

Public Document Pack

TENDRING DISTRICT COUNCIL

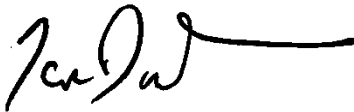
Committee Services
Room 29
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

18 November 2024

Dear Councillor

I HEREBY SUMMON YOU to attend the meeting of the Tendring District Council to be held at 7.30 p.m. on Tuesday 26 November 2024 when the business specified in the accompanying Agenda is proposed to be transacted. The meeting will be held in the Princes Theatre, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Davidson', followed by a horizontal line.

Ian Davidson
Chief Executive

TENDRING DISTRICT COUNCIL

AGENDA

For the meeting to be held on Tuesday, 26 November 2024

Prayers

1 Apologies for Absence

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

2 Minutes of the Last Meeting of the Council (Pages 9 - 20)

The Council is asked to approve, as a correct record, the minutes of the meeting of the Council held on Tuesday 17 September 2024.

3 Declarations of Interest

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

4 Announcements by the Chairman of the Council

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

5 Announcements by the Chief Executive

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

6 Statements by the Leader of the Council

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

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

7 Statements by Members of the Cabinet

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

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

8 Petitions to Council

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

9 Questions Pursuant to Council Procedure Rule 10.1

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

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

10 Report of the Leader of the Council - A.1 - Urgent Cabinet or Portfolio Holder Decisions (Pages 21 - 24)

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

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

11 Minutes of Committees (Pages 25 - 88)

The Council will receive the minutes of the following Committees:

- (a) Tendring / Colchester Borders Garden Community Joint of Thursday 5 September 2024;
- (b) Planning Policy & Local Plan of Monday 16 September 2024;
- (c) Resources and Services Overview & Scrutiny of Monday 23 September 2024;
- (d) Audit of Thursday 26 September 2024;
- (e) Community Leadership Overview & Scrutiny of Tuesday 15 October 2024; and
- (f) Standards Committee of Thursday 24 October 2024.

NOTES:

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

12 Motion to Council pursuant to Council Procedure Rule 12 - Changes to Agricultural Property Relief and Business Property Relief (Pages 89 - 90)

Pursuant to the provisions of Council Procedure Rule 12, Council will consider a motion, notice of which has been given by Councillor Harris.

The provisions of Council Procedure Rule 12.5, (Professional Advice of the Council's Statutory Officers on the Motion) require the Council's three statutory officers (i.e. Monitoring Officer, Section 151 Officer and Head of Paid Service), once the Motion has been accepted as being valid, to produce a formal Advisory Note detailing any necessary initial professional advice in relation to the implications for the Council of that Motion. That Advisory Note will focus on implications for the Council relating to budgetary, constitutional or legislative requirements or staffing matters.

In this instance, the Council's Statutory Officers have not yet indicated whether they need to provide any such professional advice and whether therefore an Advisory Note(s) does need to be produced on this occasion.

13 Motion to Council pursuant to Council Procedure Rule 12 - Changes to the National Planning Policy Framework (Pages 91 - 92)

Pursuant to the provisions of Council Procedure Rule 12, Council will consider a motion, notice of which has been given by Councillor Bray.

The provisions of Council Procedure Rule 12.5, (Professional Advice of the Council's Statutory Officers on the Motion) require the Council's three statutory officers (i.e. Monitoring Officer, Section 151 Officer and Head of Paid Service), once the Motion has been accepted as being valid, to produce a formal Advisory Note detailing any necessary initial professional advice in relation to the implications for the Council of that Motion. That Advisory Note will focus on implications for the Council relating to budgetary, constitutional or legislative requirements or staffing matters.

In this instance, the Council's Statutory Officers have not yet indicated whether they need to provide any such professional advice and whether therefore an Advisory Note(s) does need to be produced on this occasion.

14 Reference from the Cabinet - A.2 - Local Council Tax Support Scheme 2025/2026; Discretionary Council Tax Exemptions, Discounts and Premiums for 2025/2026; and Annual Minimum Revenue Provision Policy Statement for 2025/2026 (Pages 93 - 152)

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2025/2026, Discretionary Council Tax Exemptions, Discounts and Premiums for 2025/2026; and the Annual Minimum Revenue Provision Policy Statement 2025/2026.

15 Reference from the Cabinet - A.3 - Adoption of a Revised Gambling Licensing Policy Statement (Pages 153 - 190)

The Council is asked to consider the recommendations submitted to it by the Cabinet, following Cabinet's consideration of a reference from the Licensing and Registration Committee, in respect of the adoption of a revised Gambling Licensing Policy Statement.

16 Reference from the Cabinet - A.4 - Climate Change Target Date: Amendment (Pages 191 - 260)

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of an amendment to the Council's Climate Change target date.

17 Reference from the Cabinet - A.5 - Adoption of a Social Value Policy (Pages 261 - 292)

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the adoption of a Social Value Policy.

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

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

19 Report of the Chief Executive - A.6 - Community Governance Review for Clacton-on-Sea, Holland-on-Sea and Jaywick Sands (Pages 293 - 332)

Further to the decision taken at its meeting held on 17 September 2024 (Minute 50 refers), to enable Council to consider proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands and to enable Council to determine:-

(a) whether to proceed with such a review; and

(b) the timetable for a review and the resourcing of such a review.

20 Report of the Chief Executive - A.7 - Members of the Council's Independent Remuneration Panel (Pages 333 - 336)

To enable the Council to approve the appointment of the members of the Council's Independent Remuneration Panel (IRP) following Council's decision on 30 April 2024 and to ensure compliance with the Section 20 of The Local Authorities (Members' Allowances) England Regulations 2003.

21 Report of the Monitoring Officer - A.8 - Local Government & Social Care Ombudsman Finding (Pages 337 - 340)

To report the finding by the Local Government and Social Care Ombudsman on a complaint determined by them in respect of a non-executive matter.

22 Questions Pursuant to Council Procedure Rule 11.2 (Pages 341 - 342)

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

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

On this occasion one question has been received, on notice, from a Member.

23 Urgent Matters for Debate

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

Date of the Next Scheduled Meeting of the Council

Tuesday, 21 January 2025 at 7.30 pm - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

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

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

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

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

PUBLIC ATTENDANCE AT TENDRING DISTRICT COUNCIL MEETINGS

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

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

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

Rights of members of the public to film and record meetings

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

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

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

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

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

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

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

Filming by the Council

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

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**MINUTES OF THE MEETING OF THE COUNCIL,
HELD ON TUESDAY, 17TH SEPTEMBER, 2024 AT 7.30 PM
IN THE PRINCES THEATRE, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Casey (Chairman), Davidson (Vice-Chairman), Alexander, Amos, Baker, Barrett, Barry, Bensilum, Bray, Calver, Chapman BEM, Codling, A Cossens, M Cossens, Doyle, Everett, Fairley, Ferguson, Fowler, Goldman, Griffiths, Guglielmi, Harris, I Henderson, J Henderson, P Honeywood, S Honeywood, Land, Newton, Oxley, Placey, Platt, Scott, Skeels Jnr., Smith, Steady, G Stephenson, M Stephenson, Sudra, Talbot, Thompson, Turner and Wiggins
In Attendance:	Ian Davidson (Chief Executive), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Keith Durran (Committee Services Officer), Bethany Jones (Committee Services Officer), James Dwan (Communications Officer) and Simon Kedge (Casual Technician (Princes Theatre))

40. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bush, Kotz, McWilliams, Morrison and White.

41. MINUTES OF THE LAST MEETING OF THE COUNCIL

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

RESOLVED that the minutes of the meeting of the Council held on 6 August 2024 be approved as a correct record and be signed by the Chairman.

42. DECLARATIONS OF INTEREST

In relation to agenda item 12, motion to Council pursuant to Council Procedure Rule 12 (concern about the Government's intention to cut the entitlement to the Winter Fuel Allowance), Councillor Harris declared that his Mother would be one resident that would lose the Winter Fuel Allowance. He felt sure that other Members would be affected directly or indirectly by the Government's proposed action.

The Monitoring Officer (Lisa Hastings) informed Council that Councillor Harris had spoken to her before the meeting and she agreed that whilst the actual matter concerned might not fall under the definition of Non-Registerable Interests, within the Council's adopted Code of Conduct, this was nevertheless a matter that would affect a number of Members either personally or members of their family or close associates. Therefore, for the record, the Monitoring Officer was content to grant a Dispensation to all Members so that they could discuss this item at this meeting.

43. ANNOUNCEMENTS BY THE CHAIRMAN OF THE COUNCIL

The Chairman informed Members that, since the last meeting of Full Council on 6 August 2024, he had attended the following civic events:-

Date	Location	Event
14/08/2024	Town Hall, Clacton-on-Sea	Chairman's Chaining Ceremony. Formal exchange of chains and gifts in the Chairmans Parlour.
15/08/2024	War Memorial, Clacton-on-Sea	VJ Day Civic Service
22/08/2024 – 23/08/2024	Clacton-on-Sea	Clacton Airshow, escorting the WW2 Veterans
01/09/2024	Sunspot, Jaywick	Essex Pedal Power 3 Year Anniversary
03/09/2024	Town Hall, Clacton-on-Sea	Merchant Navy Day Flag Raising
09/09/2024	Town Hall, Clacton-on-Sea	999 Emergency Services Day Flag Raising
15/09/2024	War Memorial, Clacton-on-Sea	Battle of Britain Day Parade
10/09/2024	Town Hall, Clacton-on-Sea	Annual Veteran's Tea Dance, hosting and organising the event for the WW2 veterans.
11/09/2024	Central Parade, Rosemary Road, Clacton-on-Sea	The Gallery opening
13/09/2024	The Sunken Rose Garden, Clacton-on-Sea	Unveiling of the Holocaust Memorial stone.
15/09/2024	Town Hall, Clacton-on-Sea	Battle of Britain Flag raising

In addition to the above events, the Chairman also advised Council that, on 21st May 2024, he had attended a King's Garden Party at Buckingham Palace. This event had not been reported to Council at its meeting on 6 August 2024.

The Chairman was also happy to announce to Councillors that nominations had opened for the Pride of Tendring Awards 2025. An email had been sent on 29 August to all Councillors with the details and the nomination form. Members were requested to contact leadershipsupport@tendringdc.gov.uk if they required a further form. The deadline for nominations was 30 October 2024.

Furthermore, the Chairman informed Members that he had attended the Armed Forces weekend at Clacton Pier where he had had a wonderful time accompanied by James Goss a WWII veteran.

44. ANNOUNCEMENTS BY THE CHIEF EXECUTIVE

The Chief Executive (Ian Davidson) made the following announcement in respect of a change in membership of a Committee of the Council:-

"Mr Chairman, I formally report that, on 16 September 2024, and in accordance with the wishes of the Leader of the Tendring Independents Group, I exercised my delegated powers and appointed Councillor Bernie Goldman to serve on the Resources and Services Overview & Scrutiny Committee in the stead of Councillor Adrian Smith.

*This announcement is for **MEMBERS' INFORMATION ONLY.***

45. STATEMENTS BY THE LEADER OF THE COUNCIL

The Leader of the Council (Councillor M E Stephenson) formally welcomed Councillor Adrian Smith to his Cabinet as the new Portfolio Holder for the Environment. Councillor Stephenson also recorded his grateful thanks to Councillor Bush for his service as the former Portfolio Holder for the Environment.

46. STATEMENTS BY MEMBERS OF THE CABINET

The Portfolio Holder for Housing and Planning (Councillor Baker) made statements in respect of the following matters:-

- (1) Silver Level Housing Award as part of the RSPCA's prestigious 'Pawprint' awards; and
- (2) Referendums on 12 September 2024 in Ardleigh and in Elmstead – Affirmative vote in both referendums for the adoption of their respective Neighbourhood Plans.

47. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.1

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

On this occasion no such Questions on Notice had been submitted by members of the public.

48. REPORT OF THE LEADER OF THE COUNCIL - A.1- URGENT CABINET OR PORTFOLIO HOLDER DECISIONS

Council considered a report of the Leader of the Council which notified it of recent Executive Decision(s) taken in the circumstances set out in the Council's Constitution in:-

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

It was duly reported that, on 20 August 2024, the Partnerships Portfolio Holder and the Leader of the Council, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, and through the offices of the Head of People, sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that their joint decision relating to the approval of the format and design of the Careline consultation, be exempted from the call-in procedure.

The Portfolio Holder for Partnerships and the Leader of the Council's joint decision had been as follows:-

“To formally agree the format and design of the Careline consultation (in consultation with the Assistant Director for Partnerships and the Assistant Director for Governance).”

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

“A delay in the Authority’s ability to commence consultation with Careline Customers, key Stakeholders, and residents on the proposals as outlined in the Cabinet Report 26 July 2024 would hinder the reaching of a timely resolution.

This consultation 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 to supply the service for.”

It was moved by Councillor M E Stephenson and:-

RESOLVED that the contents of the report be noted.

49. MINUTES OF COMMITTEES

It was moved by Councillor M E Stephenson and:-

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

Human Resources and Council Tax of Tuesday 30 July 2024.

50. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - PROPOSALS FOR A COMMUNITY GOVERNANCE REVIEW OF CLACTON-ON-SEA, HOLLAND-ON-SEA AND JAYWICK SANDS

Council had before it the following motion, notice of which had been given by Councillor Mark Stephenson pursuant to Council Procedure Rule 12:-

“That Full Council -

(1) notes that:

- a. Parish and Town Councils are an established and valued form of local democracy with an important role to play in both rural, and urban, areas.*
- b. the District currently has 27 Town and Parish Councils with a cumulative electorate of almost 75,000 and that Clacton-on-Sea, Holland-on-Sea and Jaywick are not currently parished and the cumulative electorate for those areas is almost 45,000. As such, about 62% of residents have one of 27 Town and Parish Councils to represent them and their interests at a very local level. 38% of the District’s residents do not have that representation.*
- c. between 1891 and 1974, Great Clacton (later renamed Clacton as it also covered Clacton-on-Sea) had its own specific tier of local government, and the area of this tier of local government was expanded in 1934 to take in the then former parish of Little Holland (later renamed Holland-on-Sea).*

- d. since 1974, with the abolition of Clacton Urban District Council and creation of this District Council, there has been no distinct Local Council representation for specifically Clacton-on-Sea, Holland-on-Sea and Jaywick.*
 - e. it has been more than 25 years since the electors of Jaywick Sands last had the chance to express their view on the issue of a parish for that Town.*
 - f. the nature/responsibilities of local government has changed over the years and, in recent years, there has been a distinct impetus to devolve power from Whitehall to local councils and communities that will further change that landscape.*
 - g. the Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements to the District Council for its area, through a process called a community governance review which has, at its heart, engagement with local people in the defined review area and that representations received in connection with the review are taken into by the District Council.*
- (2) requests that proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick be prepared and submitted to the next ordinary meeting of the Council to enable Council to determine whether to proceed with such a review, the timetable for a review and the resourcing of such a review."*

Prior to the commencement of the meeting the Council's statutory officers had confirmed that they did not need to provide any professional advice in relation to this motion and that therefore an Advisory Note pursuant to Council Procedure Rule 12.5 had not needed to be produced.

Councillor Stephenson formally moved the motion and Councillor Baker formally seconded the motion.

In accordance with the provisions of Council Procedure Rule 12.6 Councillor Stephenson then explained the purpose of the Motion and Council proceeded to debate it.

Councillors Bray, P B Honeywood, Griffiths, Scott, Everett, Amos, Doyle, Barrett, Baker, Ferguson and Thompson spoke during the debate on this matter.

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

51. MOTION TO COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE 12 - CONCERN ABOUT THE GOVERNMENT'S INTENTION TO CUT THE ENTITLEMENT TO THE WINTER FUEL ALLOWANCE

Council had before it the following motion, notice of which had been given by Councillor Peter Harris pursuant to Council Procedure Rule 12:-

(a) "This Council notes that:-

- (i) the Chancellor of the Exchequer, Rachel Reeves MP, has indicated that the winter fuel payment will be cut completely from all pensioners except those receiving pension credits.*
- (ii) this will likely disproportionately affect the District of Tendring as we have the highest average age population in the UK.*

- (iii) this removal has happened to coincide with the recent announcement by the OFGEM Regulator that the fuel price cap has risen, resulting in bills increasing by 10% on average, meaning some pensioners maybe a reported £500 worse off when combined with the removal of the Winter Fuel Payment.*
- (iv) many of our pensioners are already deeply concerned at these announcements and may worry about the affordability of winter fuel, and that putting it simply some may have to decide between heating or eating.*

(b) Therefore, this Council requests that:

- 1. the Leader of Tendring District Council, Councillor Mark Stephenson, writes to the Chancellor of the Exchequer, Rachel Reeves MP, to request that the Government rethink and halt its plans to cut Winter Fuel Payment for pensioners.*
- 2. the Leader of the Council also writes to Sir Bernard Jenkin MP and Nigel Farage MP to lobby their support for the urgent review of this Government action.*
- 3. if the Government carries out its intention to remove the Winter Fuel Payment from pensioners, the Leader of the Council and his Cabinet urgently review how Tendring District Council with the inclusion of its partners and other local organisations, can offer support and advice to pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government decision.”*

Prior to the commencement of the meeting the Council's statutory officers had confirmed that they did not need to provide any professional advice in relation to this motion and that therefore an Advisory Note pursuant to Council Procedure Rule 12.5 had not needed to be produced.

Councillor Harris formally moved the motion and Councillor Bray formally seconded the motion.

In accordance with the provisions of Council Procedure Rule 12.6 Councillor Harris then explained the purpose of the Motion and Council proceeded to debate it.

Councillor P B Honeywood moved and Councillor Alexander seconded that part (b) of Councillor Harris' motion be amended by the addition of the following text:-

- “4. the Council commits to signing the ‘Save the Winter Fuel Payment for struggling Pensioners’ petition being run by Age UK and to write to all Members offering them the opportunity to sign the petition themselves.”*

Pursuant to the provisions of Council Procedure Rule 16.6 both the mover of the Motion (Councillor Harris) and the seconder of the Motion (Councillor Bray) consented to alter the motion to incorporate Councillor Honeywood's amendment.

Councillor M E Stephenson moved and Councillor I J Henderson seconded that part (b) of Councillor Harris' motion, as now altered, be amended to read as follows:-

“(b) Therefore, this Council requests that:

1. *the Leader of Tendring District Council, Councillor Mark Stephenson, writes to the Chancellor of the Exchequer, Rachel Reeves MP, to highlight the challenge for our residents, especially as the uptake of Pension Credits is low.*
2. *the Leader of the Council also writes to Sir Bernard Jenkin MP and Nigel Farage MP to lobby their support to encourage the take up of Pension Credit as the uptake of Pension Credits is low.*
3. *Following the Government's decision to remove the Winter Fuel Payment from pensioners not in receipt of pension credit, the Leader of the Council and his Cabinet urgently review how Tendring District Council with the inclusion of its partners and other local organisations, can offer support and advice to pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government decision.*
4. *The availability of Pension Credit be promoted by the Council and with partners to assist all those entitled.*
5. *The Portfolio Holder for Partnerships organise a briefing at the Older Person's Forum in November to raise awareness of Pension Credits."*

Pursuant to Council Procedure Rule 16.11, Councillor Bray requested a ruling on whether Councillor M E Stephenson's amendment was acceptable under Council Procedure Rule 16.5 as he felt that it negated the principal purpose of Councillor Harris' motion, in particular, part (b) paragraph 1.

The Monitoring Officer (Lisa Hastings) informed Council that, in her professional opinion, the amendment did not negate Councillor Harris' motion. However, the Monitoring Officer reminded Members that, under Article 5.01 of the Council's Constitution, it was the responsibility of the Chairman of the Council "to uphold and promote the purposes of the Constitution, and to rule on the interpretation and application of the Constitution as and when necessary at meetings [of the full Council];"

The Chairman of the Council (Councillor Casey) duly considered the matter and ruled that he would accept, as valid, Councillor M E Stephenson's amendment.

Councillors Bray, Ferguson, Griffiths, P B Honeywood, Harris, Everett, Calver and I J Henderson spoke during the debate on Councillor M E Stephenson's amendment.

