative proposals along with an update of the financial analysis for all the options, it is recommended that Option 2 remains the Cabinet preferred option. Option 2 refers to providing an Out of Hours service. At present, this service, along with telecare support for TDC Sheltered Housing residents, is provided within the Careline Service. Out of Hours calls average 547 per month and Sheltered Housing calls average 600 per month.

Out of Hours calls cover a wide can range which includes but is not limited to, homelessness, emergency planning and dangerous structures. The call handler will assess the call and try to signpost the person if possible. As necessary they will also contact the relevant on-call Officer. Calls can last up to twenty minutes depending upon their nature.

To fulfil its legal obligation as a provider of Sheltered Housing, the organisation is obliged to ensure that all tenants have a telecare service provided. At present the service has 261 units of accommodation, with more to be added with the opening of Honeycroft and Spendells, bringing the total to 305. At present the telecare service is provided by Careline. An additional monitoring service for Sheltered Housing tenants, referred to as 'I'm ok', is also covered by Careline in the evenings and at weekends and Bank Holidays

In the financial information accompanying the July 2024 Cabinet report, Option 2 assumed a budget of £152,000 for the provision of the Out of Hours service. Additional funding is available for the provision of the Sheltered Housing support via Housing Revenue Account (HRA) funding and had not been included within the aforementioned figures.

Officers have been carrying out some preliminary research into potential options for maintaining Out of Hours and Sheltered Housing telecare provision out of hours service that could include full retention in house or outsourcing either in full or in part. The advantages and disadvantages of different approaches in financial and other terms require further consideration and analysis and it is recommended that delegated authority is given to Officers in consultation with the Leader of the Council and Portfolio Holder for Partnerships to continue exploring options and to determine the best approach for implementation following the Cabinet's final decision on the future of Careline.

PREVIOUS RELEVANT DECISIONS

26 July 2024: Cabinet: Report of the Partnerships Portfolio Holder - A.8 - Tendring's Careline Service Review Decision: RESOLVED that Cabinet –

(a) notes the outcome of the review of the service as set out in the Portfolio Holder's report (A.8) and its appendices and agrees the decision, in principle, to adopt Option 2, that is to cease the telecare and lifting/response provision of the Careline Service, in its entirety, including service delivery under third-party contracts and that the remaining service provision will solely relate to the Council's Out-of-Hours and CCTV service;

(b) approves the necessary consultation to be undertaken with customers, residents and key stakeholders. This consultation to be based upon balancing best value principles with the needs of the Council's existing customers, who now have a wider range of options available on the open market, at more comparable rates than the Council can continue to supply the service for;

(c) delegates the format and design of the consultation to the Leader of the Council and the Portfolio Holder for Partnerships, in consultation with the Assistant Director (Partnerships) and the Assistant Director (Governance);

(d) agrees the Communication and Engagement Plan with an overriding objective to encourage and support active engagement with services users to understand the principles of Option 2 and the alternative providers available, as well as understanding why Option 2 is the preferred option;

(e) requests that the outcome of the consultation be reported back to the Cabinet in either October or November 2024, for a decision as to the future provision of Careline Services (telecare/lifting/response service), which will include a detailed transition plan as necessary; and

(f) subject to the associated funding being agreed as part of report item A.9 elsewhere on the agenda, sets aside a total budget of £0.746m to meet the potential implementation costs.

Reasons for Decision: Cabinet was satisfied that:-

(i) given the changing market context, the recommendations of the Portfolio Holder were based on what was considered to be the best option for both service users and the Council;

(ii) several other providers on the open market offered a like for like service, at a comparable price. Furthermore, Essex County Council provided a free of charge service, if a resident was referred to them through a statutory provider, such as Adult Social Care or a health care provider; and

(iii) it was also important to highlight the continuing capacity challenges the Authority faced in meeting the needs of a range of service users, including those supported by third party contractual arrangements.

25 October 2024: Decision by the Leader of the Council: A decision by Leader of the Council and Corporate Finance & Governance Portfolio Holder on 25 October 2024:

Termination of Tendring District Council's Supply of Services Agreement with AE Partners Ltd (trading as 'YourStride) in respect of services provided by the Council's Careline staff.

Decision:

(a) following consultation with the Section 151 and Monitoring Officers, to make an urgent decision, on behalf of the Cabinet, to authorise immediate notice being served on AE Partners Ltd giving 16 weeks prior notification to terminate the Supply of Services Agreement between them and the Council;

(b) that the Directors for Governance and of Planning and Communities be authorised to take the necessary administrative steps to enable this decision to be implemented as soon as possible and without further delay to the Council; and

(c) notification of such decision will be reported to Members accordingly.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Cabinet Report July 26th 2024

APPENDICES

- A. Responses from Consultation
- B. Consultation Questionnaires
- C. List of Stakeholder Groups

REPORT CONTACT OFFICER(S)

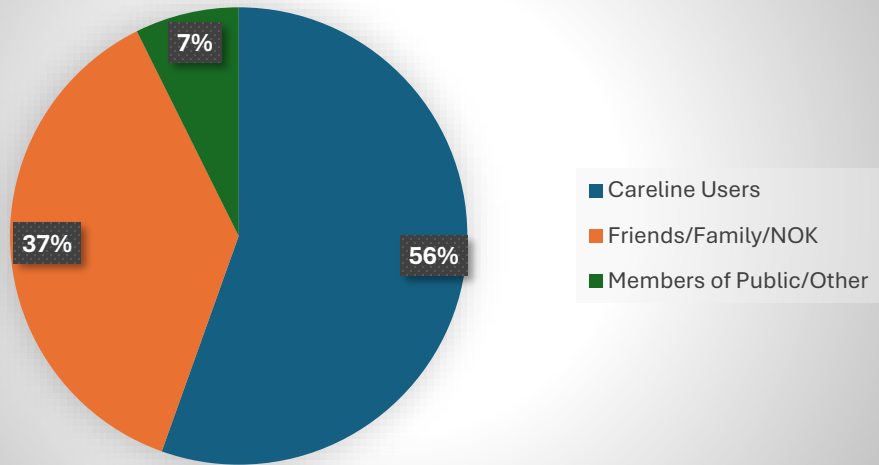
Name	Gary Guiver Carol Magnus
Job Title	Director for Planning and Community Organisational Development Manager
Email	gguiver@tendringdc.gov.uk cmagnus@tendringdc.gov.uk