Pursuant to the provisions of Council Procedure Rule 19.5, Councillor Harris, supported by, at least, nine other Members rising in their places, requisitioned a record of the voting on Councillor M E Stephenson's amendment as set out above. That vote resulted as follows:-

<u>Councillors For</u>	<u>Councillors Against</u>	<u>Councillors Abstaining</u>	<u>Councillors Not Present</u>
Baker	Alexander	None	Bush
Barrett	Amos		Kotz
Barry	Bray		McWilliams
Bensilum	Codling		Morrison
Calver	A I Cossens		White
Casey	M A Cossens		
Chapman BEM	Everett		

Davidson	Fairley
Doyle	Ferguson
Fowler	Griffiths
Goldman	Guglielmi
I J Henderson	Harris
J Henderson	P B Honeywood
Newton	S A Honeywood
Oxley	Land
Placey	Platt
Scott	Skeels
Smith	Turner
Steady	
G L Stephenson	
M E Stephenson	
Sudra	
Talbot	
Thompson	
Wiggins	

Councillor M E Stephenson's amendment was declared **CARRIED** and it then became the substantive motion.

Councillors Everett, Calver, Harris, Doyle, Ferguson, Bray, Griffiths and Barry spoke during the debate on the substantive motion.

Councillor M E Stephenson's amendment on being put to the vote as the substantive motion was declared **CARRIED**.

52. RECOMMENDATIONS FROM THE CABINET

On this occasion there were no recommendations from the Cabinet that were required to be considered by Full Council.

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

Council would consider any reports submitted to it by an Overview and Scrutiny Committee.

No such reports had been submitted for consideration at this meeting.

54. REPORT OF THE CHIEF EXECUTIVE - A.2 - APPOINTMENT OF A TENDRING DISTRICT COUNCIL SUBSTITUTE REPRESENTATIVE TO SERVE, WHEN REQUIRED, ON THE TENDRING / COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

Council recalled that, under the jointly agreed (by Essex County Council, Colchester City Council and Tendring District Council) terms of reference for the Tendring / Colchester Borders Garden Community Joint Committee (TCBGCJC), three Members of the TCBGCJC had to be appointed by Tendring District Council (TDC).

Members were also aware that, at the meeting of the Full Council held on 30 November 2021 (Minute 93 referred), this Council had decided that those three Members would comprise:-

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

Members were reminded that, at the Annual Meeting of the Council held on 23 May 2023 (Minute 21 referred) it had been resolved that:-

“(a) the appointment of the Chairman of the Planning Policy and Local Plan Committee to serve on the Tendring / Colchester Borders Garden Community Joint Committee be endorsed;

(b) Councillor Guglielmi be appointed as the Member from a political group that is not represented on the Cabinet to serve on the Tendring / Colchester Borders Garden Community Joint Committee;

(c) Councillor Baker be appointed to serve as this Council’s Substitute Member on the Tendring / Colchester Borders Garden Community Joint Committee; and

(d) the Leader of the Council be requested to appoint a member of the Cabinet to serve on the Tendring Colchester Borders Garden Community Joint Committee.”

The Leader of the Council had, later on, duly appointed Councillor Bush (the then Environment Portfolio Holder) as the Executive’s representative on the TCBGCJC.

Subsequently, at the meeting of the full Council held on 28 November 2023 (Minute 80 referred) it had been reported that, since the Annual Council on 23 May 2023, Councillor Guglielmi had subsequently become a member of the TCBGCJC by right in his capacity as the elected Chairman of the Planning Policy & Local Plan Committee (Minute 10 – 5.10.23 referred). That had meant that there was, automatically, a vacancy for a Member from a political group that was not represented on the Cabinet.

At that meeting held on 28 November 2023, Council had resolved that Councillor M A Cossens be appointed to serve on the Tendring / Colchester Borders Garden Community Joint Committee in order to fill the aforementioned vacancy.

The Chief Executive now reported to Council that, on 6 September 2024, the Leader of the Council had formally appointed Councillor Baker (the Housing and Planning Portfolio Holder) to serve in place of Councillor Bush as the Executive’s representative on the TCBGCJC. This meant that there was, automatically, a vacancy for a Substitute Member for the TCBGCJC.

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

RESOLVED that -

- (a) it is noted that the Leader of the Council has formally appointed Councillor Baker (the Housing and Planning Portfolio Holder) to serve as the Executive's representative on the TCBGCJC; and
- (b) Councillor Fowler be appointed to serve on the Tendring / Colchester Borders Garden Community Joint Committee as Tendring District Council's designated Substitute.

55. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 11.2

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

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

Question

Councillor Griffiths asked the Portfolio Holder for Partnerships (Councillor Placey):-

"Following the Cabinet decision on the 26th of July relating to the Future of the Careline Service, many Careline customers fear that the decision has already been made, and that the current consultation is merely a smokescreen to privatise the service by the backdoor.

What reassurances can the Portfolio Holder give to concerned Careline customers that the Cabinet will take note of the outcome of the current consultation, listen to the concerns of service users, who are worried that a change in service provider, could lead to an increase in costs, reduction of service, and have a detrimental impact on their quality of life?"

The Portfolio Holder for Partnerships replied as follows:-

"Thank you, Councillor Griffiths, for your question regarding the future of Careline.

As you will be aware from my report at Cabinet on 26th July 2024, the Council is going through a very detailed consultation exercise prior to any decisions being made regarding the future of the Careline service.

For many years, the Careline service has been a success story for both residents and Tendring District Council.

However, following the 'deep dive' exercise that commenced in June 2023, it has become apparent that there are other providers in the market, both in the public sector and the private sector, that offer a comparable service for a similar price or offer a free service, such as Essex Council, if their eligibility criteria is met.

The July Cabinet report also noted challenges with staff recruitment and retention, which impact the Council's ability to maintain the consistent and high-quality service we want to deliver.

It would be remiss of me not to undertake this review, as the Best Value guidance for all Councils clearly states that Councils must strive for continuous improvement and transformation.

Despite Careline being an important service for those who use it, the change to the telecare market and the increased costs, alongside recruitment difficulties, leaves me with no alternative but to look at what is in the best interests of residents going forward.

The consultation exercise is still being undertaken, 1902 letters have been sent to customers and a further 1524 to their Next of Kin.

Responses are being received, and I would like to reassure you that they will be carefully considered before I present my next report to Cabinet in November 2024. I have been made aware of some calls from customers requesting support in completion of the consultation form, and I have requested Officers make available one to one support, if required.

If in November 2024, Cabinet is minded to make a decision to cease the service, we have also set aside £300k for Officers to support residents with transitional arrangements, moving them across to an alternative provider of their choosing.

Part of this funding will also be made available for Human Resources support to aid the dedicated staff who work in Careline through the necessary processes should this decision be taken.

I would like to take this opportunity to request that all Councillors encourage their residents to respond to the consultation and to reassure current customers that their views will be heard."

56. URGENT MATTERS FOR DEBATE

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

The Meeting was declared closed at 9.14 pm

Chairman

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COUNCIL

26 NOVEMBER 2024

REPORT OF LEADER OF THE COUNCIL

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

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

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

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

EXECUTIVE SUMMARY

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

RECOMMENDATION

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

PART 2 – SUPPORTING INFORMATION

BACKGROUND

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

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

DECISION(S) TAKEN AS A MATTER OF URGENCY

(1) Approval of Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system

On 20 September 2024, the Portfolio Holder for Housing and Planning, in view of the urgency of the issue concerned, and in accordance with Rule 18(i) of the Overview & Scrutiny Procedure Rules, and through the offices of the Director (Planning and Communities), sought and subsequently obtained the Chairman of the Community Leadership Overview and Scrutiny Committee's consent, that his decision relating to the approval of Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system, be exempted from the call-in procedure.

The Portfolio Holder for Housing and Planning's decision was as follows:-

"To approve Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system."

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

"The deadline for the submission of consultation responses is Tuesday 24th September 2024. Failure to meet that deadline could lead to this Council's concerns about the Government's proposals not being properly taken into account."

The Planning Policy and Local Plan Committee debated and agreed the proposed response at its meeting held on 16th September 2024 and so this matter has therefore been considered by Members from all political groups represented on the Council. That discussion followed on from the all-Member briefing held on 4th September 2024."

(2) Termination of the 'YourStride' Careline Contract

On 24 October 2024, I, acting on behalf of the Cabinet under my delegated powers, in view of the urgency of the issue concerned, and in accordance with Rule 15 of the Access to Information Procedure Rules and Rule 18(i) of the Overview & Scrutiny Procedure Rules, and through the offices of the Director (Governance), sought and subsequently obtained the Chairman of the Resources and Services Overview and Scrutiny Committee's consent, that my urgent decision taken on behalf of the Cabinet relating to the termination of the 'YourStride' Careline Contract, be both taken under the 'Special Urgency' provisions of the Council's Constitution and also that it be exempted from the call-in procedure.

My urgent decision taken on behalf of the Cabinet decision was as follows:-

"That:-

- (a) the Leader of the Council in exercising their authority and following consultation with the Section 151 and Monitoring Officers, makes an urgent decision, 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) 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.”*

I felt that any delay likely to be caused by following the usual procedure before taking key decisions and/or decisions that would involve the disclosure of confidential or exempt information and the call-in process would have seriously prejudiced the Council's and the public's interest for the following reasons:-

“It is acknowledged that the position largely remains the same as in July 2024 when the future of Careline was reported to Cabinet (refer to link in previous decisions section below), 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. The legal implications of this arrangement are set out in more detail later in the report.

For reasons of commercial sensitivity and implications on the Council, the details of the YourStride contract and the cost to the Council are set out within this report to be considered in 'Part B'. The impact on the Council's resources are significant enough to warrant urgent consideration by the Leader of the Council, as there are no other options to reduce the increased flow of registered users.

On 15 October 2024, the Council's Director of Planning and Communities (who has recently taken on strategic responsibility for Careline) wrote to AE Partners Ltd (“the Customer”) under delegated authority to seek an immediate change to the Contract preventing any new service users being registered from 1 November 2024 on the basis that the pace at which new users are being registered with the Council's Careline Service had reached a level that is outstripping the Council's ability to continue supporting YourStride customers in an effective, safe and viable manner.

On 22nd October 2024, the Customer's response was received via Aria Grace Law rejecting that proposal. The response reinforced that the Council remains contractually obliged to provide the Services as set out in Schedule 1, in accordance with the terms and conditions of the Agreement and in particular clauses 3, 6 and 7. No amendment shall be made to Schedule 1 except on terms agreed in writing by the Parties in accordance with clauses 22-26.

The letter also stated that “While we understand that you may be facing internal resource constraints, you have a continuing obligation to supply the Services at the volumes requested by our client as priced in Schedule 2. Your own resource constraints, over which you have full control, do not absolve you from the requirement to fulfil your contractual obligations. For the avoidance of doubt - our client does not agree to your proposed new variation agreement and intends to fully enforce the terms of the Agreement.”

Consequently, it is now proposed that measures need to be put in place to serve notice to permanently terminate the Contract, giving the Customer (AE Partners Ltd) 16-weeks'

notice in accordance with the termination provisions as set out within clause 46 of the Contract.

Irrespective of, and without prejudice to, any decision the Cabinet takes in respect of the future of the Careline Service following the recent customer, resident and stakeholder consultation, the Contract is (and would be under any of the options under consideration by the Cabinet) economically unviable, unsustainable, possibly ultra vires and harmful to the Council's resources - requiring a substantial and potentially unlawful subsidy from Tendring residents and placing an increasingly unmanageable burden on resources and the Council's ability to maintain an effective and safe service its own Careline users and to YourStride customers.

The report requesting an urgent decision from the Leader is based upon the scale of the increased registered YourStride users, which are now taking 83% of the Careline Services resources to respond to, with only 35 of those 9500 users being Tendring residents. The Customer has responded to the consultation exercise and referred to the Council's actions not to continue with its TSA accreditation and therefore, considers the Council unable to deliver the contract and believes Option 2 is the only viable option."

BACKGROUND PAPERS

(1) Approval of Tendring District Council's formal response to the Government's proposed reforms to the National Planning Policy Framework and other changes to the planning system

Chairman of the Community Leadership Overview and Scrutiny Committee (Councillor Graham Steady)'s consent to allow the Portfolio Holder for Housing and Planning's decision to be exempt from call-in.

(2) Termination of the 'YourStride' Careline Contract

Chairman of the Resources and Services Overview and Scrutiny Committee (Councillor Paul Honeywood)'s consent to allow the Leader of the Council's urgent decision taken on behalf of the Cabinet to be taken under the 'Special Urgency' procedure and it be also exempt from call-in.

APPENDICES

None

**MINUTES OF THE MEETING OF THE TENDRING/COLCHESTER BORDERS
GARDEN COMMUNITY JOINT COMMITTEE,
HELD ON THURSDAY, 5TH SEPTEMBER, 2024 AT 6.00 PM
IN THE ROMAN LOUNGE AT COLCHESTER RUGBY CLUB, RAVEN PARK,
CUCKOO FARM WAY, COLCHESTER, CO4 5YX**

Present:	Councillors David King (CCC) (Chairman), Lee Scott (ECC) (Vice-Chairman), Andy Baker (TDC), Mark Cossens (TDC), Andrea Luxford-Vaughan (CCC), William Sunnucks (CCC) and Lesley Wagland (ECC)
Also Present:	Councillors Mark Cory (ECC & CCC), Zoe Fairley (TDC), Gary Scott (TDC) and Ann Wiggins (TDC)
In Attendance:	Gary Guiver (Director (Planning) - TDC), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer - TDC), Andrew Weavers (Head of Governance & Monitoring Officer - CCC), Jonathan Schifferes (Head of Housing Growth and Garden Communities - TDC), Amy Lester (Garden Community Planning Manager - TDC), Christopher Downes (Garden Communities Manager - TDC) and Ian Ford (Committee Services Manager - TDC)
Also in Attendance:	Ashley Heller (Head of Transport for Future Communities - ECC), William Lodge (Communications Manager - TDC), Paul Wilkinson (Principal Transportation and Infrastructure Planner (New Communities) - ECC) and Keith Durran (Committee Services Officer - TDC)

1. ELECTION OF THE CHAIRMAN OF THE JOINT COMMITTEE

Councillor Andy Baker referred to the fact that two of Tendring District Council's standing members of this Joint Committee had been unable to attend this meeting.

It was thereupon moved by Councillor Baker, seconded by Councillor Cossens and:-

RESOLVED that Councillor David King be re-elected the Chairman of the Joint Committee until a future meeting of the Joint Committee.

2. ELECTION OF THE DEPUTY CHAIRMAN OF THE JOINT COMMITTEE

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

RESOLVED that Councillor Lee Scott be elected the Deputy Chairman of the Joint Committee until a future meeting of the Joint Committee.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

An apology for absence was also submitted on behalf of Councillor Carlo Guglielmi (TDC). TDC's Designated Substitute Member (Councillor Andy Baker) attended in his stead.

In addition, it was reported that Councillor Mike Bush (TDC) was not in attendance at the meeting.

4. MINUTES OF THE PREVIOUS MEETING OF THE JOINT COMMITTEE

It was moved by Councillor Baker, seconded by Councillor Luxford-Vaughan and:-

RESOLVED that the Minutes of the meeting of the Joint Committee held on Monday 9th October 2023 be approved as a correct record and be signed by the Chairman.

5. DECLARATIONS OF INTEREST

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

6. PUBLIC SPEAKING

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

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

Town Councillor Rik Andrew (Chair of the Wivenhoe Travel and Transport Sub-Committee)

- *Referred to the recent press release from the Joint Committee which claimed that the new link road would "improve access and help traffic congestion on local roads".*
- *He understood that construction traffic was supposed to use the A120 and not the A133. Asked how could a £60million road that ended in a cul-de-sac in a farmer's field could possibly alleviate congestion.*
- *Essex Highways previous forecast was that traffic flows on the link road would be 50-50 i.e. the A120 would take 50% of the traffic. However, now all of the traffic would have to use the 'chronically' congested A133 for the foreseeable future.*
- *Highways England's 'Statement of Common Ground' called for the Modal Shift Forecast to be re-assessed based (a) on what has actually been achieved elsewhere and not on unrealistic Active Travel aspirations; and (b) that phase two of the link road is unlikely to happen before 2041. He believed that this had not happened.*
- *By 2041, the Garden Community would have 3,750 homes, about 9,000 population, which would be bigger than Wivenhoe and most of whom would have to commute to work or college et cetera beyond the GC. The 'trigger point' analysis concluded that phase two of the link road was not needed until 4,000 homes had been built. That assumes that the DPD's aspiration modal shift target had been met which Highways England stated was highly unlikely to occur.*

-
- *Section 5 of that trigger point analysis admitted that at 2,000 homes the impact on traffic queues was likely to be quite severe. Surely therefore that should be the trigger point for phase two.*
 - *To accommodate that extra traffic without creating extra congestion would require a significant proportion of existing Tendring commuters to switch to other modes of transport. But the RTS would not benefit the residents of Brightlingsea, Clacton, et cetera. No proposals for more trains or a new train station such as Cambridge North or Ebbsfleet. No other proposals exist to stimulate modal shift.*
 - *Wivenhoe is the same distance from Colchester as the GC but nobody runs or walks to Colchester and back for work every day. Active Travel effectively relies therefore on a massive increase in cycling rates from current 2% modal share. This is unrealistic. Plenty of Buses available but they run 80% empty so again unrealistic assumptions for modal shift to RTS.*
 - *Personally not against GC but wanted honest assessment of traffic impact and much more effort to mitigate.*

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

- *Shared concern. Did not want to increase congestion any more than was avoidable. Second phase of the link road had to be delivered as soon as practicable but accepted the debate around that. Would have to be based on solid evidence and modelling. Past modelling was not accepted as the way forward.*

Jonathan Schifferes, Head of Housing Growth and Garden Communities (Essex County Council) also responded to Town Councillor Andrew's statement as follows:-

- *When planning application for the GC comes forward to the Joint Committee it would need to be accompanied by an Environmental Impact Assessment and a Transport Assessment that fully modelled the applicant's proposals and the work that they had done with the Highways Authority and the planning authority to as accurately as possible the impact on various travel modes. That work had not yet been carried out. Several pieces of work had been commissioned for various purposes (including for the DPD) that had modelled the progression of the GC to its full 7,500 homes provision.*
- *Echoed the sentiment of the Chairman's remarks that Section 1 of the joint Local Plan (TDC and CCC) stated that full link road delivery is secured by funding and planning permission before GC is approved. That is reinforced within the DPD. Would the basis on which the Joint Committee would need to determine the planning application.*
- *Modal share aspirations for the GC are ambitious. Highways England do not have a formal objection to the DPD or the full link road which has planning permission.*
- *Interventions that support the modal shift include package of interventions that existed and were funded by Homes England and Homes Infrastructure Fund. Park and Choose facility on the A133 was a formal requirement of the DPD and would come forward alongside the planning application. That was the main intervention to support the modal shift for existing commuters.*
- *Wider aspiration to deliver the link road as soon as possible. Number of traffic modelling exercises that had taken place and would need to take place. There are a number of future modelling years for which a Colchester traffic model exists. One of those years is 2041. Tests would be run against that model with scenarios that*

showed the full phase two of the link road being built or not built at various points in the future – 2031, 2036 and 2041 – the existing modelling parameters that can be used. Would expect that to be tested but was not a target date. Normal statutory requirements would apply for how the Joint Committee determined the application e.g. the NPPF had a severe impact test on the existing network. That would be a threshold that the Joint Committee would have to be satisfied with the evidence before it and could ask for modelling for various years to determine that had been met or not met.

Professor Anthony Vickers (Crockleford & Elmstead Action Group (CEAG) spokesperson)

- Referred to statement within the documentation that “none of the modifications suggested by the Council... were significant in that they did not seek to change the substance or intent of the DPD policies.” During the Hearings in May, he had pointed out that the change in the wording to an aspiration of 50% green space from an implication that 50% would be green space is significant and if the Joint Committee did not think so then residents would have no faith in the Joint Committee’s commitment. It would no longer be a garden community project but instead a massive housing development.*
- Referred to Modification MM7 – “Depending on the outcomes of local junction modelling along Bromley Road into Colchester, some parcels of development within the Crockleford Neighbourhood may need to access to the Link Road instead of Bromley Road. Suggested wording to reflect this flexibility.” For Crockleford Heath residents this was a worrying development as it suggested that parts of Crockleford Heath would no longer be within Crockleford Heath. You could not be connected to the link and not be part of the link road. If some parts of Crockleford Heath are then to be connected then they would not be part of Crockleford Heath. Pointed out that within the Government documentation it stated that existing settlements had to be respected. This therefore was a complete disrespect of the residents of Crockleford Heath.*
- Referred to MM8 – “Acknowledging existing, enhanced and other public transport can support homes as well as the RTS removes pre-judging of phasing at Crockleford.” Was this to be interpreted as giving a ‘green light’ to developers to carve away at parts of Crockleford Heath and bring forward Crockleford Heath to Phase One from Phase Three. Crockleford Heath was in Phase Three originally. Concerned that Crockleford Heath was being moved to the beginning because the developer could get access to Bromley Road and the link road is a cul-de-sac.*
- Referred to MM36 – “Creation of the Rapid Transit System to enable a fast rapid commute for residents to and from all neighbourhoods within the Garden Community...” Noted the change of wording to ‘fast’, which was no more defined than ‘rapid’. Believed ‘fast’ was a demotion from ‘rapid’. What did this mean for the ‘Rapid’ Transit System?*

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

- In regard to the Modifications, everyone would have the opportunity to comment on any or all of them through the imminent formal public consultation. Those comments would be considered by the Planning Inspector before he issued his recommendation to the Councils on the soundness of the DPD.*

-
- *In regard to MM7 – clarified that it was to allow a greater degree of flexibility to allow access to future particular parcels from either the link road or Bromley Road. It did not allow a ‘watering down’ of the principles of ‘filtered permeability’ meaning that you could drive to the link road from Bromley Road. That restriction would always remain. Would remain subject to future modelling and master planning and design work that would be put forward as part of the planning application.*
 - *In regard to MM8 – clarified that this would not remove any requirement for a phasing plan to be submitted at the point of the planning application. Phasing within the DPD was based on the strategic master plan work that the Councils had produced which had been ‘indicative only’. A phasing plan would still need to come forward and be considered as part of a future planning application.*
 - *In regard to MM36 – clarified that this change had been put forward to ensure consistency with the wording within the DPD (GC Policy 1).*

The Chairman of the Joint Committee (Councillor King) also responded to Professor Vickers’ statement as follows:-

- *Quite a lot had been published on the RTS and its hopes and aspirations as a lot of that had yet to be tied down and that had been shared. It was important that the principle was recognised that the RTS funding had to be spent well and the outcome had to be public transport that was a ‘cut above’ the existing provision in accessibility, comfort, reliability and pace.*

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

- *Congratulated Members and Officers following the Examination-in-Public of the DPD earlier this year which was another major milestone for the project.*
- *Encouraged to see that the Schedule of Modifications that the Inspector had asked to be the subject of public consultation were, for the most part, based on the Statements of Common Ground prepared by Officers and stakeholders.*
- *Latimer remained extremely supportive of the DPD and the suggested modifications. Its consultant team continued to work on the master plan proposals that would form part of an outline planning application that would be compliant with the policy.*
- *Working to a revised planning submission target of the second quarter in 2025 and continued to engage pro-actively with Officers through pre-application engagement.*
- *Further public consultation was planned to support the application at the end of this year and early part of next year.*
- *Estates Management and Stewardship Strategy – The Councils had commissioned a ‘Pathway to Stewardship Strategy’ since the last meeting of the Joint Committee. Latimer was extremely supportive of that work and had engaged collaboratively with the Councils and their consultant CSS. Looked forward to building on that work was completed as part of the application documents to be submitted next year.*
- *Fantastic to see the project mentioned positively in both local and national press with coverage of ECC entering into a contract for phase one of the A120-A133 link road and the new community being identified as a project the new Government is interested in accelerating through the New Homes Accelerator Programme.*
- *Looked forward to discussions with all parties including MHCLG and Homes England over the coming months to work out how best to support the project moving forward.*
- *Lastly, hoped that Members had had the chance to visit the Beth Chatto led ‘Meanwhile Garden’ project established next to FirstSite in Colchester where*

Latimer's Essex young designers had both designed and helped to make the benches and seating.

The Chairman of the Joint Committee (Councillor King) responded to Russ Edwards; statement as follows:-

- *Welcomed the positive comments and the continued positive and collaborative approach to working between Latimer and the Officers.*
- *Knew that Latimer would be listening carefully to all of the comments made at this meeting and that they were fully aware of the vital importance attached to securing the link road.*

Manda O'Connell (Chair, TCBGC Community Liaison Group)

- *CLG supported report A.2 which was the delegation to Officers in respect of EIA scoping requests. The reasons were:-*
 - *it would be quicker and more direct which was useful in particular for the Colchester / Tendring Borders Garden Community development which was subject to strict time constraints due to the nature of the funding;*
 - *it allowed for direct engagement of local stakeholders and expert bodies with planners in response to the scoping consultation for example the CLG (local people with local knowledge including some experts in their field including groundwork and transport who had scoping out objections to the following:*
 - (i) *Materials and waste which was currently scoped out with potential damage to aquifers and natural drainage areas – removed materials are replaced with backfill construction materials – as has been seen elsewhere within the county with damaging results and created numerous problems.*
 - (ii) *Flood risk and drainage should be scoped in given this year had seen standing water in the Crockleford area more than before and this would be worsened by the development unless specifically mitigated against by being coped in the EIA.*
 - (iii) *Sewerage and waste water should be most definitely scoped in as the current sewerage works for Colchester East could not cope with demand and use with considerable effluent released into the tidal River Colne when use topped capacity.*

Those grounds it was hoped would provide grounds to the planners, based on local knowledge to require those additional matters to be scoped in rather than out.

- *The proposed delegation would not disallow the Joint Committee's authority and decision making as it would have the final say on the suitability and acceptability of the scope of the final EIA submitted by the developers.*

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

- *thanked the CLG for its work and commitment and welcomed and supported the comments made especially in regard to making practical use of local knowledge.*

Parish Councillor Adam Gladwin (Chairman of Elmstead Parish Council)

-
- *reiterated comments made at previous meetings about the need to give this development a proper name. Considered it a place making failure. Residents calling it the 'New Town' which risked confusion with Colchester New Town.*
 - *noted that last Joint Committee meeting was eleven months ago and expressed concern that his Parish Council now had only five minutes to engage.*
 - *Queried how democratic and transparent that was. Felt that a lot of decisions in the meantime had been made in private and therefore had lacked proper public scrutiny. Had been on the receiving end of residents' concerns. Was getting harder to defend this planning approach. Needed more transparency not less.*
 - *Concerned that proposed delegations to Officers in report A.2 would only move further decision making behind closed doors. Appreciated that in the grand scheme of things those decisions might seem inconsequential but by delegating them to Officers it would prevent the residents would be most affected such as those represented by CEAG coming before the Joint Committee and saying their piece with their local knowledge when detailed planning matters were being decided.*
 - *Elmstead PC had met last month with the appointed GC place making consultant. He had been surprised by the strength of negative feeling surrounding the project.*
 - *Worried about disconnect between CLG and EPC on public feedback.*
 - *Not helped by disappointing start to the summer when the first material works to the project, supposedly focused on sustainability, cut down hundreds of hedgerow trees in bird nesting season only for no more work to have happened in the months since. Was correct wildlife assessment done beforehand? Why undertaken then and not now?*
 - *Elmstead residents were starting to feel the impact of the development as work started. Disruption caused by RTS works and soon the link road works was just the beginning. Residents already complaining about delays and traffic problems. Local back roads already seeing more traffic. Did not believe that Traffic Assessment correctly considered the impact of Clingoe Hill works especially when combined with other RTS and link road works. New 'rat runs' being formed. Dangerous driving on country lanes. Residents now looking at travelling to Ipswich and Clacton rather than Colchester.*
 - *Referred to misinformation about the link road – needed confirmation on who was building phase two of the link road. What was the cost?*

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

- *Was aware of the issues at Clingoe Hill and that the works there were making life more difficult for many. Had to trust that there would be a benefit once finished. Disruption an inevitability but it needed to be minimised.*
- *ECC Officers were taking on board all of the feedback that they were receiving from many sources.*

Jonathan Schifferes, Head of Housing Growth and Garden Communities (Essex County Council) also responded to Parish Councillor Gladwin's statement as follows:-

- *Enabling works for Section C of the RTS were on-site now between Greenstead Roundabout and the Knowledge Gateway junction were undertaken properly. Link Road Phase One enabling works had taken place on the A133 as well. Timing of those works was done to avoid the peak bird nesting season. Where the clearance of*

- vegetation did have to take place an Ecologist was on-site at that time to ensure that those works did not disrupt nesting birds.*
- Octavius was the contractor undertaking the construction of Phase One of the link road.*
 - Works at both sites would need sequencing and phasing and collaboration with the National Highways works on the A120 as well. Conversations were ongoing to avoid, wherever possible, conflicts between those works and to minimise the overall impact.*
 - Concerned if any of the diversions and traffic management arrangements (TMA) were causing issues of safety. That was the number one consideration at all times. Changes could be made if needed to the TMAs.*
 - In answer to the question: Who is building the second phase of the link road? – the obligation was on the developer (Latimer) to fund the delivery of the link road as defined in the MoU between the Councils and Latimer which was part of the evidence base underpinning the DPD. Assumption also within the Infrastructure Phasing Plan and the Viability Assessment that that was a cost that fell to Latimer. The cost of that was also part of that same conversation. DPD evidence was the best place to look for the best estimates that the Councils had. Figure there was £21.5million for phase two of the link road. However, it was not assumed that by the time that the link road was constructed following the agreed plan for the build out of the GC that that would be the actual price that Latimer would have to meet.*
 - There were ongoing conversations with Government that sought further central funding to help provide a high quality GC. Not producing a continuous stream of updated cost estimates for phase two of the link road. The obligation was on Latimer or any other applicant to build the GC to demonstrate that they had the commitment and the funding at the point of the application to provide the link road in its entirety. How that was contracted out was open to discussion and agreement at a later date.*

At that point in the proceedings and at the behest of the Chairman, Andrew Weavers (Head of Governance & Monitoring Officer) (Colchester City Council), read out the following written statement that had been submitted by the Mayor of Wivenhoe (Town Councillor Denise Burke):-

“As Mayor of Wivenhoe, I would like to share my concerns regarding the proposed Tendring Garden Community (TGC).

Firstly, there needs to be a reality check as work begins on what has been dubbed “the road to nowhere”.

The work began on the link for the proposed TGC this week, the start of the new school term, which will see over 7,500 homes built. Little notice was given for the works, diversion signs are totally inadequate and overnight closures are ad hoc, not adhering to the closure and opening times advertised. The alternative routes are congested and already heavy with lorries on these narrow roads.

In the Trigger Point Analysis of November 2023 it identified a trigger point when a full link road is needed. It shows that ‘journey time and queuing impacts on the A133 will worsen as development increases, with ‘a step change at 4,000 homes.’

It also concedes that ‘the network is already heavily congested’. However, this summary is highly deceptive, because the modelling for the 4,000 homes trigger, reflects eastbound queues only. The westbound queue commences earlier, at 1,000 homes, so,

we may get a link road in 20 years' time assuming their quite extreme predictions on model shift will work.

What is interesting and frustrating is ECC has and remains very reluctant to share the document to a wider audience."

They add in the Environmental Impact Assessment Scoping Report produced by the developer for the new town 'it is assumed that Phase 2 of the Link Road is constructed at the back end of the emerging Local Plan Review period' therefore, the 'assessment year is 2041.

We are supposedly reassured that in 2041, the RTS and Park and Choose will be operational, although details of service routing, frequency and fleet are yet to be developed.

However, they warned the plan remains fundamentally flawed with the timetable for the vital infrastructure required for a development of this scale still no agreed or announced. It leaves leaving scheme in real danger of creating a huge need for healthcare, schooling and other amenities which at present there is no compulsion on the developer or local authorities to deliver.

There are lots of unresolved problems with the plan that can no longer be passed off as having garden community principles. In addition, the employment area can't come forward because Latimer doesn't own the land and the link road doesn't link to it, the timescale for delivery of schools and early year provision has been watered down and so the infrastructure will be constantly trying to catch up with house delivery as opposed to the infrastructure first principle we were promised. There is currently no health centre planned for the site. As someone who works in the early years & childcare and elder care industry I have to ask why the proposed plan does not reflect 'cradle to grave' solutions that will be needed early on as neighbouring towns and parishes have insufficient facilities, indeed in Wivenhoe demand already exceeds supply.

The heritage impact assessment was done after the master planning, so heritage elements have just been ignored. The promised green buffers which are so vital to ensure environmental requirements can be met can be filled by car parks, solar farms, cemeteries, and allotments. The total number of homes has gone up from 7,500 total with an additional 2,700 student beds on site. There is still no stewardship model, so we don't know if there will be a boundary change and Latimer wants a land or service charge, which are very unpopular with residents.

In summary, although of course the most unacceptable element is the lack of a link road or credible rapid transport system. We know next to nothing about the RTS, but the link road delivery is hampered by significant obstacles such as the fact ECC still don't own the land to build phase two.

People should be told National Highways have outstanding and unresolved issues with traffic modelling and design. The announcement of work might be seen as a positive, but the fact remains as it stands there is no money left to build phase 2, and there is no legally binding way to get the developer to contribute.

At present all we are seeing is the start of construction for a road to nowhere. Those charged with delivery still have no idea how or when the multitude of issues which currently make this scheme an expensive and embarrassing white elephant will be addressed and workable and practicable solutions found."

Jonathan Schifferes, Head of Housing Growth and Garden Communities (Essex County Council) responded to the Mayor of Wivenhoe's written statement as follows:-

- *Reiterated that a response to that statement from the three Councils had been issued by way of a press release. That response was as follows (editors notes excluded):-*

"There are a number of inaccuracies and misunderstandings identified in the press release by Wivenhoe Town Council including the position of National Highways and inaccurate assertions that statutory processes for technical work and approvals have not been followed as well as the information not accurately reflecting the technical work that has been done to date.

The three partner Councils are committed to ensuring that agreed infrastructure is delivered as early as feasibly possible at the Tendring / Colchester Borders Garden Community and will be requiring such commitments from developers when determining future planning applications.

A Joint Committee of the three Councils has been established early in the development process to ensure comprehensive public oversight of the planning process. The Councils were successful in attracting almost £100million of Government funding for early delivery of new transport infrastructure to support much needed new housing at the Garden Community and this is in the form of the new A1331 and the new Colchester Rapid Transit system.

Adopted planning policy clearly requires that the funding for the full A1331 linking the A133 and the A120 is in place before planning approval is granted for the Garden Community. The Development Plan Document also sets out a requirement for the Garden Community to demonstrate a full funding commitment to complete the A1331.

The Councils are totally committed to securing the full funding for the delivery of the A1331 which is fundamental to planned housing growth in Colchester and Tendring. The Councils are therefore working with the new Government to explore funding opportunities to complete the A1331. We appreciate that while there are understandable concerns for the impact of new housing on Wivenhoe and other surrounding areas the planning and highways authorities have put in place strong safeguards to ensure the growth is well managed, sustainable and enhances the local community.

We are keen to work with the local parish councils as the schemes continue to progress through the planning system."

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

- *Addressed concerns about promises not being delivered. Was understandable and acknowledged it was the Joint Committee's collective responsibility to hold the three Councils and Latimer to account. Need to make the promises demonstrable.*
- *Any 'misreading' was responsibility of the Joint Committee. Needed to work constantly to be really clear in demonstrating what was factual, what was a legitimate question, what was myth or merely rumour.*

Councillor Wagland then responded as follows:-

- *On the subject of openness, stated that firstly a number if not the majority of the points made by speakers were addressed in several respects in the Minutes of our previous meeting. Urged the public to read them.*
- *Secondly, also urged the public to read the Editors Notes in the Councils' statement which provided further comments in relation to many of the individual points raised.*

Councillor Luxford-Vaughan raised the point that National Highways had, in fact, objected to the DPD otherwise they would not have been a participant at the Examination-in-Public. Though there was a statement of common ground with National Highways there were unresolved issues. The Councils' statement was therefore in error on that point.

Amy Lester, the Garden Community Planning Manager (Tendring District Council) responded to Councillor Luxford-Vaughan. The three Councils had engaged with National Highways throughout every stage of the process. The statement of common ground for the DPD Examination-in-Public had at the end of it a number of outstanding issues. However, they related to the future planning application and the modelling work that would be required to come forward as part of that. There was quite an understandable areas of concern that had been recorded as still needing to be resolved. However, the principle of the GC and the DPD and the policies contained within it had not been objected to by National Highways (Highways England).

Jonathan Schifferes, Head of Housing Growth and Garden Communities (Essex County Council) further responded by stating that National Highways had lodged a 'holding' objection in order to participate in the Inquiry. He then quoted from the published statement of common ground between National Highways and the Councils (Section 3):-

"In summary, the Councils and National Highways agree that the DPD transport evidence base which uses the Colchester Transport Model developed by Essex County Council provides a sound, strategic transport baseline for future development of the Garden Community. They agree that outstanding matters raised in the National Highways technical notes (7, 8 and 9) and the responses by the Councils are deemed to be acceptable at this stage of the DPD. They acknowledged the need to continue to work collaboratively and with the site developers to deliver the full range of suitable highway transportation solutions for the Garden Community."

In conclusion under "Unresolved Issues" the statement said: *"Within this statement of common ground there are no unresolved issues or area of uncommon ground for the purposes of the DPD. There are several notable issues that need to be resolved prior to the planning application stage."*

Councillor Mark Cory (Essex County Council and Colchester City Council)

-
- *Supported the comments made by Parish Councillor Gladwin and Town Councillor Burke about the traffic situation. As the Division Member most affected he was dealing with County Highways on the lack of diversion signs at the commencement of the works, the number of accidents that had already resulted and the map which had been produced which was inadequate.*
 - *Referred to recent traffic modelling by ECC which showed that eastbound congestion at Clingoe Hill would become a significant problem after 1,000 new homes. Those homes were going to come from Tendring itself and the GC. Queried how given that point, and the initial phasing evidence that we were now talking about 2041 as earliest start to complete the link road with completion by 2051.*
 - *GC principles demand a full link road but facts now demand it in full from the start.*
 - *Asked whether it was the case that nothing from the leftover HIF funding could be spent towards the construction costs post 2026.*
 - *Asked what were the phase two cost? Without updated phase two costs how would that affect the Councils own viability evidence? How could Councils state it would 'stack up' for the planning application minus the associated costs?*
 - *Asked what capital resources were set aside by Latimer for building phase two. How could the Councils be sure that it was being prepared for and would be done and delivery ensured.*
 - *Given that traffic modelling showed traffic increasing, the pains of the project so far and the bad 'press' and the speed of the supposedly 'rapid' transit system being 'watered down' to fast how do the Councils expect the modal shift targets to be met. It looked less than likely that they would be achieved. What was there in policy terms to ensure that the modal shift happened and if it did not happen was there a mechanism to halt building of further homes.*
 - *In respect of item A.2, very much supported the comments made by Parish Councillor Gladwin about a vacuum of decisions that the public saw made by this Joint Committee. Delegation of further responsibility would be a 'misstep' at this point in time. The Joint Committee was a delegated committee from the three Councils with powers delegated to the small number of Members appointed to it. Delegating further decisions away would be less than helpful in ensuring openness and transparency.*

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

- *Would follow 'good practice' in the proposed delegation to Officers. Same practice was followed at Colchester City Council.*
- *No vacuum in decision making. Had been a long period when the 'ball' had sat with the DPD Inspector. Momentum of the GC project currently in the hands of others.*
- *Acknowledged the challenge of transparency.*
- *All of his five questions had been touched upon and answered earlier on in this meeting. Impracticable to ask Latimer about their capital resources at this meeting.*

Jonathan Schifferes, Head of Housing Growth and Garden Communities (Essex County Council) also responded to Councillor Cory's statement as follows:-

- *Not the case that the Councils had a report that said 2041 was the earliest date that phase two of the link road would be delivered. There were modelling studies that demonstrated different scenarios which had been commissioned to inform other public decision making processes namely the CPO and the SRO. That was not the*

basis on which the Joint Committee would determine an application nor determine what acceptable impacts of that application would be in environmental terms or in highways terms and in accordance with statutory planning processes.