Public Consultation regarding Careline summary

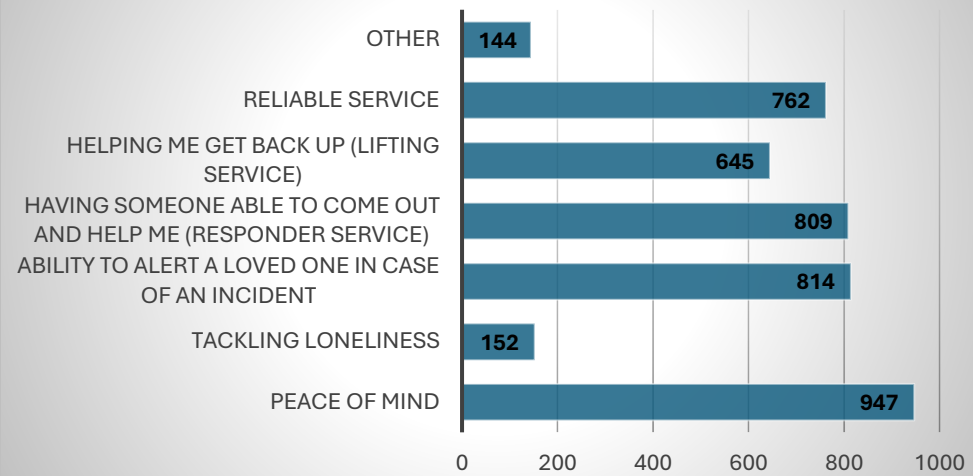
The following pages show graphs and word clouds to summarise the responses received from the public consultation. A total of 1062 responses were received. 273 were completed online and 789 hard copies were returned. The hard copies were then entered onto MS Forms by Officers.

The graphs show the consolidated responses. Due to technical challenges, it has not been possible to combine the electronic returns and hard copy returns to produce amalgamated word clouds. The word clouds are produced from the online responses. They are also representative of the hardcopy responses received.

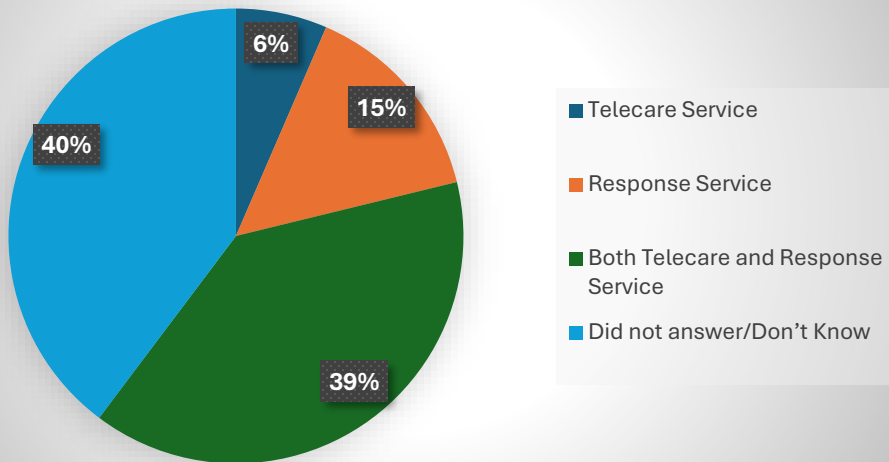
Overall Responses



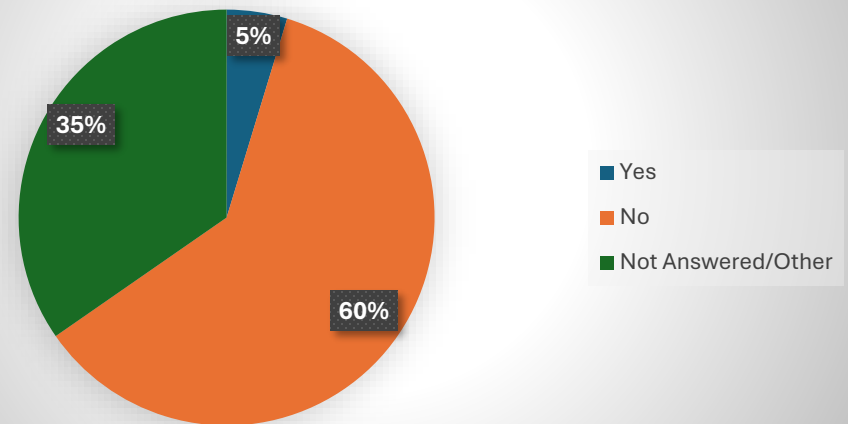
How does the service benefit you



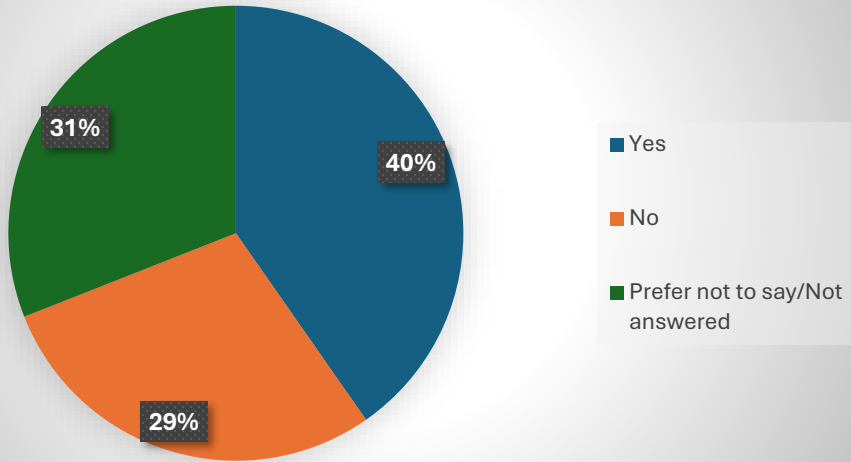
Service used



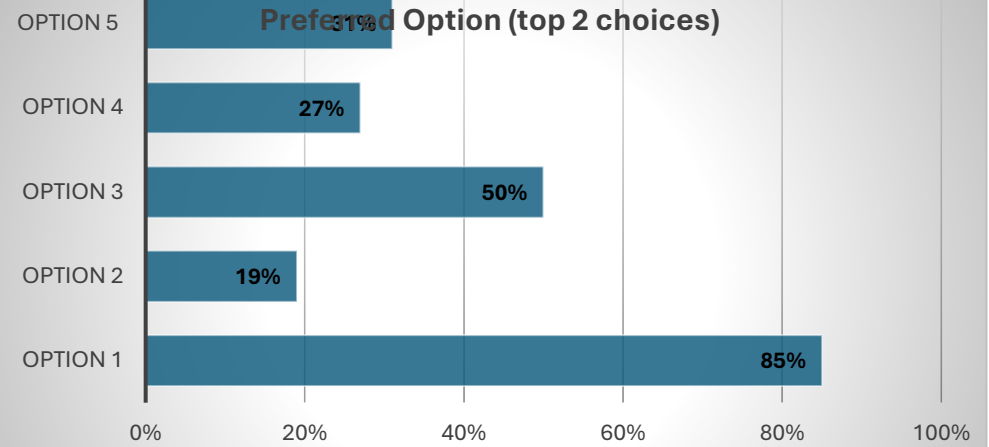
Has the level of service provided by Careline ever failed to live up to your expectations