- Confirmed that, under the contract, HIF could not be used beyond March 2026.*
- Viability of the Phase Two costs would be scrutinised by the Joint Committee at the point of the submission of the planning application and that viability assessment would need to include the major infrastructure costs.*
- Not appropriate to ask the applicant when determining an application whether they had the money to build it.*
- Change of 'rapid' to 'fast' merely a case of semantics on the Inspector's behalf.*
- Joint Committee could introduce 'development caps' if it felt that controls were required on the 'build out' or level of traffic generated as part of dealing with modal shift.*

7. REPORT A.1 - EXAMINATION IN PUBLIC: INSPECTOR MODIFICATIONS FOR CONSULTATION

The Joint Committee considered a detailed report (A.1) which advised it of the modifications to the Development Plan Document (DPD) for the Garden Community that the Planning Inspector now required the Councils to publish for consultation as part of the process of independent examination.

It was reported that, following the public hearings held in May 2024, the Planning Inspector (Mr. Graham Wyatt) had subsequently issued his own 'Schedule of Modifications', as appended to the report (Appendix 1), and had instructed the Councils to proceed to consultation. They did not vary significantly from the Councils' Suggested Modifications that had been discussed at the hearings.

The Inspector had made four (4) changes to the Councils' 'Schedule of Suggested Modifications – Post Hearing Update'. Those were to GC Policy 2 'Nature', GC Policy 8 'Sustainable Infrastructure' and GC Policy 9 'Infrastructure Delivery, Impact Mitigation and Monitoring'. Those changes were as follows:-

GC Policy 2 – Nature

- MM90 - Part D (to become Part E) 'Biodiversity Net Gain'**

Inspector's Modification:

Remove reference to ambition to achieve BNG of 15%, as such remove last sentence of first point of Part D on page 40 of the DPD as follows:

~~As such an ambition is to achieve BNG of 15% on average across the whole masterplan.~~

Inspector's Reason:

The minimum requirement of 10% will be met across the masterplan as required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

GC Policy 8 - Sustainable Infrastructure

- **MM71 - Part A 'Net Zero Carbon'**

Inspector's Modification:

The Inspector has changed the timeframe for an agreed strategy to achieve net zero in acceptable circumstances from '*within a reasonable timeframe*' to '*within five years of occupation*'. As such Part A on page 117 of the DPD be amended as follows:

All buildings ~~must~~ *shall* be net zero in operation *at occupation or, in exceptional circumstances, have an agreed strategy to achieve net zero within five years of occupation,* and achieve net zero operational energy balance onsite *across the Garden Community.*

Inspector's Reason:

At the request of Latimer and as discussed on Day 1 of the hearing sessions under Main Matter 8.

- **MM72 - Part A 'Net Zero Carbon'**

Modification **not** agreed by the Inspector:

The Councils had, through the 'Schedule of Suggested Modifications' and their hearing statement for Main Matter 8, put forward for consideration that the space heating, energy consumption and renewable energy generation standards under Part A of GC Policy 8 be updated to reflect the findings of the most up-to-date technical evidence base and ensure alignment with the Essex Design Guide. The suggested modification was discussed on Day 1 of the hearing sessions under Main Matter 8.

Inspector's Reason:

The Inspector has **not agreed** the Councils suggested modification as the Essex Design Guide is not part of the Development Plan. Therefore, the suggested modification is not considered reasonable and would be likely to create issues in relation to deliverability. This modification will therefore not go forward for consultation and the standards under Part A of GC Policy 8 will remain in the DPD as outlined within the Submission Version Plan.

GC Policy 9 'Infrastructure Delivery, Impact Mitigation and Monitoring'.

- **MM91 - Part A 'Infrastructure Delivery Mechanism'**

Inspector's Modification:

Remove all references to Community Infrastructure Levy.

Inspector's Reason:

The CIL charging schedule will be considered separately from the DPD.

In addition to the above modifications, the Inspector had agreed that all other modifications within the 'Schedule of Suggested Modifications - Post Hearing Update' should proceed to consultation. No other modifications had been made by the Inspector.

The Joint Committee was therefore asked to note the content of the Inspector's 'Schedule of Modifications', prior to their publication for consultation for a period of six weeks in September/October 2024 in accordance national requirements. The Councils would publish the modifications alongside an updated Sustainability Appraisal (SA), and an updated Habitats Regulations Assessment (HRA) to take account of them.

Following conclusion of the consultation the Inspector would consider the SA, HRA and all representations made in response to the modifications. At the end of the Examination the Inspector would send a report to the Councils recommending whether or not the DPD was legally compliant and sound (with or without some or all of the proposed modifications) and thus whether they could proceed to formally adopt the plan.

The Joint Committee then proceeded to discuss and debate matters pertaining to the Officer's report as follows:-

Councillor Andrea Luxford-Vaughan (CCC)

- *Reiterated that though these were the Inspector's Modifications they had come from the Statements of Common Ground with statutory consultees and the developer. For the record she pointed out that they had not been agreed by the Joint Committee;*
- *Believed that some of the Modifications were creating significant changes to the DPD e.g. going from a link road to a non-link road. This was significant and stopped it from being a sustainable site which should have been picked up in the Sustainability Appraisal (SA);*
- *SA flawed from the beginning in that it did not consider congestion as one of its measurements.*

Councillor William Sunnucks (CCC)

- *Took some comfort from the fact that the Inspector had made it clear in MM75 that the Infrastructure Phasing and Delivery Plan was a requirement and that any variation to it would have to be explained and evidenced by the developer.*

Councillor Andy Baker (TDC)

- *Consultation summary plan in the report made no mention of the affected Parish/Town Councils – wanted to make sure that they were included within the consultation;*
- *Encouraged any and all residents who may have a concern to make a representation.*

It was thereupon moved by Councillor Baker and:-

RESOLVED that the Tendring Colchester Borders Garden Community Joint Committee

—

1. notes the content of the report and the Inspector's Schedule of Modifications (attached at Appendix 1); and
2. notes the next stage of the examination process, which is to publish the Schedule of Modifications for public consultation.

8. REPORT A.2 - DELEGATION TO OFFICERS IN RESPECT OF EIA SCOPING REQUESTS

The Joint Committee considered a detailed report (A.1) which sought its agreement to delegate specific decision making powers to Officers related to determining the scope of environmental issues needing to be covered in an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) that, in due course, would accompany the future planning application for the Garden Community.

Members were reminded that the terms of reference for the Joint Committee at paragraph 4.6 permitted the powers of delegation contained in section 101(2) of the Local Government Act 1972, to be exercised. To date a Scheme of Delegation had not been proposed due to the nature of the decision-making responsibilities so far resting with the Joint Committee – which had been mainly focussed on the plan-making process in respect of the Development Plan Document (DPD). The strategic and policy setting decisions for the Garden Community, including endorsement of the Development Plan Document and the granting of relevant planning permissions, were decisions for the elected Members of the Joint Committee rather than Officers, given the significance of the development and its cross-border nature.

There were however planning-related functions of an operational and technical nature that required speedy resolution and which, for most other developments, were typically delegated to Officers through an agreed Scheme of Delegation. With the DPD heading into the final stages of the plan-making process, the Garden Community project would soon progress into the Development Management phase within the planning process and the consideration and determination of planning applications. In light of advanced preparatory work, a formal request for a 'Scoping Opinion' to determine the scope of the environmental issues to be covered in an Environmental Statement, to be submitted in support of a future principal planning application for the Garden Community, had been submitted by the lead developers for the Councils' consideration. This was in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended), and the regulations created a statutory basis for the Councils to provide a timely response.

It was considered that responding to an EIA scoping request was a technical matter that was normally delegated to Officers for which there were also statutory timescales. The recommendation of this report sought the Joint Committee's agreement to exercise the powers of delegation to enable the timely determination of the Scoping Opinion request to be taken at Officer level. Members noted that where an Authority (or, in this case, the Joint Committee) had adopted a scoping opinion following the request of an applicant, additional information could be requested at a later date.

Members were informed that, as anticipated in the Joint Committee's Terms of Reference, a comprehensive Scheme of Delegation to Officers would be prepared for

the Joint Committee's consideration and approval as the Garden Community project progressed from the policy plan making phase to the Development Management phase. This was likely to include, amongst other things, applications for minor or non-material amendments (NMA) to already approved developments and matters relating to enforcement action, advertisement consent and Tree Preservation Orders (TPOs).

Generally, it was considered best practice by the Planning Advisory Service (the Government's appointed experts in planning matters) that approximately 95% of planning applications were determined by Officers – however for the Garden Community development, it was appropriate for important decisions to be taken by the Joint Committee and therefore only selected types of decisions of a more minor, technical and time constrained nature were likely to be suggested for delegation to Officers in the future.

A comprehensive Scheme of Delegation to Officers would therefore be brought to a future meeting of the Joint Committee for consideration and agreement. This would allow the smooth running of planning functions and timely determinations and an efficient turnaround of certain planning matters aligned with the Government's statutory targets.

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

Councillor Andrea Luxford-Vaughan

- *Did not accept that EIA scoping requests were too technical for Members. If Officers were of a contrary view then additional training and support should be provided and should already have been in place in time for this and should be in place in time for when the full planning application comes forward;*
- *Scope should cover noise, vibration and air quality in addition to the list put forward by Manda O'Connell;*
- *The scope will turn into an environmental statement which will form one very small element of the evidence supporting the planning application. If timescales are an issue for the scoping requests then dealing with the planning application itself within the available timescale will be a very great difficulty;*
- *Members would need to 'block out' a significant period of time in their diaries to be able to consider all of the evidence et cetera;*
- *The three Councils have already delegated powers to the Joint Committee. Did not believe that the Joint Committee had the remit to release control of powers that the three Councils had invested in it. Would be undemocratic to do so;*
- *Believed that it was vital that there should be a call-in procedure to enable Joint Committee members to refer a matter that would otherwise be dealt with by an Officer to the Joint Committee for its determination. Otherwise Members had no recourse at all;*
- *At the moment, completely in the dark as to how Officers will deal with these scoping requests so completely against any delegation of powers.*

Councillor William Sunnucks (CCC)

- *Prepared to support the delegation subject to two changes relating to the link road and health care;*

- *Upset that Members have not seen any proposals of how this delegation would be carried out by Officers i.e. no scheme of delegation;*
- *Transport story (link road): goes round and round as to costs et cetera. Needs an independent transport report from a consultant instructed by the Joint Committee to get to the bottom of this issue and get the full story on the link road. Government believes that this project is stalled which effectively it is until the link road issue is sorted;*
- *Mention of Primary Health Care in the scoping but no mention of Hospitals. A large garden community development will put local hospital facilities under added pressure/strain. Therefore, need a Health Care Impact Assessment as well.*
- *Supported a "call-in" right for Joint Committee members.*

Councillor Andy Baker (TDC)

- *Not against delegated powers which are used all the time at TDC. Leaves the Planning Committee to deal with the important stuff;*
- *Tight timescale for these scoping requests laid down by legislation though the applicants had agreed an extension until the end of September;*
- *Document is complex and long;*
- *Supports the delegation. Such matters take time and expertise which the Officers have. Members are not planners.*
- *This project is not stalled as Deputy Prime Minister has now accepted. On track but currently it is in the hands of the Inspector reviewing the DPD;*
- *The Environmental Statement, once submitted, can be debated at the Joint Committee if Members are not happy with its contents. If necessary, Members can vote to refuse the application. Therefore, the power still lies in the hands of Members.*

Councillor Lesley Wagland (ECC)

- *Supported vigorously Councillor Baker's comments;*
- *What goes into the scoping document must be based on planning expertise which the Officers have and not Members. If that scope is faulty then there could be legal consequences and possibly awards of costs against the three Councils;*
- *Members could do this but for reasons Councillor Baker explained it would not be sensible approach to take.*

Councillor Lee Scott (ECC)

- *Does not believe that Officers ever meant in any way to imply that Members were not capable of considering scoping requests;*
- *Is the general practise among many authorities to give this delegated power;*
- *Does not share some of the concerns expressed but understand where they are coming from and appreciates that;*
- *Content to vote for the delegated powers.*

Councillor David King (CCC)

- *Given timetables and pressures of the process, was minded to support;*
- *Every decision that matters will still come before the Joint Committee;*
- *Normal practice to have delegations.*

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

- *In relation to hospitals and healthcare, as part of this consultation Officers have consulted with NHS colleagues and various health bodies. They had been in communication on this and were engaging. Will be feeding back their response on this and that response will be provided to the Applicant as part of the Scoping Opinion that Officers will issue;*
- *In relation to the Health Impact Assessment, the DPD does require a HIA to be provided with the planning application(s);*
- *All of the consultation responses that come in from the statutory bodies at this early stage will be considered and feedback as part of the Officers' scoping opinion and also passed onto the Applicant for their information;*
- *In relation to the requirement for an independent Transport report, the transport elements within the submitted scoping report are being robustly reviewed by transport colleagues at ECC and also by National Highways, as a statutory consultee. They will also feed into the scoping opinion issued and those responses provided to the Applicant;*
- *Will set the basis on what needs to come forward within the Environmental Statement as well.*

Councillor David King (CCC)

- *From his perspective, those who have a statutory responsibility e.g. health and transport (nationally and locally), their inputs set the framework for what will be required from the Applicant which will then be considered by the Joint Committee.*

Amy Lester confirmed that point was correct.

Councillor William Sunnucks (CCC)

- *Concern was that Health Impact Assessment focused on impact on residents and not on impact on hospital capacity and on what the Applicant will do to mitigate that harm. Needs to be included within the HIA;*
- *Transport – Essex Highways have big incentive to 'kick the can down the road'. No public trust in infrastructure first. Therefore, a clear need for an independent transport assessment.*

Amy Lester responded that those matters would be covered within the Environmental Impact Assessment, the Environmental Statement and the Health Impact Assessment that would accompany the application in due course.

In response to a question from Councillor King, Amy Lester confirmed that members of the Joint Committee and Ward Councillors could submit their own representation on the scoping opinion. Parish Councils and Colchester and Tendring Ward Councillors had been consulted. All responses received would be taken into account in finalising the scoping opinion and would be provided to the Applicant. The formal 28 day consultation period had passed. The statutory five week time period to determine these applications had elapsed. However, an extension of time had been agreed with the Applicant until 30 September 2024. Officers had granted their own extension of time to some statutory bodies to enable them to submit their consultation response. Officers could do the same

for other consultees such as Members. The consultation was still open on the Councils' websites for representations to be submitted.

Councillor Lesley Wagland (ECC)

- *Important to get this scoping opinion under a delegated scheme that Officers make the decision,*
- *Not concerned with what goes into that as long as it is consistent with what Councils are entitled to take into account legally;*
- *Members cannot micromanage this scoping agreement but should spend more time on the Environment Statement itself.*

Councillor Andrea Luxford-Vaughan (CCC)

- *Pressed again for clarification as to whether there would be a call-in procedure for delegated powers. Would it follow the same system as at Colchester City Council.*

Andrew Weavers (Head of Governance & Monitoring Officer) (CCC) responded that there would be no scope for a call-in procedure for this delegated decision.

Councillor William Sunnucks (CCC)

- *Pressed for an answer as to whether there would be an independent transport study carried out either by the three Councils or by the Applicant.*

Councillor Lesley Wagland (ECC)

- *Responded to Councillor Sunnucks by stating that the assessments are being made by the Highway Authority. That is ECC's responsibility. Will, where appropriate, get independent assessments of different elements as par for the course;*
- *Has personally seen no evidence that would support a suggestion that ECC would put inflated or otherwise inappropriate statements into documents;*
- *No reason to revisit with a separate independent assessment unless any party involved wished to do that in their own right e.g. individual members of the public or Parish Councils*

It was thereupon moved by Councillor Baker, seconded by Councillor Wagland and:-

RESOLVED that the Tendring Colchester Borders Garden Community Joint Committee

—

- (a) exercises its powers of delegation in accordance with its Terms of Reference and in accordance with Section 101(2) of the Local Government Act 1972 and agrees to delegate authority to the Director of Planning for Tendring District Council, the Deputy Chief Executive and Executive Director of Colchester City Council and the Director for Sustainable Growth of Essex County Council to determine, through joint agreement and in consultation with the Chairman and Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, the scope of the environmental issues to be covered in an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended); and

- (b) agrees that should joint agreement not be reached by the Officers of the three authorities, acting under their delegated authority, then the response to the request for a scoping opinion will be brought to the Joint Committee for its determination.

Note: The motion was carried 5 votes in favour to 2 votes against (Councillors Luxford-Vaughan and Sunnucks voted against).

The meeting was declared closed at 8.28 pm

Chairman

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Planning Policy and Local Plan Committee

16 September 2024

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON MONDAY, 16TH SEPTEMBER, 2024 AT 6.00 PM
IN THE COMMITTEE ROOM AT THE TOWN HALL, STATION ROAD, CLACTON-ON-
SEA, CO15 1SE**

Present:	Councillors Guglielmi (Chairman), Bray, Chapman BEM, M Cossens, Fairley, Newton and Scott
Also Present:	Councillors Baker (Portfolio Holder for Housing & Planning) and Everett
In Attendance:	Gary Guiver (Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Ian Ford (Committee Services Manager), Paul Woods (Planning Policy Team Leader) and Keith Durran (Committee Services Officer)
Also in Attendance:	Will Fuller (Senior Planning Policy Officer) and James Dwan (Communications Officer)

55. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bush and Fowler (with no substitutions).

56. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the last meeting of the Committee, held on Tuesday 23 July 2024, be approved as a correct record and be signed by the Chairman.

57. DECLARATIONS OF INTEREST

In relation to agenda item 6, report A.1 (Local Plan Review: Implications of the Government's proposed changes to the National Planning Policy Framework and introduction of Mandatory Housebuilding Targets, Councillor Fairley declared that she could be considered to have a Non-Registerable Interest insofar as family members owned land at Horsley Cross which was part of the A120 corridor. Having taken advice from the Monitoring Officer, Councillor Fairley stated that she would remain in the meeting and take part in the consideration of that item.

The Monitoring Officer confirmed to the meeting that she had given advice to Councillor Fairley and confirmed the substance of Councillor Fairley's declaration.

58. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

59. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question or to make a statement on the two Officer reports.

60. REPORT OF THE DIRECTOR (PLANNING) - A.1 - LOCAL PLAN REVIEW: IMPLICATIONS OF THE GOVERNMENT'S PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK AND INTRODUCTION OF MANDATORY HOUSEBUILDING TARGETS

Earlier on in the meeting, as recorded under Minute 57 above, and in relation to this item, Councillor Fairley had declared that she could be considered to have a Non-Registerable Interest insofar as family members owned land at Horsley Cross which was part of the A120 corridor. Having taken advice from the Monitoring Officer, Councillor Fairley had stated that she would remain in the meeting and take part in the consideration of this item.

The Committee considered a report of the Director (Planning) (A.1), which set out the main implications of the new Government's proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the current review of the Tendring District Local Plan. The report also sought the Committee's agreement for the postponement of public consultation on the Issues & Options document pending the outcome of the Government's current NPPF consultation.

Members were aware that, up until now, the Council had been preparing to carry out the five-year review of its Local Plan following a work programme and a set of overarching guiding principles, vision, objectives and spatial strategy options that had been agreed by the Planning Policy and Local Plan Committee in its meetings from December 2023 through to July 2024 – with the intention of carrying out public consultation on the agreed Issues & Options document in September/October 2024.

However, the UK General Election on 4 July 2024 had resulted in a change of Government and on 30 July 2024 the new Deputy Prime Minister had launched an eight-week consultation on reforms to the National Planning Policy Framework (NPPF) – the policies within which Councils were expected to follow both for the purposes of Local Plan preparation and planning decisions – and other changes to the planning system. The detail of that NPPF consultation and the Council's possible response were the subject of a separate report on the Committee's agenda.

The Committee was informed that the most significant of the Government's proposed changes was the introduction of mandatory (as opposed to advisory) housebuilding targets generated using a revised version of the 'standard method' for calculating local housing need. If the new Government pushed ahead with its proposed changes, Tendring's housebuilding target would increase from 550 homes a year from the current Local Plan to 1,043 homes a year from 2026. This would have significant implications for this District, the review of the Tendring Local Plan, and all the work that had been carried out by the Planning Policy and Local Plan Committee and the Council's Officers to date.

The main implications were summarised as follows:-

Housebuilding requirements:

An increase in the annual housing requirement from 550 to 1,043 homes a year was substantially above the increase to 770 that had been anticipated and reported previously. This increase would require the Council to plan for 7,000-8,000 additional homes up to 2041 over and above the 9,600 already in the pipeline (expected on sites allocated in the current Local Plan, sites already under construction, and sites with planning permission). This was double the amount of housing the Council had, up until now, been preparing to plan for through the Local Plan review.

Spatial strategy options:

The six spatial strategy options agreed by the Committee for the purposes of public consultation had set out alternative ways of delivering 3,000-4,000 extra homes in Tendring up to 2041. With the requirement now potentially doubling to 7,000-8,000 homes, those spatial strategy options did not align with current Government thinking and there was consequently no benefit in proceeding to public consultation with those options. Initial analysis by Officers suggested that the sheer scale of the proposed increase in housebuilding targets would limit the number of practical alternatives that were realistically capable of delivering the numbers entailed – with all sensible permutations affecting most communities in some way. It was highly likely that options going forward would entail significant growth in, and around, the Harwich area, potentially two or more new Garden Villages in strategically important locations and proportionate levels of additional housing for other existing towns and villages.

Vision and objectives:

The updated vision and objectives for the future of Tendring, previously agreed by the Committee for the purposes of public consultation, had been based on an assumption that the general thrust of the approach taken in the current adopted Local Plan to 2033 would be broadly similar for an updated Local Plan covering the extended period to 2041 – save for focussed changes needed to reflect any change in the strategy for growth for the longer-term. The significant increase in housebuilding that might now be required under the Government's proposed changes would likely require a radically different approach to growth, so the vision and objectives for the Local Plan to 2041 would most likely need updating to reflect this.

Overarching guiding principles:

It was believed that most of the overarching guiding principles agreed by the Committee at the beginning of the Local Plan review process would be unaffected by the Government's proposed changes – including the intention to continue protecting Strategic Green Gaps and not expanding either Clacton or the Tendring Colchester Borders Garden Community beyond the significant levels of growth already planned through the current Local Plan. However, the principles relating to time frames and housebuilding targets would likely need revisiting once the Government had confirmed its approach following the close of the NPPF consultation.

Evidence base:

It was pointed out that a number of the evidence-base studies required to inform the review of the Local Plan were, at the time of the Government's announcements on 30

July 2024, already commissioned and under way. Those included a Strategic Housing Market Assessment (SHMA) and a Strategic Employment Land Study for which assumptions about the total amount of housing planned were critical to the likely outputs. Officers were engaging with the relevant consultants of all studies currently under preparation to determine the implications of the Government's proposed changes and to pause, as necessary, any work pending the outcome of the Government's consultation.

Timetable and work programme:

Because the Council was only in the early stages of the Local Plan review, it would be expected to apply the Government's new requirements as and when they were confirmed – including any increased mandatory housebuilding targets. The overall Local Plan timetable and work programme already agreed by the Committee as part of the Local Development Scheme (LDS) would therefore need to be revisited and adjusted. Consultation on Issues & Options could only sensibly take place once any Government changes to the NPPF had been finalised, the full implications had been taken on board and the documentation revised as necessary. Importantly, it was no longer considered likely that the Council would be in a position to fully adopt an updated Local Plan before January 2026 (five years from adoption of the current Section 1 Local Plan). However, it might be possible to reach the stage of submission to the Secretary of State by that time – enabling the Council to at least give some weight to the emerging Plan for the purposes of determining planning applications.

Five-year housing land supply:

The Government's proposed changes included the re-introduction of the requirement to identify, on an annual basis, a supply of deliverable housing sites sufficient to deliver five-years' worth of housing against the required target (incorporating a contingency buffer), or else run the risk of unplanned and unwanted speculative housing development proposals being granted, potentially on appeal, to address any shortfall. In recent years, the Council had been able to maintain and identify a supply in excess of six years against its current target of 550 homes a year – giving the District protection against speculative development. However, if the Government's proposed mandatory housebuilding targets were brought in, the Council would find itself in a position in January 2026 where, overnight, a comfortable five-year supply under the 550 homes target could become a significant shortfall against an increased target of 1,043 homes a year. The Council would therefore have to consider increasing the supply of smaller to medium sized developments that were capable of delivering homes to boost supply in the short-term, both through the Local Plan review and, potentially, through planning decisions on individual applications over the next couple of years.

With the above in mind, Officers were therefore seeking the agreement of the Planning Policy and Local Plan Committee to postpone the consultation on Issues & Options that had been planned for September/October 2024, pending the final outcome of the Government's consultation on the proposed NPPF changes.

Members would also need to be prepared that if the Government did push ahead with its proposals, particularly in relation to housebuilding targets, the content of any future Issues & Options document and subsequent drafts of the updated Local Plan would be considerably different to what had been discussed to date.

At the meeting, the Director (Planning) gave a MS Power Point presentation that drew out the salient points of his report in respect of the negative impacts on:-

- (1) Housebuilding requirements;
- (2) Spatial Strategy Options;
- (3) Review Local Plan Vision and Objectives;
- (4) Overarching principles for the Local Plan Review;
- (5) Evidence Base;
- (6) Timetable for the Local Plan Review;
- (7) Five Year Supply of Housing Land – ‘Cliff Edge’ on 27 January 2026; and the
- (8) Wider implications for the Council and the District.

The Director (Planning) responded to Members’ questions thereon.

The Chairman (Councillor Guglielmi) requested that Mr. Guiver’s presentation be made available to all Parish/Town Councils within the District at such time as this Council was eventually able to go out to public consultation on a revised Issues and Options document. Councillor Fairley requested that the presentation be also made available to the general public if that was considered to be both advisable and practicable.

At the invitation of the Chairman, the Portfolio Holder for Housing and Planning (Councillor Baker) commented on the subject matter of this item.

Having duly taken all of the above information into account and having discussed the matter:-

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

RESOLVED that the Planning Policy and Local Plan Committee –

- a) notes the contents of this report which highlights the main implications of the new Government’s proposed changes to the National Planning Policy Framework (NPPF), including the introduction of mandatory housebuilding targets, on the review of the Tendring Local Plan;
- b) notes that the Council’s response to the Government’s eight-week consultation on changes to the NPPF is the subject of a separate report on the Committee’s agenda;
- c) agrees to postpone any public consultation on Issues & Options pending the outcome of the Government’s NPPF consultation, following which a consultation document including revised spatial strategy options may need to be presented to the Committee for its consideration and approval before public consultation is resumed; and
- d) notes that the Local Development Scheme (LDS) will also need to be revisited again in due course following the outcome of the NPPF consultation, in order to set out a revised programme of work for the Local Plan review going forward.

61. REPORT OF THE DIRECTOR (PLANNING) - A.2 - GOVERNMENT CONSULTATION: PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK.

AND OTHER CHANGES TO THE PLANNING SYSTEM - TENDRING DISTRICT COUNCIL'S RESPONSE

The Committee considered a report of the Director (Planning) (A.2) which invited discussion and its agreement to Tendring District Council's formal response to the Government's consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system.

Those changes were the subject of a public consultation, running for eight weeks from 30th July – 24th September 2024. The consultation material consisted of 15 chapters of explanatory text outlining the proposed changes, and 106 focussed questions about the proposals. The full consultation document was included at Appendix 1 to the report (A.2), with the Officers' suggested response to each question included in bold text for easy identification and for Members' consideration.

The key concerns and ideas that Officers had raised throughout the suggested response included:-

- *The imposition of top-down housebuilding targets on a mandatory basis with no scope for local circumstances, constraints or exceptional circumstances to be taken into account;*
- *The significant practical implications of reintroducing the requirement to demonstrate a five-year housing land supply at the same time as dramatically increasing housing targets, which created a 'cliff-edge' scenario for the Council come January 2026 and looked realistically unachievable;*
- *The need for Government to provide financial support to Local Authorities to deliver the required infrastructure to facilitate housing development of the scale proposed;*
- *The need for financial support to deliver a greater amount of affordable and social housing as part of such a step-change in overall housing delivery; and*
- *The importance of retaining local control of large-scale infrastructure projects, rather than expanding the NSIP regime.*

Members were informed that many of the questions in the consultation related to 'Green Belt' policy, which was of no direct relevance to the District of Tendring, and it was suggested that no comments be offered in response to those matters.

The Committee commented on the following aspects of the Government's consultation and the Council's proposed response thereto:-

- (1) Ensuring that retired residents could remain close to their friends if they chose to "downsize";
- (2) Acknowledge that TDC is in the hands of others when it comes to highways and other infrastructure and that TDC should stress that in its response;
- (3) Pressing the Government further to allow Councils to build their own homes in order to deliver more housing for social rent;
- (4) Request mandatory planning requirement for new housing to provide facilities for recycling water e.g. through rainwater collection;
- (5) Request higher statutory fees for retrospective planning applications; and
- (6) Press for a 'New House Levy' to provide funds for Councils to provide the recycling facilities for those households.

The Chairman requested that the District's two Members of Parliament be briefed on this important matter and that they be urged to 'lobby' the Government on behalf of the residents of the District.

At the invitation of the Chairman, the Portfolio Holder for Housing and Planning (Councillor Baker) commented on the subject matter of this item.

Having duly taken all of the above information into account and having discussed the matter:-

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

RESOLVED that the Planning Policy and Local Plan Committee –

- (a) notes the content of this report;
- (b) endorses the draft response to the Government consultation, as attached at Appendix 1; and
- (c) recommends to the Portfolio Holder for Housing and Planning, that the draft response, subject to the Members' comments made at this meeting, be approved and be submitted to the Ministry of Housing, Communities and Local Government before the close of the consultation on 24th September 2024.

The meeting was declared closed at 7.39 pm

Chairman

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Resources and Services Overview and
Scrutiny Committee

23 September 2024

**MINUTES OF THE MEETING OF THE RESOURCES AND SERVICES OVERVIEW
AND SCRUTINY COMMITTEE,
HELD ON MONDAY, 23RD SEPTEMBER, 2024 AT 7.30 PM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors P Honeywood (Chairman), M Cossens (Vice-Chairman), Bensilum, Harris, S Honeywood, Newton and Goldman
Also Present:	Councillor Kotz (Portfolio Holder for Assets)
In Attendance:	Lisa Hastings (Assistant Director Governance & Monitoring Officer), Richard Barrett (Assistant Director Finance and IT & Section 151 Officer), Damian Williams (Corporate Director Operations and Delivery), Andy White (Assistant Director Building and Public Realm), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Bethany Jones (Committee Services Officer) and Hattie Dawson-Dragisic (Performance and Leadership Support Officer)

52. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Doyle and Steady with no substitutions.

An apology was also received from Councillor Mark Stephenson, Leader of the Council who had been due to attend the meeting for item 7, Report of the Assistant Director of Finance & IT – A.2 – Financial Outturn Update Report, on the agenda. Due to family commitments, he was unable to attend on this occasion.

53. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the minutes of the meeting of the Committee, held on 22 July 2024, be approved as a correct record and be signed by the Chairman following an amendment to show that Councillor M Cossens had been absent from the meeting.

54. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any item on the agenda for this meeting.

55. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

The Committee was reminded that, subject to the required notice being given, a Member of the Committee could ask the Chairman of the Committee a question on any matter in relation to which the Council had powers or duties which affected the Tendring District, and which fell within the terms of reference of the Committee. On this occasion, one question on notice had been submitted by a Member of the Committee as set out below: -

Question

Councillor Matthew Bensilum asked Councillor Paul Honeywood, the Chairman of the Resources and Services Overview & Scrutiny Committee: -

“Can we seek reassurance that all departments regularly review their “preferred” providers / suppliers and that any contracts awarded follow a set policy of due-diligence and if this is the case, please confirm how suppliers are vetted, when they were last reviewed and when they will be next reviewed. This is of course especially important for larger / regular contract.”

Councillor Paul Honeywood, the Chairman of the Resources and Services Overview & Scrutiny Committee read the following which had been prepared for him: -

“Assurance can be provided from the Procurement Team, including support from Essex County Council under the Council’s Service Level Agreement for the provision of Procurement services, that tenders processed by them do not have a preferred contractor’s list and that the correct governance is followed throughout the procedure.

Depending on the amount that the contract is worth will depend on the route to tender, whether they be Request for Quotation (RFQ between £10-50k) or invitation to Tender (ITT over £50k). Invitation To Tender are handled by Essex County Council and will generally be on contracts finder or from a framework. If open tender (not via a framework) any company may submit a tender.

RFQ locked tender boxes are controlled by Procurement but the information and specification to submit quotes is completed by the relevant service and is the responsibility of the service, by e mailing the RFQ details directly to suppliers. However, the Council does not hold a preferred contractors list as this would not be in line with the Council’s Procurement Procedure.

There is provision for the contractor to provide a performance bond, or parent company guarantee where appropriate and this is contained within the Council’s Procurement Procedure, which can be found at Part 5 of the Constitution, providing the appropriate procedures in full and all associated information.”

By virtue of the Rule 38, no further question, statement or debate was provided for following the Chairman’s reply.

56. PORTFOLIO HOLDER INTRODUCTION - PORTFOLIO HOLDER FOR ASSETS

The Chairman of the Committee welcomed to the meeting the Portfolio Holder for Assets, Councillor Peter Kotz. The invitation had been made as part of a process of inviting to each of the Committee’s meetings, a different Portfolio Holder to address it on the focus for their Portfolio (Minute 21 of 21 June 2023 refers). The purpose of their invitation was to enable the Portfolio Holder to provide a broad introduction to their portfolio, including their current issues and challenges (as well as priorities for 2024/25).

Councillor Kotz introduced the various services within his portfolio and raised the current issues/challenges that they were dealing with, and projects that were being worked on or work that was envisaged to begin.

The challenges and projects within the Corporate Asset Management area highlighted included:

- *Halting progression of potential disposal or development action for 69 areas of land owned by the Council, to propose a more focussed progression of a small number of sites.*
- *Conclude the disposal of the redundant office site at Weeley.*
- *Review of the Property Strategy.*
- *Team resources challenged by significant caseload, work will be done to get these issues regularised.*
- *Drafting a new Public Conveniences Strategy.*
- *Completion of the transfer of bus shelter responsibilities to Essex County Council. They proposed to use the revenue generation to facilitate service improvements.*

The challenges and projects within the Building Services and Facilities Management area highlighted included:

- *Establish the Dangerous Structures service within the two areas it is shared between, the Council's Building Control and surveying function.*
- *Recognising that the Council's offices and other facilities are a significant cost and substantial part of the Council's carbon footprint and so ensuring that the most is being made of what the Council has and having consideration to beneficial ways to share with our delivery partners.*

The challenges and projects within the Bereavement Service area highlighted included:

- *A priority with Colleague Cllr Barry is to resolve the issues that have led to difficulties of achieving the standard of grounds maintenance that is aspired to.*
- *Work toward extension project of the Clacton Cemetery if burials are to be continued there.*
- *Ensure that there is a financial provision for the lifecycle of the machinery at the Crematorium and establish working methods that reduce gas consumption for now and for the next renewal of the plant.*

Councillor Kotz also highlighted the services, work and projects undertaken by the IT team and highlighted their day to day work providing professional, knowledgeable, high quality support and services for the Council's 726 IT users, and residents and customers.

He also provided an update around the Council's new website and the My Tendring customer self-service portal. He raised that further work was being undertaken to enhance the usability of both and plans to further adapt them.

Councillor Kotz provided the Committee with figures around Information Governance such as the average amount of data requests the Council responded to and how this had increased in recent years. He also highlighted the importance of Councillors being

vigilant in relation to information security as the Council information they held could be subject to SAR and FOI disclosure.

Another issue Councillor Kotz warned the Committee of was the global cyber security threat to the UK. He made the Committee aware of the work to ensure that the Council's information stayed secure from those threats.

He advised the Committee of the new in house Developer team within the IT service that had established itself as the 'go-to' team for creating new Council Applications. In addition to this he raised that utilising the in-house services had created major savings such as the digitisation of the Planning Services' microfiche records.

Finally Councillor Kotz informed the Committee of the Procurement Partnership between the Council and Essex County Council. He highlighted that the shared resource provided advice and support to colleagues across the Council on how to source goods and services, in accordance with the Council's procurement procedure rules. He also advised that the service had adapted to feedback through its operation and was currently creating a questionnaire for users to provide their opinion of the process and where improvements could be made.

The Committee then asked questions of Councillor Kotz in relation to the challenges, projects and ongoing work he had advised them of. The Committee asked questions in relation to: the cost and progress of the disposal of the Weeley Council Offices; assurances that the new equipment at the Weeley Crematorium was sufficient and would last its natural lifecycle; and there were also questions in relation to the Shared Procurement Services.

It was **AGREED** that following the meeting a written reply on the questions around the disposal of the Weeley Council offices would be circulated to all Members of the Committee.

57. A.1 REVIEW OF THE WORK PROGRAMME

The Head of Democratic Services and Elections firstly advised the Committee that circulated around the room that evening was the reference report that had been considered and approved by Cabinet at its meeting on Friday 20 September (Minute 46 refers) in relation to the Committee's recommendations in respect of the Spendells Project. The reference report included the Portfolio Holder for Planning and Housing's response to the Committee's recommendations and Cabinet had approved the Portfolio Holder's proposals in respect of the recommendations. The Committee enquired whether the outcome of the investigation by the Chief Executive into unauthorised expenditure and the matters in the contract specification for the Spendells project and it was advised that the investigation was still ongoing. In respect of the recommended review of progress with projects, the Committee discussed its concerns that Cabinet had not placed a timescale for when the findings of project management reviews would be reported. Whilst no timescale was set it was possible money would still be being spent and potentially be unauthorised. The Committee was advised that it could make a further reference to Cabinet for a timescale to be applied to reporting on those reviews. Comments made confirmed that Members of the Committee would like to receive an update on the reviews at its next meeting on 17th December 2024 and to invite the Leader of the Council to discuss those review reports. The Monitoring Officer also provided an assurance that, as promised at the Committee's meeting in July 2024, the

Statutory Officers, Ian Davidson, Richard Barrett and herself had delivered the strong instructions around expenditure on projects to senior managers across the Council.

The Head of Democratic Services and Elections highlighted to the Committee that, as part of its annual budget review, the Committee would require a briefing on the use of resources section on the External Auditor's report that was expected to be received in November/December.

Within the Report it set out the names of those nominated to form the various Task and Finish Groups. The Groups the Committee were asked to consider were Asset Management Arrangements of the Council, Housing Strategy, Development and Infrastructure and Council Enforcement Arrangements. Councillor Harris also indicated that he would like to serve as a part of the Asset Management Task and Finish Group.

The Committee **RESOLVED TO NOTE:**

- (a) That the forum session to senior managers had been delivered.
- (b) Invite the Leader of the Council to its next meeting and receive a report outlining the progress with the Cabinet's decision as follows; "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.
- (c) Include consideration of the use of resources section of the External Auditors report at the December meeting of the Committee.
- (d) The following Councillors be appointed to the Task and Finish Groups identified to undertake the enquiries referred to in the decision of Council on 6 August 2024 (Minute 31 refers):
 - Asset Management arrangements of the Council Task and Finish Group – Appointed Members: Councillors Bensilum, Newton, Steady, M Cossens, Sudra and Harris
 - Housing Strategy, Development and Infrastructure Task and Finish Group – Appointed Members: Councillors Harris, Bensilum, Doyle, Casey, Goldman and Fairley
 - Council Enforcement Arrangements Task and Finish Group – Appointed Members: Councillors Harris, Newton, P Honeywood, S Honeywood and Wiggins

58. REPORT OF THE ASSISTANT DIRECTOR OF FINANCE & IT. - A.2 - FINANCIAL OUTTURN UPDATE REPORT

The Committee was presented with a report from the Director of Finance & IT, Richard Barrett to look at the current position of the Council's financial position in relation to the Financial Outturn report that had been submitted to Cabinet on 26 July 2024.