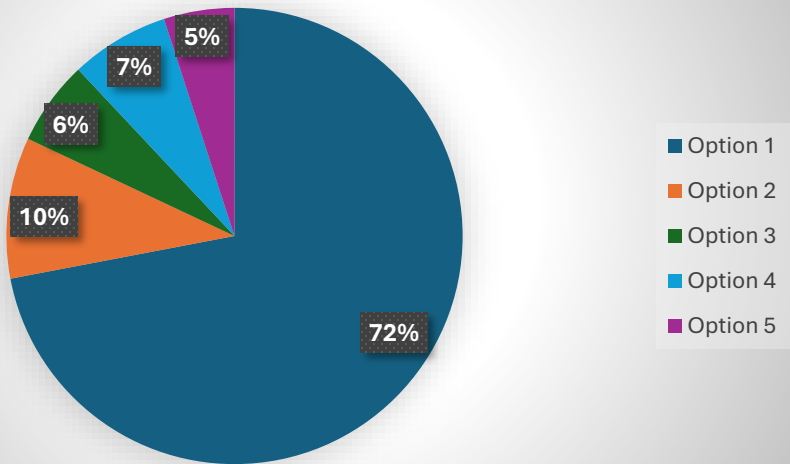
Do you have a protected characteristic



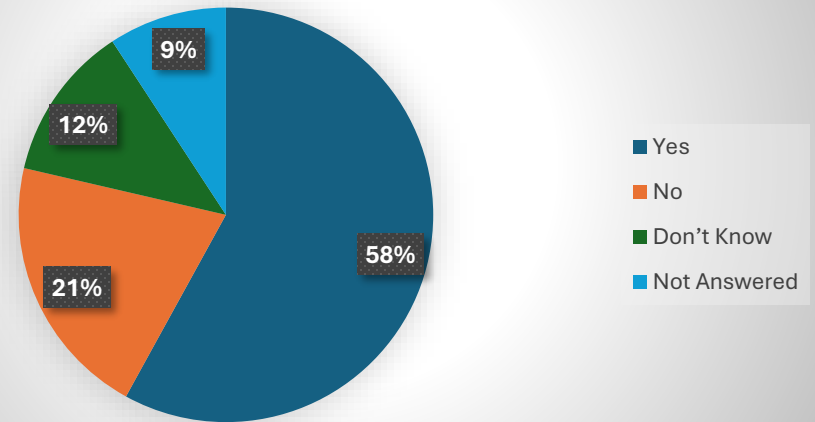
Preferred Option (top 2 choices)



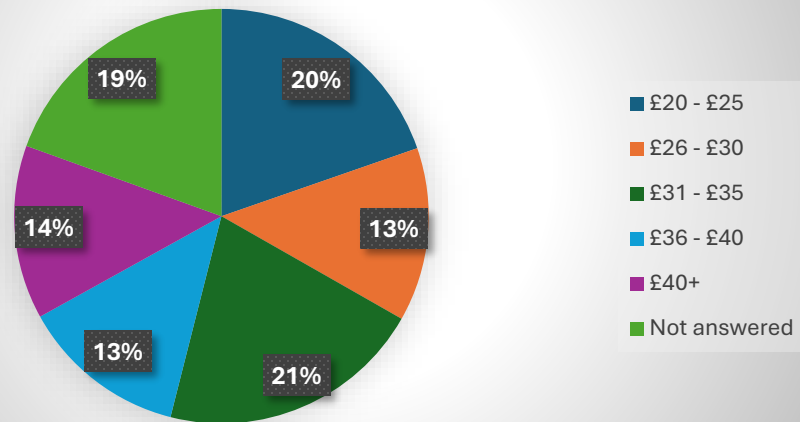
Preferred Option (top choice)



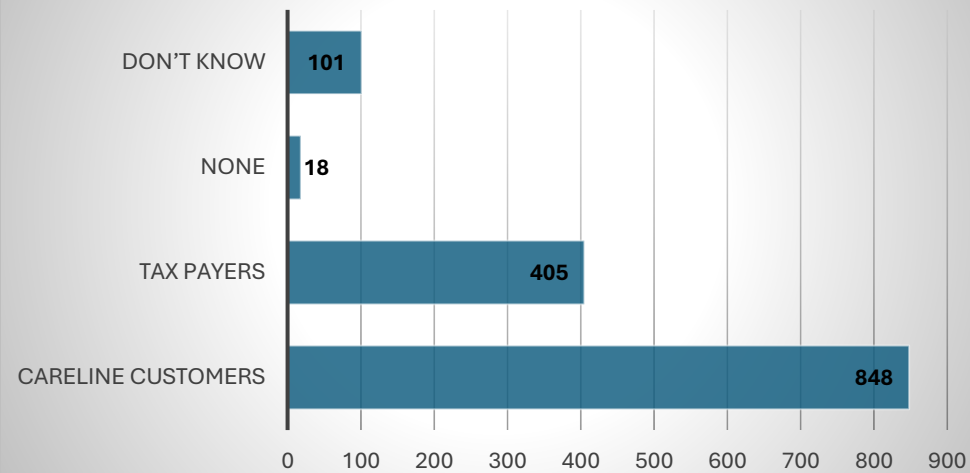
Would you be prepared to go to an alternative provider



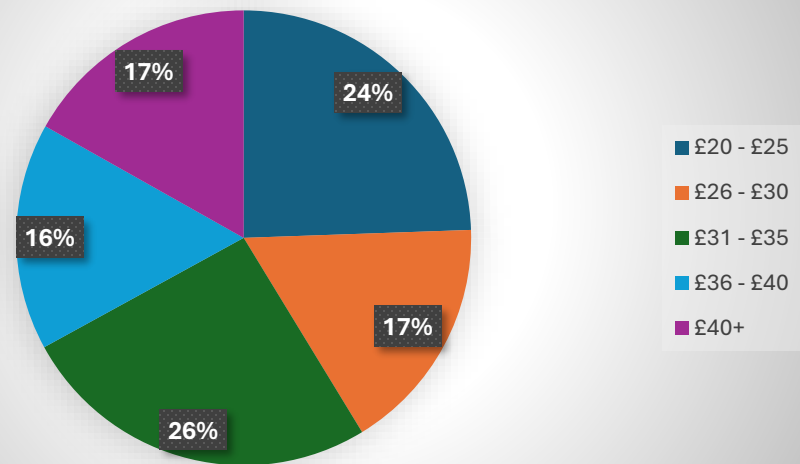
How much would you be prepared to pay for a telecare only service