Within his presentation to the Committee, he highlighted that there was a favourable variance at the end of 2023/24 of just over £1.8 million. He advised that there was a mix of variances that had contributed to this but one of the main reasons was a favourable outcome in terms of business rates income. The Assistant Director informed the Committee that the Portfolio Holder for Governance and Finance had made a

recommended allocation to reinvest the additional income generated through Parking Services back into Parking Services. He also informed them of a number of the recommended allocations that were within the report.

The Committee was advised that, once significant reinvestment into challenges the Council would naturally face, there was an opportunity to bring together money along with funding from the Corporate Investment Fund to make allocations in the following areas: to conduct a review of the Careline Service; to develop/establish a Project Delivery team; and, to support the Capital Regeneration in Dovercourt. This meant that there was just over £2.4 million left in the Corporate Investment Fund.

The Assistant Director also informed the Committee that a report was to be submitted to Cabinet in October 2024 with the Quarter 1 position of the Council's Finances. He advised that this report would touch on issues such as any new items emerging, anything the Council had already allocated extra funding to, developing the forecast, the cost pressure review and, the first iterations of the savings plan.

The Committee thanked The Assistant Director for attending the meeting and presenting the report and expressed the view that the report was informative and detailed.

The Committee discussed and compared the consequences other Local Authorities such as Thurrock had experienced in relation to poor Financial Management and it wanted an assurance that this Council was doing what was necessary to avoid such a situation. The Assistant Director informed the Committee that an External Auditor report would be received in due course that would provide feedback on the Council's financial resilience, financial forecasting and the ability to manage risks.

Some consideration took place in relation to Citizens Advice Tending and more generally around external funding. They were advised that an External Funding report, that provided a High Level Framework was to be submitted to Cabinet and that there would also be development of a further detailed external funding policy as requested by Cabinet. The Head of Democratic Services and Elections informed the Committee also that, as a part of the Community Leadership Overview and Scrutiny Committee work programme, it would be looking at reviewing the progress the Cabinet had made in relation to implementing improved arrangements in respect of grant giving by the Council.

59. **A.3 REFERENCE REPORT FROM THE COUNCIL'S ENFORCEMENT
ARRANGEMENTS TASK AND FINISH GROUP.**

The Head of Democratic Services advised the Committee that this was the second report the Committee had received from the Enforcement Task and Finish Group. He reminded the Committee that the first report had been on Planning Enforcement and that the recommendations from that first report had been approved by Cabinet and that the Committee would (in time) be expecting to receive an update on those recommendations.

The Committee **AGREED** the Recommendations to Cabinet from the report that were as follows:

-
- (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, unretrieved 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, if 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.

The meeting was declared closed at 9.30 pm

Chairman

**MINUTES OF THE MEETING OF THE AUDIT COMMITTEE,
HELD ON THURSDAY, 26TH SEPTEMBER, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Sudra (Chairman), Fairley, Morrison and Platt (except items 41 – 44)
In Attendance:	Damian Williams (Corporate Director (Operations and Delivery)) (except item 47 (part)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Craig Clawson (Internal Audit Manager), Karen Hayes (Executive Projects Manager (Governance)), Ian Ford (Committee Services Manager) and Bethany Jones (Committee Services Officer)
Also Attending:	Emma Larcombe (representing KPMG – the Council's External Auditor)

41. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of the Vice-Chairman (Councillor Steady), with no substitution.

42. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the meeting of the Committee, held on 25 July 2024, be approved as a correct record and be signed by the Chairman.

43. DECLARATIONS OF INTEREST

There were no declarations of interest by Councillors in relation to any item on the agenda for this meeting.

44. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

45. REPORT OF THE INTERNAL AUDIT MANAGER - A.1 - PERIODIC REPORT ON INTERNAL AUDIT: JUNE 2024 TO AUGUST 2024

The Committee was provided with a periodic report on the Internal Audit function for the period June 2024 to August 2024. The Internal Audit Manager's report also provided an update on the Internal Audit Charter for approval by the Audit Committee, as required by the professional standards.

That report was summarised as follows:-

- *Four audits had been completed since the last Audit Committee in July 2024. All four of the audits had received a satisfactory level of overall assurance of Adequate Assurance.*
- *A further 13 audits from the 2023/24 Internal Audit Plan had been allocated and six were currently at the fieldwork phase.*
- *The Internal Audit Charter needed to be reviewed and approved for the 2024/25 financial year. There had been no changes since the last update.*
- *The Internal Audit Manager continued to oversee the Fraud, Compliance, Risk and Health and Safety services whilst the Assurance and Resilience Manager was on secondment.*
- *Internal Audit were currently working with the Council's IT department to modernise the way its Fraud and Compliance Team worked, by introducing technology that could map out the most efficient routes when out on inspections as well as using data analytics to target the cases the Council inspected, in order to be able to work smarter within limited resources.*
- *Interviews for a new apprentice had been held and an appointment made.*

INTERNAL AUDIT PROGRESS 2024/25

It was reported that, in relation to the Internal Audit Progress of 2024/25, four audits had been completed since the previous update to the Audit Committee in July 2024, all of which had received a satisfactory overall opinion of 'Adequate Assurance'. No significant issues had been identified in this period. A further 13 audits from the 2023/24 Internal Audit Plan had been allocated and six audits were currently at the fieldwork phase.

Members were aware that the Internal Audit Manager and Executive Projects Manager (Governance) were currently undertaking a review of the Spendells Housing Project, as requested by Cabinet and the Chief Executive.

It was also reported that the Council's Audit Team were currently in the 'Key Systems' phase of the audit plan where all financial and core service systems and processes were reviewed. Each area was tried and tested as they were very important to the Council's day to day activities. It was not anticipated that any significant issues in this area would arise as historically they had been well managed. However, it was very important to ensure that those systems and processes continued to work as expected and remained well controlled.

Quality Assurance – The Internal Audit function issued satisfaction surveys for each audit completed. No unsatisfactory responses had been received in this period.

Resourcing

The Committee was reminded that Internal Audit currently had an establishment of 4 full time equivalent posts with access to a third party provider of Internal Audit Services for specialist audit days as and when required. The Team currently had a vacant post for an Audit Technician.

Team members had recently interviewed a number of candidates for a new apprenticeship and an appointment had now been made.

Members were aware that the Internal Audit Manager continued to manage the Fraud and Compliance teams whilst the Assurance and Resilience Manager was on secondment. The current arrangements were expected to last until December 2024 unless in the meantime the secondment was extended.

Officers were currently working with the IT department to modernise the way the Fraud and Compliance Team worked by introducing technology that could map out the most efficient routes when out on inspections as well as using data analytics to target the cases Officers inspected in order to be able to work smarter with limited resources.

Outcomes of Internal Audit Work

The Committee was aware that the Public Sector Internal Audit Standards (PSIAS) required the reporting of significant risk exposures and control issues. Since the last report four audits had been completed and the final report issued. No significant issues had been identified within the period.

Assurance	Colour	Number this Period	Total for 2024/25 Plan	
Substantial		0	0	
Adequate		4	4	
Improvement Required		0	0	
Significant Improvement Required		0	0	
No Opinion Required		2	2	Two consultative engagements in 2024/25 to date

For the purpose of the colour coding approach, both the substantial and adequate opinions were shown in green as both were within the acceptable tolerances.

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

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

Status	Number	Comments
Overdue more than 3 months	4	
Overdue less than 3 months	0	
Not yet due	2	

The Audit Committee had previously requested more detail on the outstanding actions within the above table and on previous significant findings as a matter of context. Appendix B was to the Internal Audit Manager's report offered a summary of those findings and agreed actions as well as including the service response and an internal

audit status. This would become a regular appendix of the periodic progress reports going forward.

Update on previous significant issues reported

All previous significant issues were now provided within Appendix B of the aforementioned report.

INTERNAL AUDIT CHARTER

Members were aware that a requirement of the PSIAS was for this Committee to review and approve the Internal Audit Charter on an annual basis. The Charter had been last updated and approved in September 2023.

It had been previously reported that new Global Internal Audit Standards had been introduced in January 2024 with a view to becoming mandatory in January 2025. Officers had been awaiting CIPFA's response with a view on their impact on the public sector.

It was reported that CIPFA had now stated that it would be producing a revised edition of the PSIAS, providing an overlay to support the adoption of the global standards specifically in the context of UK public sector organisations. It was anticipated that the revised PSIAS would be available in time to support adoption by 1 April 2025.

With this in mind, the Internal Audit Manager had decided to continue as planned to undertake a self-assessment of the Council's internal audit provision and to include a review of the Internal Audit Charter within this. It was proposed to continue with the current audit charter until those assessments had been completed and CIPFA had published an updated version of the Public Sector Internal Audit Standards.

The Internal Audit Manager and the Corporate Director (Operations and Delivery) responded to the Committee's questions on this report.

After discussion it was moved by Councillor Sudra, seconded by Councillor Morrison and unanimously:-

RESOLVED that –

- (a) the contents of the Internal Audit Manager's report (A.1) be noted; and
- (b) the Internal Audit Charter be approved.

46. REPORT OF THE ASSISTANT DIRECTOR OF LEGAL & GOVERNANCE - A.2 - COMPLAINT PROCEDURE AND ANNUAL LETTER TO THE COUNCIL FROM THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

The Committee considered a report of the Assistant Director (Governance) (A.2) which provided it with the most recent annual letter to the Council from the Local Government and Social Care Ombudsman (LGSCO). That letter related to complaints processed by the LGSCO in the financial year 2023/24. It was intended to establish a practice through which those annual letters were reported to this Committee in the future and,

thereby, to extend awareness of such complaints and the opportunity for learning by the Council from complaints.

Members were informed that the Annual Letter from the LGSCO was normally issued in mid-July, with this year's letter being issued on 17 July 2024. The letter set out a summary for the previous financial year of the numbers of complaints received by the LGSCO concerning this Council, which services they related to, the decisions reached in the year on complaints made to it and compliance with recommendations from it on upheld complaints. The 2024 Letter from the LGSCO (in respect of 2023/24) was set out at Appendix A to the report (A.2).

It was reported that the Annual Letter was sent by the LGSCO to the Chief Executive, the Leader of the Council and the Chairman of this Council's Resources and Services Overview and Scrutiny Committee. A brief summary of the statistics from the Annual Letter, and the upheld complaints identified in the Annual Letter for the year concerned, had been submitted to the Chief Executive's Officer Management Team, as part of developing learning across the various upheld complaints. From this year's Annual Letter, and by comparison with the same letters received in 2021, 2022 and 2023, a comparison had been produced which was set out in the 'Background' section of the report.

The Committee was made aware that, where an individual report on a particular complaint to the LGSCO had identified maladministration, the Monitoring Officer was under a duty to report to Cabinet (in respect of executive functions) or Council (in respect of non-executive functions). The Annual LGSCO letters had been referenced in reports on individual upheld complaints to Cabinet and Council. Currently, there was no established practice to report Annual Letters to a body of Councillors to consider. Through this report, it was proposed for this Committee to take on this role, as part of its terms of reference related to: *'assess external regulatory reports and monitoring any quality improvement programmes where required. Comments are provided to Cabinet as appropriate'*.

The Committee was also advised that there was an intention to review the Council's corporate complaints procedure, following a similar review of the Council's procedure for complaints made in respect of the Council's role as landlord (the Housing Complaints Procedure). Council Housing complaints generally fell within the scope of the Housing Ombudsman and not the LGSCO. However, this was not always the case (and this was relevant when looking at the summaries of cases referenced in the 'Background' section of this report). The LGSCO had recently adopted a new Complaint Handling Code and this broadly mirrored the Code used by the Housing Ombudsman. The Council's complaints procedure would be reviewed having had regard to the LGSCO's Complaint Handling Code and there might be a consequential need to review the Council's Housing Complaints Procedure too. This point had been approved by Cabinet at its meeting held on 24 May 2024 (Minute 12 referred).

In addition to the straight forward reporting of the numbers and outcomes of complaints to the Ombudsman, their Annual Letter to the Council for 2023/24 had included the following statement as to the timeliness of responses to its enquiries:-

"During the year, we made enquiries of your Council in five complaints. In four cases the responses were late. Concerningly, in one case we were required to remind the Council

of our power to issue a witness summons before we received the information we had requested.

I ask that you take action to improve the timeliness of responses to our enquiries. It is important we are provided with the information we have asked for promptly, and that, where you encounter delays, you keep us informed. If there is any support my office can provide to help improve the situation, please do let me know."

This issue of timeliness of responses was a matter that had been referenced by the Chief Executive to all Members of Management Team with a view to resolving the issues referenced above.

It was noted that overall numbers of upheld complaints referred to the Ombudsman about this Council's delivery of services remained relatively low. Some pointers from those complaints for Officers were:-

- *Be aware of reasonable timeframes for delivering services and find solutions to achieve these.*
- *If opportunities to review service delivery present themselves we should take them.*
- *Where we have a policy we should follow it.*
- *Keep records of decisions taken.*
- *Be thorough, whether that is matching payments to applications or considering all the various threads of a service requests.*
- *Do not stray from an impartial consideration of the matter you are dealing with.*
- *When there is a complaint, make sure we keep to timescales for responding, update the complainant if delays are likely and respond to all points raised.*

From the above upheld complaints by the Ombudsman since 2020/21, a summary of the service areas involved, reporting of the findings and of the cases was set out in the aforementioned 'Background' section of the Assistant Director (Governance)'s report (A.2).

The Assistant Director (Governance) & Monitoring Officer responded to Members' questions on her report.

After discussion it was moved by Councillor Sudra, seconded by Councillor Fairley and unanimously:-

RESOLVED that –

- (a) the Committee notes the report and approves a practice whereby Annual Letters from the Local Government and Social Care Ombudsman (LGSCO) are submitted to the Audit Committee for consideration in the future as part of its role in assessing external regulatory reports and monitoring any quality improvement programmes where required, with comments to be provided to Cabinet as appropriate; and
- (b) Cabinet be informed that the following matters highlighted from this Committee will be considered as part of the Officers' review of the Council's Complaints Procedure which will also have regard to the LGSCO's Complaint Handling Code:-
 - (1) the timeliness (or otherwise) of the Council's responses to the LGSCO's enquiries; and

- (2) the Committee's desire to have a standing item on the agenda for each of its formal meetings in relation to Complaints and that the designated Member with responsibility for Housing Complaints (currently the Portfolio Holder for Housing and Planning) and the Portfolio Holder for Corporate Finance and Governance be required to attend as appropriate.

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

The Committee had before it a report (A.3) that reported progress on the outstanding actions identified by the Committee along with general updates on other issues that fell within the responsibilities of the Committee.

Table of Outstanding Issues

It was reported that the Table of Outstanding Issues had been reviewed and updated since it had been last considered by the Committee in July 2024.

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

- 1) Updates against general items raised by the Committee – Appendix A; and
- 2) Updates against the 2023/24 Annual Governance Statement Action Plan – Appendix B

In terms of item 1) above, there were no significant issues to raise, with actions remaining in progress or further details provided within the report.

The Committee was informed that, in respect of the 2023/24 Annual Governance Statement Action Plan, although this remained subject to the Committee's final approval later in the year once the work of the External Auditor was completed, for timely and practical reasons the version currently published at the end of May 2024 alongside the Unaudited Statement of Accounts presented the most up to date position for the Committee's consideration. This approach enabled the actions and associated updates to be considered as early as possible within the Committee's annual work programme. Appendix B therefore included outstanding items from last year's Annual Governance Statement alongside new items for the current year. There were no significant issues to highlight at the present time with actions and activities remaining on-going.

The Corporate Director (Operations and Delivery) gave a short oral update on the Governance Principle/Issue *"Determining the interventions necessary to optimise the achievement of the intended outcomes (Housing Review)"* and responded to a Member's question thereon.

Appointment of Independent Person(s) to the Audit Committee

The Committee recalled that, at its last meeting, it had endorsed the appointment of at least two Independent Persons to the Audit Committee and it had requested that Officers reviewed the associated arrangements and presented a plan to the next meeting of the Committee.

The necessary review had been undertaken with a proposed action plan and timetable presented within the 'Background' section of the report (A.3).

Continuing External Audit delays and an update on the External Auditor's work on the Council's Statement of Accounts 2020/21 – 2022/23

Members were advised that the outcomes from the Government's consultation exercise were being reviewed as they had only recently been published. However, the Government had stated that they intended to continue with the proposed statutory backstop approach, albeit with slightly amended dates as follows:-

For accounts up to and including 2022/23 – 13 December 2024

For the 2023/24 accounts – 28 February 2025

For the 2024/25 accounts – 27 February 2026

For the 2025/26 accounts – 31 January 2027

For the 2026/27 accounts – 30 November 2027

For the 2027/28 accounts – 30 November 2028

The Government had confirmed that they had laid in Parliament the necessary Regulations as well as a new Code of Audit Practice, which would give effect to their proposals. Any further updates would be provided to the Committee, either at their next meeting or separately within the interim period as necessary.

Members noted that Cabinet, at its meeting held on 20 September 2024, had decided that an external funding policy should be developed for approval by the Leader of the Council that would, in turn, be presented to a future meeting of the Audit Committee to seek its support and assurance on the associated governance processes. It was proposed that this item be included within the Committee's future work programme.

Emma Larcombe, representing KPMG the Council's External Auditors, attended the meeting. Councillor Platt referred to the revised statutory backdrop dates and pondered on how much confidence Councils could have in them. He also asked if KPMG were willing to pick up BDO's uncompleted audit work. Emma Larcombe responded along the following lines:-

- *the Government's proposals bring forward slightly the date for the 2023/24 accounts from May to the end of February 2025 and those would need to be signed off by KPMG;*
- *prior years' outstanding audits had until mid-December 2024 to be signed off or – 'disclaimed';*
- *communications had been held with BDO regarding a hand-over and her understanding was that BDO was expecting to make a disclaimer on the previous years' outstanding accounts;*
- *for the 2023/24 accounts, KPMG were a good way through their audit. Vast majority of the planning work had been completed and most of the year end work would be completed in the coming weeks;*
- *on the 2023/24 'closing position' her perspective was that KPMG would be a good way through that by the end of the year;*
- *still need some clarification on the 'opening balance' position and are awaiting some guidance from the National Audit Office as to what the work on that aspect will consist of;*

- *TDC should expect a modification to the audit opinion for 2023/24 in relation to the opening balance position and over time (next three years) that will be built up. This would be a consistent position across the audit sector nationally for all Opinions where there have been 'disclaimed' accounts;*
- *will work towards reducing the number of years with disclaimed 'opening balances' as much as possible so as much work that BDO can get done the better;*
- *on the Value for Money (VFM) requirement, BDO will give an Opinion on all the Accounts for which they have been appointed for. KPMG will do likewise and a great deal of work had already been done on this for the 2023/24 accounts;*
- *should therefore be in a position to bring the initial risk assessment on the VFM to the next meeting of the Committee.*

Corporate Risk Update

The Committee was aware that its Chairman had deferred this matter to the next meeting of the Committee. The delay was due to Officers' capacity and work commitments across other parts of the organisation. Although there were no major issues at the current time, it was highlighted that there had been an increase in the number of complaints being received regarding alleged breaches of the Members' Code of Conduct at Town and Parish Council level. The District Council's Monitoring Officer with support of the Executive Projects Manager – Governance, were under an obligation to deal with complaints in accordance with the Standards Framework, which was having an impact on capacity and resources internally. A number of Town and Parish Council Members' Code of Conduct training sessions had been delivered and were organised for the near future, which although delivered free of charge, the aim was to improve awareness of expected behaviours and ultimately to prevent unnecessary complaints being received. This issue would also be reported to the Standards Committee at its meeting during October 2024, as part of its Terms of Reference and oversight remit.