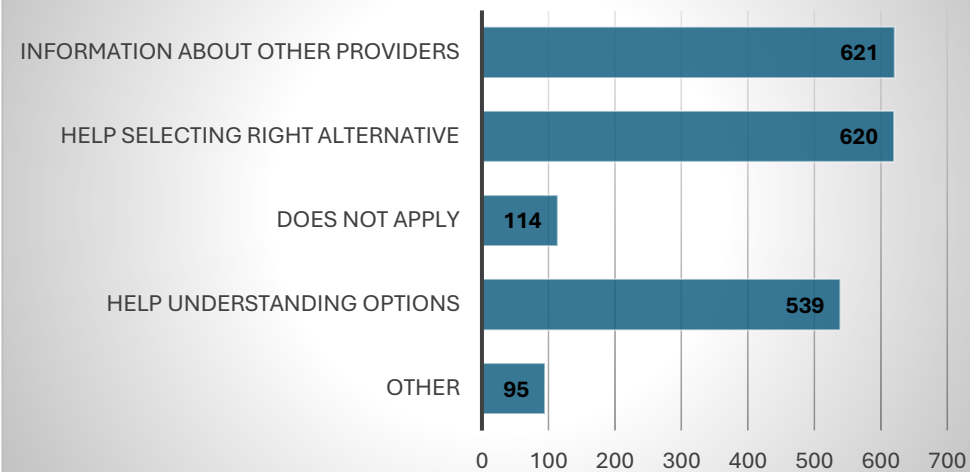
Does Careline provide value for money

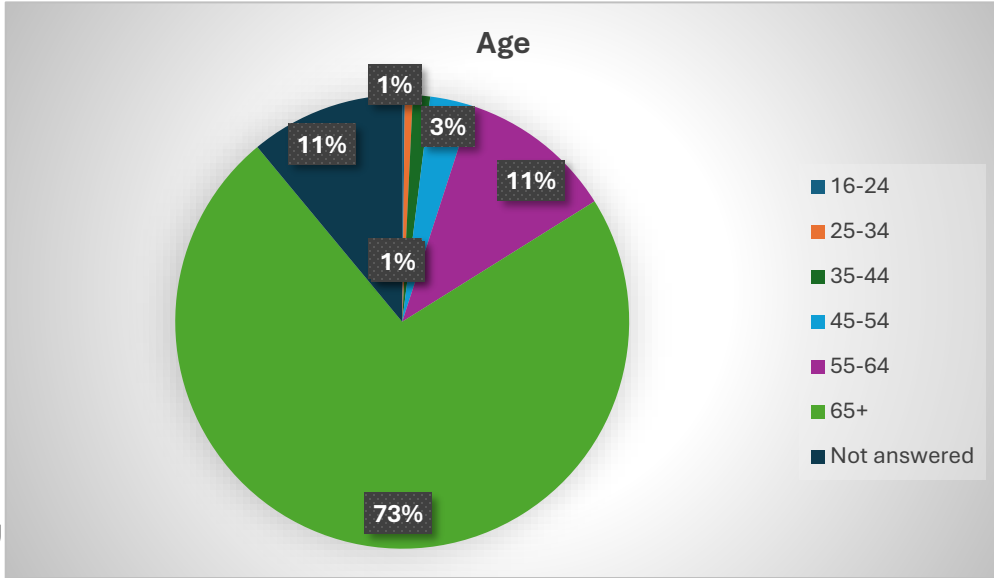


Fees breakdown without not answered data



Support needed during transition





8. Do you consider that the proposed changes to the Careline service could have an adverse effect on the quality of your life?

[More Details](#)

[Insights](#)

139

Responses

Latest Responses

"As a nominated contact for a neighbour this is a very valuable service as this give...

"Yes, will not have a nearby company who can come out and help pick me up if I h...

29 respondents (21%) answered **helps** for this question.



9. What challenges would you or someone you know face if the Careline service were to cease?

[More Details](#)

[Insights](#)

264

Responses

Latest Responses

"Loss of confidence, independence, loneliness. Potential for increased risk of falls/h..."

"Would find it difficult to find someone to come out in the middle of the night to h..."

"We would another provider"

81 respondents (31%) answered **fall** for this question.



10. Is there anything Careline does that you do not think you could get from another provider?

[More Details](#)

[Insights](#)

243

Responses

Latest Responses

"As a local service their local knowledge is invaluable."

"They are willing to help to do little things after they have helped me up. Bring a g..."

"No"

87 respondents (36%) answered **service** for this question.



13. Given the need to ensure a quality service for customers and balancing value for money for taxpayers, do you think there are any options, other than those five set out above to improve the Careline service and ensure its long term success?

[More Details](#)

[Insights](#)

205

Responses

Latest Responses

"Investigate what other providers are able to offer and at what cost, comparing lik...

[Update](#)

66 respondents (32%) answered **services** for this question.



18. Is there anything else you would like to share regarding the proposed changes to Careline?

[More Details](#)

[Insights](#)

174

Responses

Latest Responses

"The staff of Careline are always friendly and helpful. They take the time to chat a...

"Not to increase prices up , clients may feel it's too expensive and cancel the servic...

76 respondents (44%) answered **services** for this question.



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Careline Survey Questionnaire

Tendring District Council (TDC) is currently going out to public consultation on the future of its Careline service.

The service was launched almost 40 years ago to support people in their own home through assistive technology, including fall bracelets, watches and pendants.

When it began, Careline was almost unique, but it is now one of a number of providers in the telecare market.

Careline provides a 24/7 service to paying customers, as well as some additional offers such as a lifting service.

The current preferred option (*option 2*), for the council's Cabinet, is for TDC to leave the telecare market and cease the lifting/response provision of Careline.

<https://www.tendringdc.gov.uk/news/council-to-consult-residents-over-future-of-careline-service>

1. Are you a

Careline User

Filling in on behalf of a Careline user

Friend or family of a user

Member of the public

Careline Employee

Other

2. Please provide your Careline Customer number (*this will be on any Careline correspondence sent to you*)

3. Which Services do you use?

Telecare service

Response service

Telecare and response service

None

Impact of Careline Service

4. How does the Careline service benefit you or someone you know? (*Please tick all that apply*).

1. Peace of mind

2. Tackling loneliness

3. Ability to alert a loved one in case of an incident

4. Having someone able to come and help me (*responder*)

5. Helping me get back up (*lifting service*)

6. Reliable service

7. Something else (*please explain below*)

5. Has the level of service provided by Careline ever failed to live up to your expectations? If yes please explain how.

6. Do you consider that you have a Protected Characteristic* as defined in the Equality Act (2010) that adversely affects your daily life? **Age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation.*

Yes

No

Prefer not to say

7. Do you consider that the proposed changes to the Careline service could have an adverse effect on the quality of your life?

8. What challenges would you or someone you know face if the Careline service were to cease?

9. Is there anything Careline does that you do not think you could get from another provider?

Feedback on proposed options

10. For each of the following options, please rank in terms of your preference by adding 1-5 to the boxes, 1 will be deemed as your most preferred option and 5 your least. Note: Option 2 is the current preferred option for Tendring District Council's Cabinet.

Option 1 - Keep the service as it is, but increase fees to approximately £45 per month (*from £30.55 charged currently*).

Option 2 – Cease Careline. Details of alternative providers would be supplied to customers.

Option 3 – Staffing changes to move to six-hourly shifts. Otherwise the same as option 1.

Option 4 – Remove the responder/lifting service; only providing telecare. Included an increase of fees to approximately £33 (*from £22.95 currently*).

Option 5 – Continue to provide Careline only to our direct customers; not service any other contracts, and end our Telecare Service Association accreditation. Increase fees as per option 1 (*approximately £45 per month from £30.55 charged currently*).

11. Please explain your reasoning behind the ranking of the 5 options and explain briefly why you support/don't support some of the options.

12. Given the need to ensure a quality service to customers and balancing value for money for taxpayers, do you think there are any options, other than those five set out above to improve the Careline service and ensure its long term success?

Value for money

Fees have not been increased at Careline for 2 years and currently Tendring District Council has an annual budget for Careline of £1.4million, but will have to subsidise the service with up to £450,000.

13. How much would you be prepared to pay monthly for a telecare only service?

£20 - £25

£26 - £30

£31 - £35

£36 - £40

£40 +

14. If a trusted alternative provider supplied you with the same service for the same cost, or cheaper, would you be prepared to go to another organisation?

Yes

No

15. Do you think Careline currently provides value for (*please tick all that apply*)

Careline Customers

Tax Payers

None

Don't Know

Planning and Additional Comments

16. If you are a Careline customer or filling this in on behalf of a Careline customer what support would you need during the transition? (*Please select all that apply*)

Help understanding options

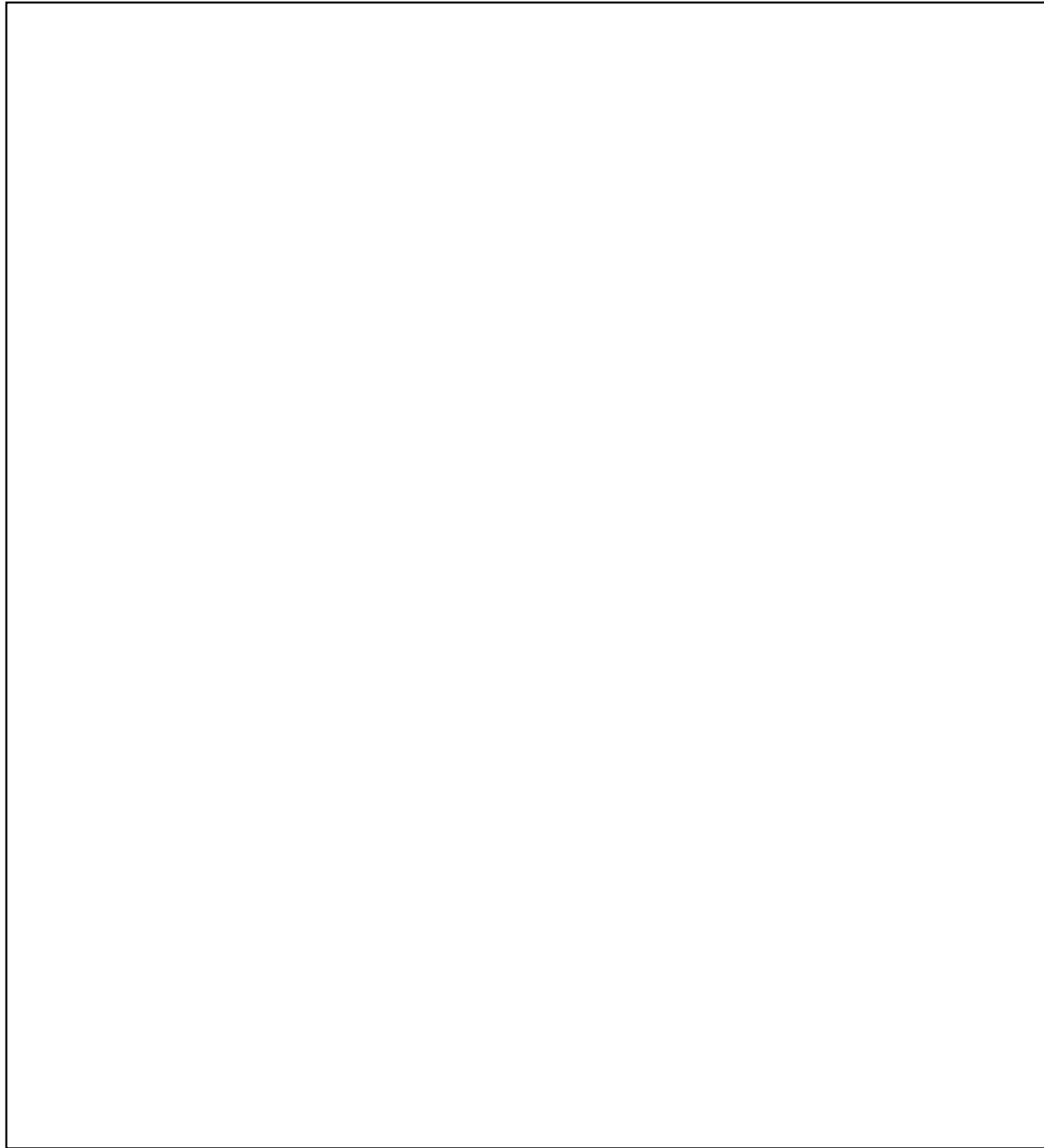
Information about potential other suppliers

Help selecting the right alternative provider based on your needs

Does not apply

Other (*Please Specify*)

17. Is there anything else you would like to share regarding the proposed changes to Careline?



About You

18. Age (*optional*) (*please tick your age range*)

16 – 24

25 – 34

35 – 44

45 – 54

55 – 64

65 or above

19. Please enter the first part of your postcode (*optional*)

Thank you for taking the time to complete the survey your feedback is appreciated.

Careline Survey Questionnaire (Stakeholders)

Tendring District Council (TDC) is currently going out to public consultation on the future of its Careline service.

The service was launched almost 40 years ago to support people in their own home through assistive technology, including fall bracelets, watches and pendants.

When it began, Careline was almost unique, but it is now one of a number of providers in the telecare market.

Careline provides a 24/7 service to paying customers, as well as some additional offers such as a lifting service.

The current preferred option (*option 2*), for the council's Cabinet, is for TDC to leave the telecare market and cease the lifting/response provision of Careline.

<https://www.tendringdc.gov.uk/news/council-to-consult-residents-over-future-of-careline-service>

Please be aware this form is to be used by an individual responding on behalf of the organisation that they work for.