Members' attention was also drawn to the following matters:-

- *The recent replacement of the wireless access points across the Council's estate along with an increase in the frequency of immutable backups, both of which increased the Council's digital and data resilience.*
- *The Government had recently announced a number of additional flexibilities relating to Right to Buy receipts. This was currently being reviewed but it was expected to support the increase in Council homes.*
- *At its meeting on 30 July 2024, the Human Resources and Council Tax Committee had agreed a revised Market Forces Policy and People Strategy, both of which supported a number of positive actions relating to the recruitment and retention of staff.*
- *Work remained ongoing to develop the long term forecast with the next update planned to be presented to Cabinet in October 2024 and which was planned to include the first iteration of the Council's Saving Plan.*
- *Following the recent Government announcement relating to their intention to increase the supply of housing nationally, the impact on the Council's Local Plan remained under review.*

After discussion it was moved by Councillor Sudra, seconded by Councillor Platt and unanimously:-

RESOLVED that -

- a) the progress against the actions set out in Appendices A and B to the report (A.3) be noted;
- b) in respect of the appointment of an Independent Person(s) to the Audit Committee, the Committee:-
 - i) notes and agrees the actions set out in this report;
 - ii) requests Officers to finalise a draft role / person specification and to make the necessary arrangements to consult with members of the Audit Committee as highlighted in the plan; and
 - iii) that the outcome of the above be presented to the meeting of the Committee due to be held in January 2025.
- c) The Governance Principle/Issue “*Determining the interventions necessary to optimise the achievement of the intended outcomes (Housing Review)*” be added to the Committee’s Work Programme.

The meeting was declared closed at 11.44 am

Chairman

Public Document Pack

Community Leadership Overview and
Scrutiny Committee

15 October 2024

**MINUTES OF THE MEETING OF THE COMMUNITY LEADERSHIP OVERVIEW AND
SCRUTINY COMMITTEE,
HELD ON TUESDAY, 15TH OCTOBER, 2024 AT 7.30 PM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Steady (Chairman), Barrett (Vice-Chairman), Davidson, Ferguson, Griffiths and Oxley
Also Present:	Councillor Mick Barry (Portfolio Holder for Leisure & Public Realm)
In Attendance:	Lee Heley (Corporate Director (Place and Economy) & Deputy Chief Executive), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Kieran Charles (Sport & Leisure Operations Manager), Maddie Adger (Leadership Support Manager) and Hattie Dawson-Dragisic (Performance and Business Support Officer)
Also In Attendance:	Sylvia Gentleman (Active Wellbeing Society), Hayley Chapman (Active Essex), Jason Ferguson (Sport England, Essex County Council and Active Essex) and Sharon Alexander (CVS Tendring)

5. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received from Cllr Doyle (with no substitution).

6. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes from the meetings of the Committee held on 23 April 2024 and on 17 July 2024, be approved as correct record and be signed by the Chairman.

7. DECLARATIONS OF INTEREST

Cllr Mick Barry made a declaration for the public record in relation to item 6 of the agenda (Sport and Activity Strategy for Tendring) in respect of the swimming pool support fund grant for Brightlingsea Lido as he was a trustee of the Brightlingsea Lido. The Strategy referenced the swimming pool support fund although it didn't not reference Brightlingsea Lido. As such he would remain in the meeting for that item (Minute 6 refers).

8. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question.

9. REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.1 - WORK PROGRAMMING (INCLUDING MONITORING OF PREVIOUS RECOMMENDATIONS AND SUMMARY OF FORTHCOMING DECISIONS)

This item was introduced by the Head of Democratic Services and Elections. This report set out the nominations to serve on the Crime and Disorder (Familial Violence/Abuse),

Joint Working with Parish/Town Councils and the Youth Provision Outside of School Task and Finish Groups.

He advised the Committee that the appointment of a Chairman to one of the Task and Finish Groups needed to take place to commence that work of the group. This was also address at the meeting. He also advised that due to the successes of last year with attending site visits particularly with respect to Crime and Disorder that the Committee might want to consider this approach again.

It was **RESOLVED** that:

- (a) The members named below be appointed to serve on the Task and Finish Groups set out in order to undertake the enquiries identified:
 - Crime and Disorder (Familial Violence/Abuse) – Councillors Doyle (Chairman), Ferguson, Goldman, Oxley and Sudra;
 - Joint working with Parish and Town Councils – opportunities for mutually beneficial collaboration – Councillors Steady (Chairman), Casey, Chapman, M Cossens and Ferguson; and
 - Youth Provision for School Age Children outside of school – opportunity for improvements to mental health and reduced anti-social behaviour – Councillors Barret (Chairman), A Cossens, Davidson, J Henderson and Oxley
- (b) That, within the Committee’s responsibilities as the Council’s designated “Crime and Disorder Committee”, efforts be made by officers to enable:
 - Attendance by the Chairman/a selection of Members at a meeting of the overall Neighbourhood Watch Group for the District.
 - A meeting be held by the Members of the Committee with local representatives of the National Farmers Union, the local farming community and the Police to look at the experience of rural crime in the District.
 - A meeting be held with representatives of the local Traffic Police leaders and with Community Speed Watch volunteers (and the Fire and Rescue Liaison officer for Speed Watch) to explore road safety issues.

10. REPORT OF THE CORPORATE DIRECTOR (PLACE & ECONOMY) - A.2 - SPORT AND ACTIVITY STRATEGY FOR TENDRING

The Chairman of the Committee welcome all the invitees to the meeting. These invitees were Cllr Mick Barry (Portfolio Holder for Leisure and Public Realm), Lee Heley (Corporate Director for Place and Economy), Kieran Charles (Sport & Leisure Operations Manager), Sylvia Gentleman (Delivery Oversight in Essex for the Active Wellbeing Society), Hayley Chapman (North Essex Relationship Manager for Active Essex), Jason Ferguson (Board Member for Sport England, Senior Leader in public health at Essex County Council and Director for Active Essex) and Sharon Alexander (Chief Executive Officer for CVS Tendring).

The Sport and Activity Strategy for Tendring that had been approved by Cabinet on 20 October 2024 was introduced to the Committee by the Portfolio Holder for Leisure and Public Realm, Councillor Mick Barry. He advised the Committee that an extensive consultation had been undertaken as part of the development of the strategy and that advice, guidance and best practice identified from National Bodies had been integrated

into it. The Committee were informed that the strategy was a working document that included timelines and actions. The Committee were made aware of the different elements of the strategy, such as, the consideration of a Community Sport and Activity Manager post, the funding applications for up to five Playzones to be put in the District. The intention was for the Strategy to be consistently reviewed in collaboration with other relevant bodies. He also drew attention to the Supplementary report that was circulated to the Committee Members with the views and comments from Sport England on the strategy.

The Corporate Director for Place and Economy, Lee Heley, agreed with the statements given by Cllr Barry and advised the Committee of the importance of the Strategy. He particularly referenced how the strategy sought to shift the way sport and activity was viewed by the organisation and the wider community.

The Sport and Leisure Operations Manager, Kieran Charles, was invited to give his thoughts on the Strategy. He advised that through gathering the local and national data on activity it recognised where there had been positive improvement, and that the strategy would be able to further boost these improvements through the community engagement projects in sport and activities in the district set out.

Sylvia Gentleman, from the Active Wellbeing Society, was introduced to the meeting, and she advised the Committee that the society had been working with Active Essex for a number of years working on the Sport England Local Delivery Pilot, particularly Essex Pedal Power. Sylvia presented to the Committee several PowerPoint Slides that explained their work within the District. She provided the Committee with the Active Wellbeing Society's thoughts on the Strategy and advised that their experience of working within the District was that to get engagement from residents it was necessary to approach people in ways they could relate to and not simply provide opportunities and expect the public to be in a position to take up those opportunities. It was felt that this element of learning they experienced had been captured within the Strategy.

The Chairman then introduced Hayley Chapman from Active Essex, she advised the Committee of their Partnership work with Tendring District Council, CVS Tendring, and North East Essex Health and Wellbeing Alliance for a number of years as a part of the work undertaken by the Sport England Local Delivery Pilot. She advised that Active Essex was supportive of the Strategy, especially in terms of incorporating the learning from the Local Delivery Pilot, and the action plan that has been included within the Strategy that showed a clear path to achieving the ambition of the Strategy.

Jason Ferguson, Director of Active Essex provided his feedback on the Strategy. He advised that he also sat on the Board for Sport England. He raised that the recommendation report from Sport England had positively commented on the Strategy. Jason also highlighted that the Strategy directly aligned with the Council's Corporate Plan themes.

Sharon Alexander from CVS Tendring (CVST) was invited to speak by the Chairman and she commented on the long-term strong partnership CVST had with Tendring District Council and the partnership work with Active Essex as well facilitating the Sport England Local Delivery Pilot.

The Committee asked questions around the options for sustainability and were informed that a piece of work was being commissioned to review the financial and wider sustainability of the three leisure centres and that it had been included within the Cabinet report (Minute 52 of Cabinet's meeting on 20 September 2024 refers) and was one of the first actions to take place. They were also advised that the outcome of this review was envisaged to be completed in March 2025 and that the outcome would then pull out what the options were.

The Committee also enquired what the prospect was of the Community Sport and Activity Manager role being established. The Portfolio Holder for Leisure and Public Realm advised that community engagement was a key part of the strategy and part of this role would be to work with partners and established groups to support and enhance what they were already doing. Bidding to fund this role was underway.

The Committee considered the five Play Zones that were being identified and wanted to understand the reasons for the placement of the zones within the District and why some areas had not been included. The Committee were informed that the placement of the five Play Zones was heavily influenced by the current land ownership position and what was already readily available (in view of time constraints to deliver these first five Play Zones). It was confirmed by officers that when open discussions commenced in relation to the funding in 2025/26 there would be an opportunity to look into opening further Play Zones around different parts of the District. As such, time was a key consideration for the location of the first five and it was hoped that more time would mean further Play Zones could be located to achieve widespread access to them.

There were discussions around what successes were envisaged to come out of this Strategy and the Committee were advised that it would look to increase availability and access to activities/sport within the District and also to provide a platform for further opportunities/development.

There was also questions around how communication barriers could be broken down to inform a wider audience of the Sport and Activity engagement that would take place around the District and whether forums could take place with the relevant persons to support breaking down these barriers. The Committee were advised that 'word of mouth' would play a significant role in informing members of the public about the Strategy and its actions.

The Committee were further advised that within the Strategy there was a detailed section around the marketing aspects and the marketing plan.

The Chairman then thanked all the attendees for their contributions which he had found most helpful towards the Committee's enquiry into the recently adopted Sport and Activity Strategy. This view was echoed by the Committee's members.

The Committee **RESOLVED TO RECOMMEND** to Cabinet that the following actions that were included within the Sport England submission be pursued:

- To support an expanding population in the west of Tendring (Garden Community Project) the scope should be broadened from identifying new sports facilities to identifying new opportunities for creating active environments.

-
- To ensure that appropriate contributions towards sport are consistently secured. Furthermore, the scope of contributions should be extended to cover capital projects that would support the delivery of physical activity priorities.
 - Encourage the application of Active Design principles into new developments to help ensure that opportunities for encouraging physical activity are maximised in practice.
 - New/refurbished buildings that the Council funds have fully considered environmental sustainability.

It was further **RESOLVED TO RECOMMEND** to Cabinet that the following actions should be undertaken:

- Showcase Activities fairs being held at centres across the District in 2025 to allow clubs and organisations to offer to the public opportunities to be involved in sport/be active.
- An Activities Council/Committee to be created and meet to help encourage further dialogue between sports activities providers.
- Creation of Sports/activities promotion videos that the public can access to encourage involvement in those activities/access information on activities locally.
- Develop proposals for more playzones including on sites in the west of the district to then be implemented as and when funding becomes available.

The meeting was declared closed at 9.16 pm

Chairman

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**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON THURSDAY, 24TH OCTOBER, 2024 AT 10.00 AM
IN THE COMMITTEE ROOM, IN THE TOWN HALL, STATION ROAD, CLACTON-ON-
SEA, CO15 1SE**

Present:	Councillors Wiggins (Chairman), Oxley (Vice-Chairman), Alexander, Newton and Talbot
In Attendance:	Lisa Hastings (Director (Governance) & Monitoring Officer), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Karen Hayes (Executive Projects Manager (Governance)), Bethany Jones (Committee Services Officer), Emma Haward (Leadership Support Assistant) and Christopher Bailey (Elections and Leadership Support Officer)
Also in Attendance:	Sue Gallone, Clarissa Gosling, David Irvine and Jane Watts (the Council's four appointed Independent Persons)

21. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor J Henderson (with no substitute).

22. MINUTES OF THE LAST MEETING

It was moved by Councillor Alexander, seconded by Councillor Talbot and:-

RESOLVED that the Minutes of the meeting of the Committee held on Thursday 16 May 2024 be approved as a correct record and be signed by the Chairman.

23. DECLARATIONS OF INTEREST

In relation to report A.2 (Review of Tendring District Council's Members' Planning Code and Protocol), Councillors Alexander and Wiggins both declared as a point of information for the public record that they were current serving members of the Council's Planning Committee.

Sue Gallone, one of the Council's Independent Persons, declared that she could potentially have an interest in report A.1 (Independent Persons Recruitment).

24. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

25. REPORT OF THE MONITORING OFFICER - A.1 - INDEPENDENT PERSONS RECRUITMENT

It was reported that, at its meeting held on 27 November 2018, Full Council had agreed the appointment of Mr David Irvine, Mrs Clarissa Gosling, Mrs Jane Watts and Mrs Sue Gallone as the Council's Independent Persons for the purposes of standards arrangements.

Those appointments as Independent Persons (IPs) had subsequently been extended for a year from May 2023, at the Full Council meeting held on 22 November 2022 (Minute 52 referred).

More recently, at the Annual Meeting of the Council held on 30 April 2024, Members had approved (Minute 14 referred) that –

- 1. The previous local arrangements for joint appointments to both roles, being the Independent Remuneration Panel and Independent Persons ceases;**
- 2. Future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council;*
- 3. For the purposes of (b) above the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme for 2026/27 and into the net term of office for District Councillors; and*
- 4. The term of office for those Independent Persons who express and interest in doing so, be extended for a further year without an application process, in order to allow a separate recruitment exercise to be undertaken for the sole role of Independent Person.**

Recruitment and Alternative Options

The Committee was advised that, with regard to the roles of Independent Persons for the Ethical Standard arrangements, a pool of Independent Persons was available through the Public Law Partnership (covering Essex, Hertfordshire and Suffolk) that could be called on by any Authority, subject to the necessary approvals through formal appointments. Those arrangements were considered appropriate to use where capacity or conflicts of interest were an issue. Whilst the Council had previously approved and adopted this flexibility, using the pool had not been required due to this Council having four Independent Persons. Therefore, it was still considered prudent for Tendring District Council to continue recruiting and appointing its own Independent Persons whilst retaining the flexibility of a wider pool to call upon if necessary.

Members were made aware that since the recruitment last undertaken in 2018, the Committee on Standards in Public Life (CSPL) had published its report in January 2019, which had included recommendations with regards to the role of the Independent Persons. The then Government had then responded to them in March 2022. Therefore, it was timely for Tendring District Council to review its own approach and give consideration to different options and to determine the best one for its own governance arrangements. The Government supported such choices to be determined at a local level.

Term of Office

It was highlighted that whilst the term of office would be determined by Full Council upon appointment, the practice which had been adopted since 2018 had been to appoint Independent Persons for a term of 4 years, which aligned with the term for elected Members. However, it was also felt essential to provide continuity, as developing the relationship between the Independent Persons and the Monitoring Officer was important

to ensure the robustness in the delivery of, and confidence in, the arrangements and building upon the expectations of the Nolan Principles.

Eligibility

The Committee was informed that the CSPL had recommended in its review in 2019 that the role of the Independent Person should be fixed to a term of office for 2 years and renewed once. Whilst it was understood how this approach could demonstrate a perception of independence, the competencies required for the Independent Persons to demonstrate confidence in the arrangements and the training necessary required dedicated resources being committed by the Council, to ensure the role was sufficiently performed. In addition, experience obtained depended upon the number of Member Code of Conduct complaints received and this could not be predicted in advance; a longer term of office and renewals being permitted, would allow previous experienced Independent Persons to reapply and would assist with the opportunity for experience to be gained. However, previous local appointments should not detract other members of the public interested in the role from applying and the Council would always encourage individuals to express an interest in the role.

In relation to the “Independent Persons Information and Application Pack”, it was moved by Councillor Talbot, seconded by Councillor Alexander and:-

RESOLVED that the “Independent Persons Information and Application Pack” include a message from the Chairman of the Standards Committee in addition to the usual message from the Chief Executive.

It was further moved by Councillor Alexander, seconded by Councillor Oxley and:-

RESOLVED that -

- a) the contents of the Monitoring Officer’s report (A.1) be noted;
- b) the proposal to recruit four Independent Persons, for a term of office for four years at the suggested allowance of £600 per annum plus expenses be supported (subject to Full Council approval on appointment);
- c) the Committee endorses previously appointed Independent Persons being permitted to reapply for this role;
- d) the recruitment pack for the role of the Independent Persons, as amended by the Committee’s earlier resolution detailed above, be supported; and
- e) the Chairman of the Committee, the Vice-Chairman of the Committee and Councillor Alexander (with Councillor Newton as the designated substitute Member) be authorised to form part of the Interview Panel for Independent Persons.

26. REPORT OF THE MONITORING OFFICER - A.2 - REVIEW OF TENDRING DISTRICT COUNCIL'S MEMBERS' PLANNING CODE & PROTOCOL

The Committee considered a report of the Monitoring Officer (A.2) that set out the results of the review of the Planning Protocol carried out by the Monitoring Officer and her team. That report also sought the Committee’s approval that members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons be consulted on the draft revised Planning Probity Protocol.

It was reported that in December 2019, the Local Government Association (LGA) had issued its Probity in Planning Guidance – Advice for Councillors and Officers making planning decisions. The Standards Committee had subsequently agreed through its work programme to review the Council's Planning Code & Protocol.

Following a review carried out in 2020/21 no changes had been suggested as a result of the LGA's Guidance though additional wording had been recommended to cover situations when it was not possible to undertake Site Visits and to clarify this did not impact upon the Planning Committee's ability to determine planning applications.

Members were reminded that, at its meeting held on 19 July 2023, the Committee had decided, amongst other things, that a further review of the Council's Planning Code and Protocol be carried out in order to ensure it still adhered to best practice and was easy to follow. That review conducted had researched the various examples suggested by Planning Advisory Service (PAS) as best practice and the outcome had resulted in a revised approach with the first step being to refer to the document as the 'Planning Probity Protocol'. This also aligned with the Planning Probity Protocol adopted for the Tendring Colchester Borders Garden Community Joint Committee.

This report therefore set out initial proposals following the review by the Monitoring Officer and her team and following consideration by the Committee, sought its approval to consult with relevant parties.

The following alterations were put forward at the meeting:-

- (1) to highlight the vital necessity of the Committee membership staying together as one group whilst attending a site visit and not to allow itself to be split up into smaller groups thereby leaving Members vulnerable to acts of lobbying, physical or verbal intimidation et cetera;
- (2) to highlight that Planning Committee members should refrain from expressing their personal views, opinions, emotions at meetings but should instead restrict themselves to matters of planning policy (whether national or local);
- (3) to acknowledge that being a member of the Planning Committee can be a difficult role to carry out; and
- (4) to reflect within paragraph 9.21 that if Members are in doubt as to whether they have an Interest in a particular matter then they should discuss it with Officers and to also cross-reference that paragraph to the information provided by the Monitoring Officer to Members in respect of the Declaration of Interests.

It was thereupon moved by Councillor Talbot, seconded by Councillor Alexander and:-

RESOLVED that –

- (a) the outcome of the review of the Planning Protocol carried out by the Monitoring Officer and her team be noted;
- (b) approves that consultation be undertaken on the draft revised Planning Probity Protocol, as amended at the meeting; and
- (c) the outcome of the consultation be submitted to the Standards Committee for its consideration prior to recommendation on to Full Council for adoption.

27. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.3 - TOWN & PARISH COUNCILS' STANDARDS SUB-COMMITTEE - APPOINTMENT OF TENDRING DISTRICT COUNCIL MEMBERS**

Members were reminded that Article 9 (Standards Committee and Town & Parish Councils' Standards Sub-Committee) of the Council's Constitution stated that the Council would have, in place, a Town & Parish Councils' Standards Sub-Committee with the following terms of reference:-

"To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct." [Article 9.05]

Article 9.05 also required the Sub-Committee to consist of three members of the Standards Committee and three non-voting co-opted Town & Parish Council members nominated by the Tendring District Association of Local Councils (TDALC). In addition, the nominated Town & Parish Council members would be of an independent standing and they would not have served as a District Councillor or as a County Councillor for a period of four years prior to their nomination.