Feedback on proposed options

1. For each of the following options, please rank in terms of your preference. (*The top option will be deemed as your preference*) Note: Option 2 is the current preferred option for Tendring District Council's Cabinet.

Option 1 - Keep the service as it is, but increase fees to approximately £45 per month (*from £30.55 charged currently*).

Option 2 – Cease Careline: the council will still be available for council related emergencies 24/7, and monitor CCTV.

Option 3 – Staffing changes to move to six-hourly shifts. Otherwise the same as option 1.

Option 4 – Remove the responder/lifting service; only providing telecare. Included an increase of fees to approximately £33 (*from £22.95 currently*).

Option 5 – Continue to provide Careline only to our direct customers; not service any other contracts, and end our Telecare Service Association accreditation. Increase fees as per option 1 (*approximately £45 per month from £30.55 charged currently*).

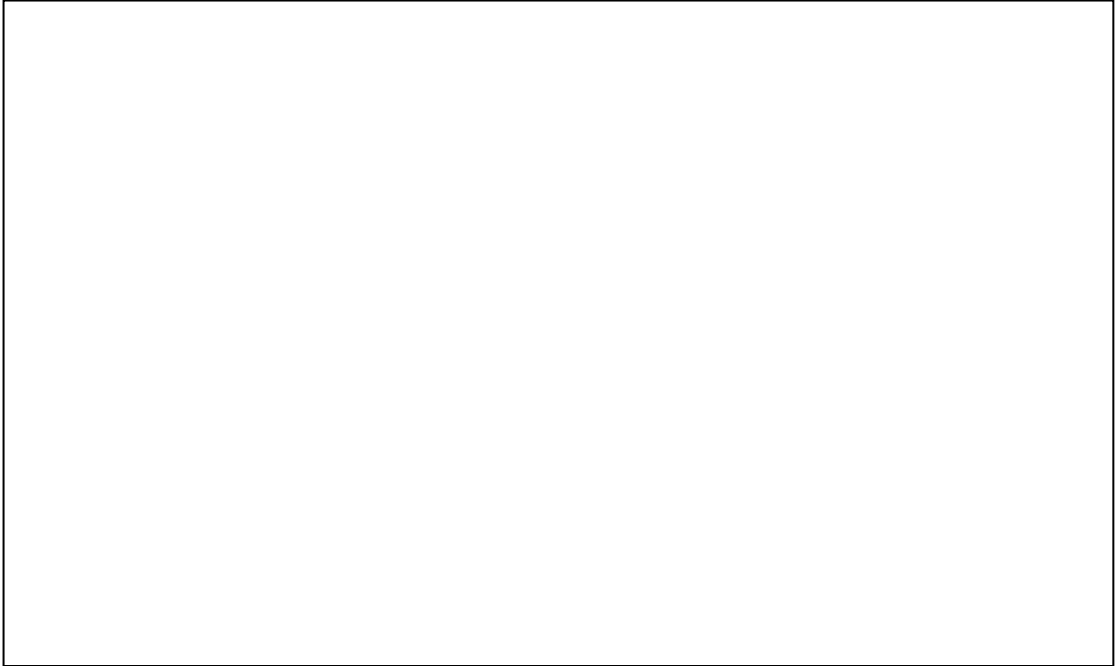
2. Please explain your reasoning behind the ranking of the 5 options and explain briefly why you support/don't support some of the options.



3. Given the need to ensure a quality service to customers and balancing value for money for taxpayers, do you think there are any options, other than those five set out above to improve the Careline service and ensure its long term success?

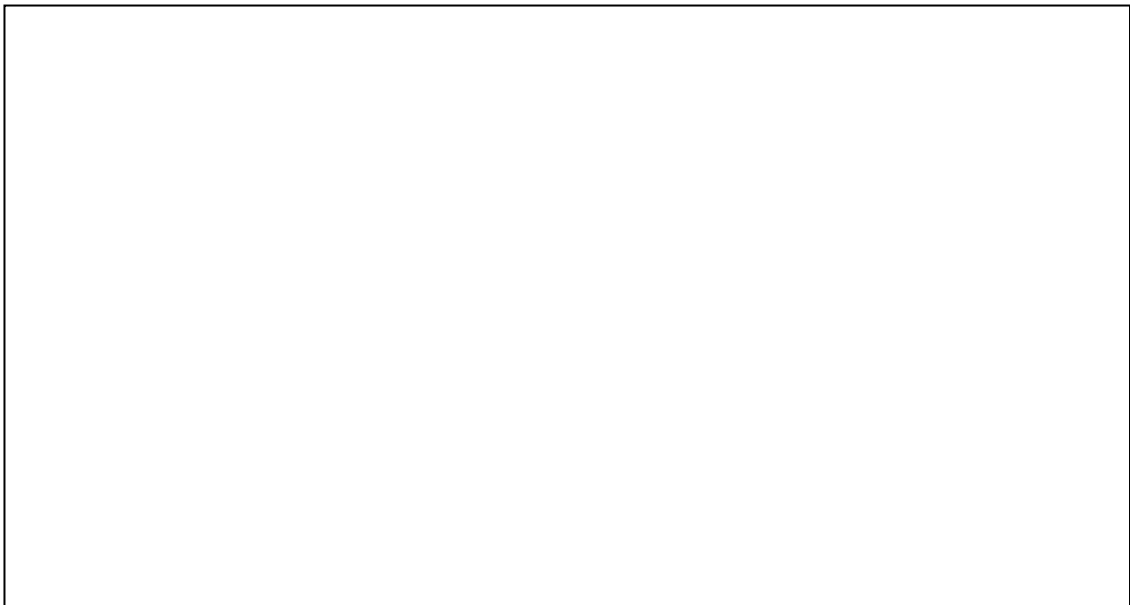


4. Are there existing partnerships or resources that could be leveraged to provide an alternative option?



Impact Assessment

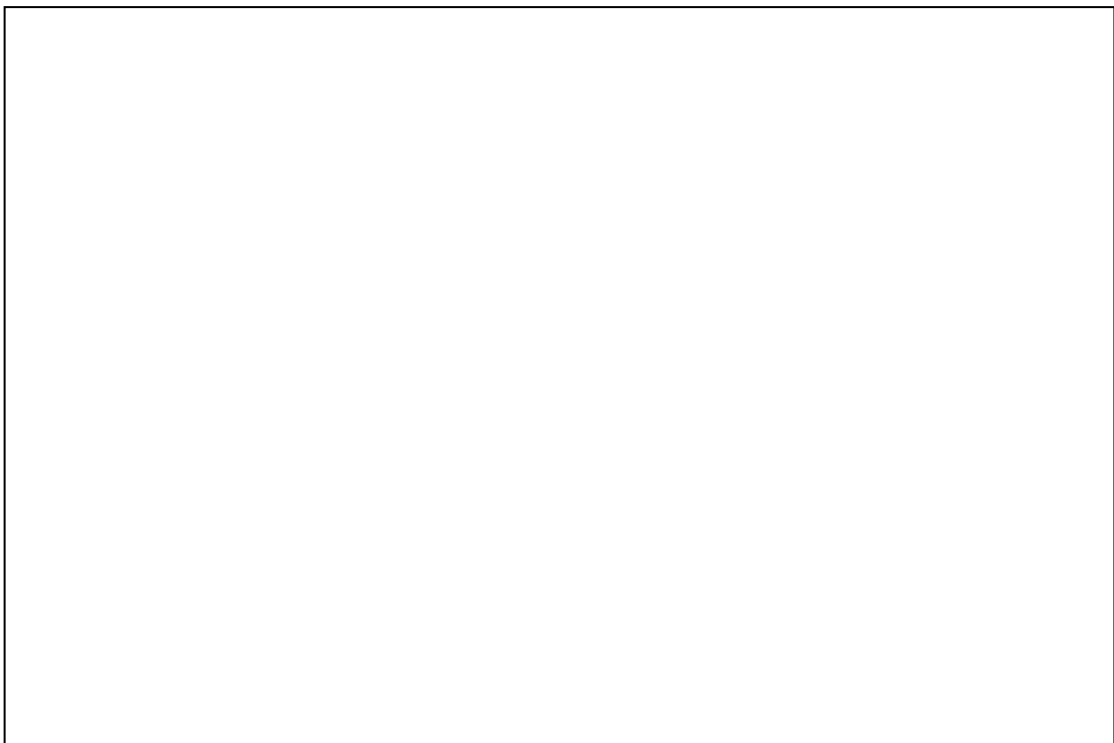
5. How do you think the proposed changes would affect your organisation and/or the community you serve?



6. What specific challenges or opportunities do you foresee for customers?



7. What specific challenges or opportunities do you foresee for your organisation?



Value for money

Fees have not been increased at Careline for 2 years and currently Tendring District Council has an annual budget for Careline of £1.4million, but will have to subsidise the service with up to £450,000.

8. How much would you be prepared to pay monthly for a telecare only service?

£20 - £25

£26 - £30

£31 - £35

£36 - £40

£40 +

9. Do you think Careline currently provides value for *(please tick all that apply)*

Careline Customers

Tax Payers

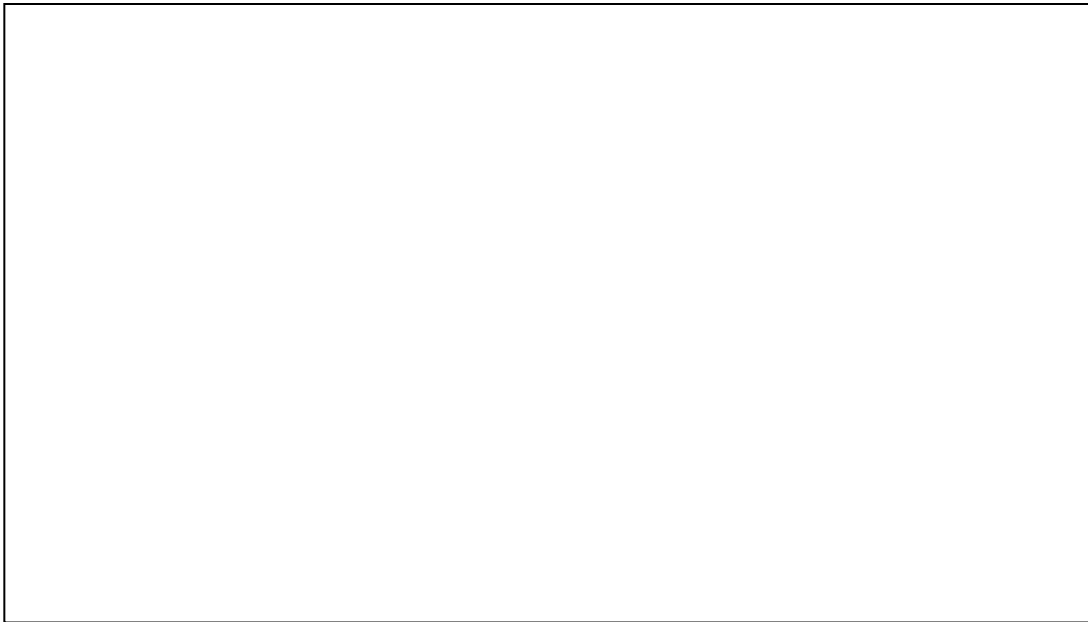
None

Don't Know

Collaboration and Transition

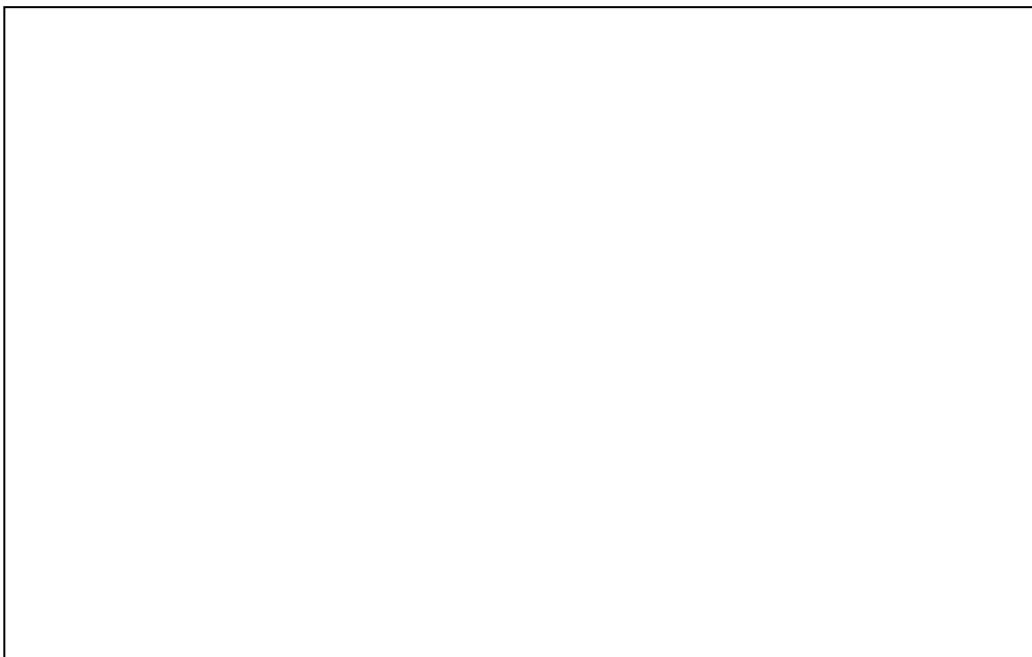
10. How could your organisation collaborate with Careline/Tendring District Council to ensure a smooth transition for affected individuals?

11. If there is a role your organisation can play during this process, please give further details

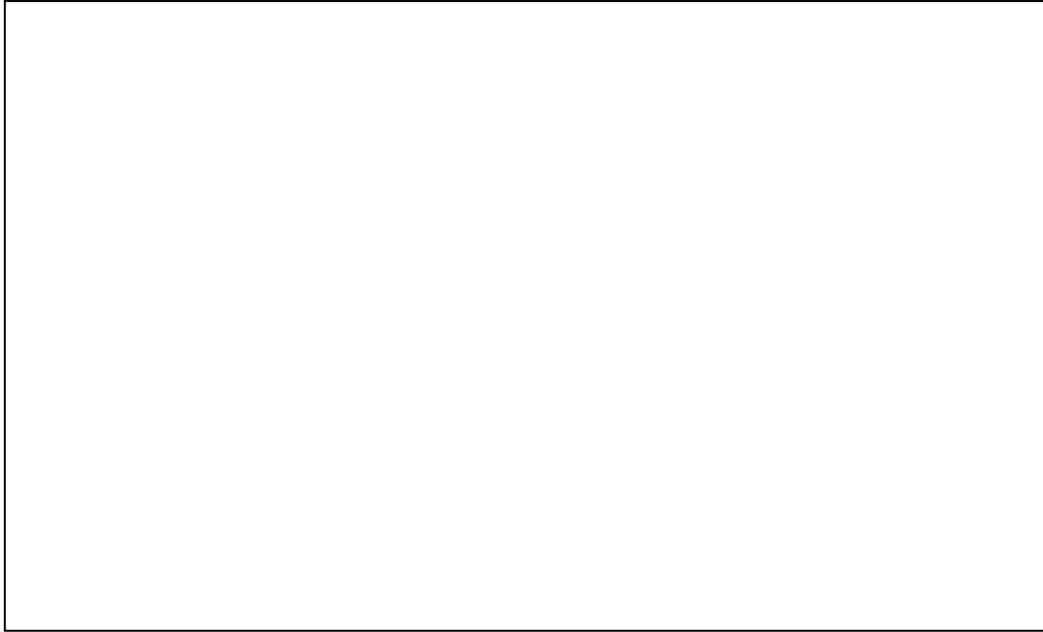


Risk, awareness and understanding

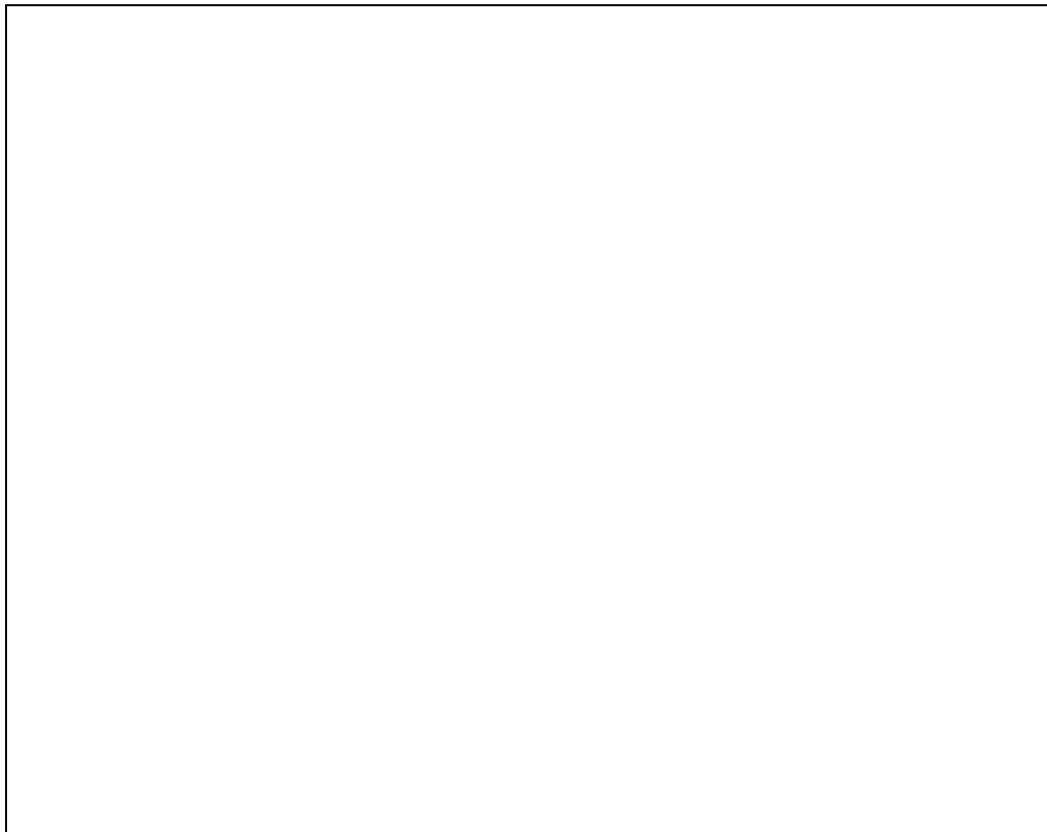
12. What potential risks or unintended consequences do you see arising from the proposed changes?



13. How can these risks be managed?



14. Is there anything else you would like to share regarding the proposed changes or its impact?



Your Details

Please be aware this form is to be used by an individual responding on behalf of the organisation that they work for.

15. Name

16. Organisation and role

17. Contact information (*Please supply a company email or telephone number*)

Thank you for taking the time to complete the survey your feedback is appreciated.

Appendix D

List of stakeholder groups contacted for consultation

Formal consultation commenced with the following key stakeholders - 19 August 2024:

1. Careline Customers:

- **Current Users:** Those who rely on the Careline service for safety and well-being. + **request to third-party contractors to share with their customers**
- **Family Members and Carers:** People who assist Careline users

2. Local Government:

- **Careline Staff:** The staff directly involved in operating the service
- **Housing department:** Professionals who work with vulnerable populations; **older persons housing team**
- **Policy and Decision-Makers:** Council members and managers: **TDC and ECC (specifically but not exclusively Adult Social Care);** MPs (already briefed)
- **Wider TDC staff**

3. Healthcare Providers:

- **Hospitals:** Medical professionals who interact with Careline users; **ICB, HWB Alliance, ESNEFT**
- **Emergency Services:** Police, fire, and ambulance services: **EEAST**
- **Home Care Agencies:** Organisations providing in-home care services

4. Other Relevant Parties:

- **Housing Associations:** Organisations managing housing for elderly residents
- **Local Charities:** Those supporting vulnerable populations: **CVST, CAT, Age Concern/Age UK, Tendring Community Transport**
- **TSA**
- **Contractors**

5. Public Stakeholders:

- **Residents**

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