It was reported that the Standards Committee, at its meeting held on 19 July 2023 (Minute 7 referred), had appointed Councillors Ann Oxley, Michael Talbot and Ann Wiggins to serve on the Town and Parish Councils' Standards Sub-Committee. The Committee had also been informed at that meeting of TDALC's nominated members.

The Committee was informed that Frank Belgrove, Alresford Parish Councillor and the Chairman of TDALC, had emailed the Committee Services Manager on 23 September 2024 and had confirmed that TDALC's three appointments to the Town & Parish Councils' Standards Sub-Committee remained as listed below:-

1. Cllr Frank Belgrove (Chairman TDALC) Alresford PC;
2. Cllr Danny Botterell (Vice Chairman TDALC) Little Clacton PC; and
3. Cllr Linda Belgrove (Member TDALC) - Alresford PC.

Following the discussion of this matter, it was moved by Councillor Talbot, seconded by Councillor Oxley and:-

RESOLVED that –

- (a) Councillors Oxley, Talbot and Wiggins plus Councillor Newton as the designated substitute Member be appointed to serve on the Town & Parish Councils' Standards Sub-Committee for the remainder of the 2024/2025 Municipal Year;
- (b) notes that the Tendring District Association of Local Councils (TDALC) has previously appointed Parish Councillors Frank Belgrove, Linda Belgrove and Danny Botterell as their three non-voting, co-opted members of that Sub-Committee; and
- (c) the Committee recommends to full Council that Article 9.05(2) of the Council's Constitution be amended to state that Tendring District Council would prefer that TDALC's three nominated members on the Town & Parish Councils' Standards Sub-Committee represent different parish/town councils.

28. REVISED WORK PLAN 2024/25

The Committee gave further consideration to its Work Plan for the 2024/25 Municipal Year. The work plan had been revised to reflect the impact of the cancellation (due to the Parliamentary General Election) of the meeting of the Committee that should have taken place in July 2024.

The revised Work Plan for 2024/2025 was as follows:-

24th October 2024

- Review of the Independent Person recruitment preparations for 2025
- Review of the Planning Probity Protocol – Initial Draft for Consultation Purposes
- Regular Complaints update by Monitoring Officer (including Town and Parish Councils Code of Conduct and Interests matters)
- Appointment of the TDC Members of the Town & Parish Councils' Standards Sub-Committee for 2024/25

5th February 2025

- Case review and guidance update for the Committee on decisions and actions taken nationally
- Licensing and Registration Committee Probity Protocol – Initial Draft for Consultation Purposes
- Review of the Planning Probity Protocol – Final Draft for Submission to Full Council
- Review of the Hearings Procedure
- Regular Complaints update by Monitoring Officer

9th April 2025

- Annual Update on Mandatory Training for Members
- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Review of the Monitoring Officer Protocol
- Regular Complaints update by Monitoring Officer
- Annual Work Programme for 2025/26

Members were made aware that individual matters might be referred to those meetings by the Monitoring Officer, in accordance with the Committee's Terms of Reference as necessary, for example, an appeal against a dispensation decision or a Code of Conduct hearing.

Having duly considered and discussed the contents of the revised work plan:-

It was moved by Councillor Talbot, seconded by Councillor Alexander and:-

RESOLVED that the revised Work Plan for the Standards Committee for the remainder of the 2024/2025 Municipal Year be approved and adopted.

29. **COMPLAINTS UPDATE**

The Committee had before it the Monitoring Officer's update on existing and new conduct complaint cases.

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE OCTOBER 2024				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
DISTRICT	METROPOLITAN BOROUGH COUNCILLOR	CLOSED	Standards Hearing – determined breach of Code of Conduct – Committee sanctions published on Council's website	Matter related to behaviour whilst acting in an official capacity.
DISTRICT	PUBLIC	CLOSED	Investigation – no further action	Matter related to behaviour whilst acting in an official capacity and misuse of Council resources.
PARISH	PARISH COUNCILLOR	ONGOING – INFORMAL RESOLUTION AND TRAINING		Matter related to behaviours within the Parish Council between multiple Councillors. Informal resolution and Code of Conduct training arranged.

TOWN	PUBLIC	ONGOING - INVESTIGATION	Investigation – externally appointed Investigator	Matter related to behaviour whilst acting in an official capacity.
DISTRICT	PUBLIC	CLOSED	No further action	Matter related to behaviour whilst acting in an official capacity.
PARISH	PUBLIC	ONGOING		Matter related to behaviour whilst acting in an official capacity.
DISTRICT	PUBLIC	ONGOING		Matter related to behaviour whilst acting in an official capacity and behaviours between District Councillors.
DISTRICT	PUBLIC	ONGOING		Matter related to behaviour whilst acting in an official capacity.

New Cases since last update – Seven.

General Notes – 2023/24 and 2024/25 Summary:

Overall eight cases had been received in 2023/24 and seven so far in 2024/25. Since the last update, one case had been heard at a Standards Hearing, one had been referred for investigation resulting in no further action as there had not been a breach of the Code of Conduct and another had been closed with no further action, again with there not being a breach of the Code of Conduct.

The other cases remained ongoing, with one being referred for investigation with an externally appointed investigator and one being referred for informal resolution and Code of Conduct training.

Since the last update, two Code of Conduct sessions had been conducted at Harwich Town Council and at St. Osyth Parish Council, which had been open to all Town and Parish Councillors across the District. Those sessions had been well attended with good engagement which had led to useful discussions. A dedicated session had also been held at Brightlingsea Town Council.

Requests for dispensations:

There had been five requests for dispensations during this period.
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In response to a question previously raised by Councillor Oxley, and following the Standards Hearing in May 2024 at which Councillor Turner had been found to have breached the Members' Code of Conduct and sanctions had been imposed upon Councillor Turner, the Monitoring Officer informed the Committee that she had written on two occasions to Councillor Turner to follow up on those sanctions i.e. to arrange a reflective 1.1 session around learning from the complaint and also that Councillor Turner was required to issue an apology both to this Council and the Coastal SIG.

The Monitoring Officer further reported that, to date, no response had been forthcoming from Councillor Turner. Whilst Councillor Turner had not yet been re-appointed either to membership of a Committee (by Full Council) or to an Outside Body (by the Leader of the Council), it was the case that, by not complying with the sanction(s) imposed on him following the Committee's finding that he had breached the Code of Conduct, Councillor Turner was now in breach of paragraph 8.4 of the Members' Code of Conduct.

In discussing the above members of the Committee felt that:-

- (i) this was a test of the effectiveness of the Council's Code of Conduct and its ability to sanction breaches;
- (ii) it was defying and undermining the Committee's role to:-
 - Promote and maintain high standards of conduct;
 - Develop culture of openness, transparency, trust and confidence;
 - Embed a culture of strong ethical and corporate governance;
- (iii) this was a further breach of the Code of Conduct; and that
- (iv) the Committee's original sanctions imposed on Councillor Turner had been reasonable and proportionate.

It was thereupon moved by Councillor Talbot, seconded by Councillor Oxley and:-

RESOLVED that –

- (a) the contents of the Monitoring Officer's Complaints Update be noted; and
- (b) the Chairman of the Committee writes to Councillor Turner to inform him that his non-compliance with the two sanctions imposed upon him by Members has been discussed by the Committee who find this position to be unacceptable. That letter will further inform Councillor Turner that Officers have been requested to take steps to fix firm a date/deadline for Councillor Turner to now comply and that if he fails to do so, the Council would find itself considering a further complaint as to Councillor Turner's non-compliance which is in itself a continuing breach of paragraph 8.4 of the Council's adopted Members' Code of Conduct.

The meeting was declared closed at 11.34 am

Chairman

Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Peter Harris in relation to changes to Agricultural Property Relief and Business Property Relief

“(A) This Council notes that:-

- (i) the Chancellor of the Exchequer, Rachel Reeves MP, announced in the Budget on 30th October 2024, changes to Agricultural Property Relief (APR) and Business Property Relief (BPR); and*
- (ii) this will potentially seriously affect the District of Tendring as a significant percentage of our District is of a rural nature with farming significantly contributing to our local economy.*

(B) Therefore this Council, in accordance with the Corporate Plan themes of “Pride in our area and services to residents” and “Championing our local environment” requests that –

- (1) the Leader of Tendring District Council, Councillor Mark Stephenson, through a resolution from Cabinet instructs Officers:-*
 - (a) to establish the total number of commercial farms and smallholdings operating and based in the Tendring District; and*
 - (b) via consultation with local farmers and investigation, to determine a realistic assessment of the potential impact on these businesses and the subsequent impact on the District of Tendring and the local economy.*
- (2) the findings of the above be reported back to Cabinet and thence onto the relevant Overview and Scrutiny Committee at the earliest opportunity given the potential serious implications.*
- (3) the findings together with the Cabinet’s final decision on this matter be reported to Full Council for its information.”*

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Motion to Council pursuant to Council Procedure Rule 12 submitted by Councillor Jeff Bray in relation to changes to the NPPF

“This Council notes and believes that:-

- (i) the Government is currently undertaking a rewrite of the National Planning Policy Framework;*
- (ii) clear indications are that Tendring will be burdened with a new housing supply target of 1043 houses per year, a massive increase from our current requirement of 550 per year. We will be expected to build at the new rate for the full term of the local plan some 15 years. Given that, in the entire history of Tendring District Council, we have never achieved a figure this high in any single year, it is beyond reasonable thinking to believe that we could do so for 15 consecutive years. The target set is quite simply unachievable;*
- (iii) in addition, under the new proposed rules, we will be required to maintain a five year housing supply throughout. This will again be almost double our current proved and agreed need. The Government has chosen to take no account whatever of our local need or requirement when calculating the numbers etc. Many councils will like us not be able to reach their respective targets, meaning that a presumption in favour of development will be forced upon us, rendering our local plan all but useless. In turn this will likely lead to unwanted and unsuitable development across our District, as developers seek to gain planning permission in places we would not normally consider to be in the interests of our current and future residents of our District, whilst we will have no effective means of defence against such applications.*

Therefore this Council resolves:-

- 1. That the Leader of the Council, Councillor Mark Stephenson, in consultation with the Director (Planning and Communities)*

and on behalf of this Council and the residents it represents, writes to Angela Rayner M.P. asking that further consideration be given to the current review of the National Policy Planning Framework in light of this Council's replies to the Government consultation on the same.

- 2. That this Council offers its thanks and full support to our planning officers regarding the responses given by them to the recent Government consultation.*
- 3. That whilst we seek to gain a more favourable outcome for our District, our Officers will continue to do whatever they are able to in trying to reach the position currently expected, in anticipation that our request is ignored or unsuccessful."*

COUNCIL

26 NOVEMBER 2024

REFERENCE FROM CABINET

A.2 THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS / PREMIUMS FOR 2025/26 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2025/26

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the Local Council Tax Support Scheme 2025/2026, Council Tax Exemptions, Discounts and Premiums for 2025/2026 and the Annual Minimum Revenue Provision Policy Statement for 2025/2026.

EXECUTIVE SUMMARY

At its meeting held on 15 November 2024 (Minute 84 refers), the Cabinet had considered a joint report of the Housing & Planning Portfolio Holder and Corporate Finance & Governance Portfolio Holder (A.9) which had sought its agreement for recommending to Full Council the following:

- Local Council Tax Support Scheme 2025/26 (LCTS);
- Exceptional Hardship Policy;
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2025/26; and
- Annual MRP Policy Statement for 2025/26.

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

- (i) in terms of the LCTS, to continue with the principle of providing financial stability wherever possible to Tendring claimants;
- (ii) to keep the 2025/26 LCTS scheme the same as for 2024/25, which provided for a maximum discount of 80% for working age claimants;
- (iii) to not make any changes to the associated hardship policy apart from recognising that council tax payable on second homes / empty properties was not eligible for support;
- (iv) to not make any changes for 2025/26 in relation to existing discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care;
- (v) to not make any changes in respect of existing council tax premiums on long-term empty properties;
- (vi) to introduce from 1 April 2025 a 100% council tax premium on properties occupied periodically ('second homes');
- (vii) to note that central Government have introduced a number of exceptions where the council tax premium on long term empty properties and/or second homes is not chargeable; and
- (viii) to not make any changes to the Annual Minimum Revenue Provision Policy Statement for 2025/26 other than minor amendments to reflect revised Guidance.

Cabinet had been informed that, if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved at Full Council in November 2024, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify the precepting authorities that the final council tax base would be delayed and would not be available until late on in the budget cycle.

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

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

“RESOLVED that Cabinet agrees that -

- (a) the LCTS scheme for 2025/26 remains the same as the current year (2024/25);*
- (b) the Council Tax Exceptional Hardship Policy be as set out in Appendix B to the joint report; and*
- (c) the discretionary Council Tax exemptions, discounts and premiums for 2025/26 be as set out in the appendices to the Portfolio Holders’ joint report.*

RECOMMENDED TO COUNCIL that –

- (i) the LCTS, as set out as Appendix A to the joint report, be approved with the maximum LCTS award being 80% for working age claimants;*
- (ii) the Director (Finance and IT), in consultation with the Housing and Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the LCTS scheme from 1 April 2025;*
- (iii) the locally determined council tax discounts, as set out in Appendix C, be approved;*
- (iv) the council tax discount policy for young people leaving care, as set out in Appendix D, be approved;*
- (v) the discretionary council tax premiums, as set out in Appendix E, be approved;*
- (vi) a discretionary council tax premium of 100% is charged on properties occupied periodically (‘second homes’) from 1 April 2025;*
- (vii) the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and*
- (ix) the Annual Minimum Revenue Provision Policy Statement for 2025/26, as set out in Appendix F, be approved.”*

A copy of the published Housing & Planning Portfolio Holder and the Corporate Finance and Governance Portfolio Holder’s joint report (and its appendices) to the Cabinet meeting held on 15 November 2024 is attached to this report.

RECOMMENDATIONS

That Council, having considered this reference report from Cabinet –

- (a) approves the LCTS scheme for 2025/26, as set out as Appendix 2 to this report, with the maximum LCTS award being 80% for working age claimants;
- (b) authorises the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder, to undertake the necessary steps to implement the LCTS scheme from 1 April 2025;
- (c) approves the locally determined council tax discounts, as set out in Appendix 4 to this report;
- (d) approves the council tax discount policy for young people leaving care, as set out in Appendix 5 to this report;
- (e) approves the discretionary council tax premiums, as set out in Appendix 6 to this report;
- (f) approves that a discretionary council tax premium of 100% will be charged on properties occupied periodically (“second homes”) from 1 April 2025;
- (g) authorises the Director (Finance and IT), in consultation with the Housing & Planning Portfolio Holder to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2025; and
- (h) approves the Annual Minimum Revenue Provision Policy Statement for 2025/26, as set out in Appendix 7 to this report.

BACKGROUND PAPERS FOR THE DECISION

Published Decisions of the meeting of the Cabinet held on 15 November 2024.

APPENDICES

APPENDIX 1 = Published A.9 Joint Report of the Housing & Planning Portfolio Holder and the Corporate Finance and Governance Portfolio Holder for the meeting of the Cabinet held on 15 November 2024

APPENDIX 2 = Proposed Local Council Tax Support Scheme (summary) 2025/26

APPENDIX 3 = Council Tax Exceptional Hardship Policy [for INFORMATION ONLY]

APPENDIX 4 = Council Tax Discounts and Exemptions 2025/26

APPENDIX 5 = Care Leavers Council Tax Discount Policy

APPENDIX 6 = Council Tax Premiums 2025/26

APPENDIX 7 = Annual Minimum Revenue Provision Policy Statement 2025/26

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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.

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- 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;**

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<p>iii) that the discretionary council tax premiums set out in Appendix E be approved;</p> <p>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</p> <p>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.</p>

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)	<p>This item has been included within the Forward Plan for a period in excess of 28 days.</p> <p>Published on 19/07/24.</p>

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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

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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:

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- 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

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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

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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 on-going to manage the level of long term housing voids and any impact to the HRA from council tax premiums, which will continue to be considered as part of the wider HRA Business Planning Process.

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

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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:
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The Section 151 Officer is the author of this report.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

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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

Health Inequalities

Area or Ward affected

Please see comments above

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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

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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

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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

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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

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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:

- have not attained the qualifying age for state pension credit; or
- 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.
- be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- not have capital savings above the capital limit set by the Council
- 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
- have made a valid claim for support.

Class B

To obtain support the individual must:

- have not attained the qualifying age for state pension credit; or
- 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.
- be liable to pay Council Tax in respect of a dwelling in which they are solely or mainly resident
- 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.

<p>Under the Council Tax (Prescribed Classes of Dwellings) regulations the following discretionary discounts will apply for the 2025/2026 financial year:-</p>
<p>Class A – Unoccupied and furnished dwellings with a planning restriction preventing occupation for at least 28 days.</p> <p>0% discount (on the days when the property cannot be used due to a planning restriction a statutory exemption is allowed under Class G).</p>
<p>Class B – Unoccupied and furnished dwellings without a planning restriction preventing occupation for at least 28 days.</p> <p>0% discount</p>
<p>Class C – Unoccupied and substantially unfurnished dwellings.</p> <p>0% discount</p>
<p>Class D – Unoccupied and unfurnished requiring major repairs or alterations.</p> <p>(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;</p> <p>(b) the requirement referred to in paragraph (a) is that the dwelling is vacant and—</p> <ul style="list-style-type: none"> (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; <p>(c) For the purposes of paragraph (b) above “major repair work” includes structural repair work.</p> <p>100% discount up to 12 months</p>

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 - <i>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</i>* :	
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) - <i>From 1 April 2025, additional amounts of council tax will be charged as follows</i>:	
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.

COUNCIL

26 NOVEMBER 2024

REFERENCE FROM CABINET

A.3 ADOPTION OF A REVISED GAMBLING LICENSING POLICY STATEMENT

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the adoption of a revised Gambling Licensing Policy Statement.

EXECUTIVE SUMMARY

At its meeting held on 15 November 2024 (Minute 77 refers), the Cabinet had considered a reference report from the Licensing and Registration Committee that had set out that Committee's recommendations in relation to the adoption of a revised Gambling Licensing Policy Statement.

Cabinet had been informed that 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.

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

The draft Policy Statement had sought to set out how this Council (as the licensing authority) would regulate gambling activities within the District. Whilst for the majority of the general public, gambling was an enjoyable and often social experience, it was for some individuals a largely hidden addiction which taken to excess had an adverse impact on their finances, health, wellbeing and relationships. The wellbeing of its residents was a key priority for the Council and the Gambling Policy had a role to play in supporting this priority through its control of gambling premises. It was hoped that the new revised policy statement was clear and easily understood and would be of significant use to the Council, its partners and operators when considering gambling matters.

The Licensing and Registration Committee ("the Committee"), at its meeting held on 2 October 2024 (Minute 23 refers), had considered the matter again (including the response received during the consultation). Through the report, the Committee had been invited to determine its recommendation to Cabinet. The Committee's decision had been 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 Portfolio Holder for Housing and Planning, as the designated Executive Member for overseeing licensing policy matters, had submitted the following written statement to

Cabinet at its meeting held on 15 November 2024:-

"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."

Cabinet had consequently:-

"RESOLVED that Cabinet recommends to Full Council that the Gambling Licensing Policy Statement be adopted."

A copy of the published reference report of the Licensing and Registration Committee (and its appendix) to the Cabinet meeting held on 15 November 2024 is attached to this report.

RECOMMENDATIONS

That Full Council, having considered this reference report from Cabinet, following Cabinet's consideration of a reference report from the Licensing and Registration Committee, approves and formally adopts the revised Gambling Licensing Policy Statement, as set out in Appendix 2 to this report.

BACKGROUND PAPERS FOR THE DECISION

Published Decisions of the meeting of the Cabinet held on 15 November 2024.

APPENDICES

APPENDIX 1 = Published A.3 Reference Report of the Licensing and Registration Committee for the meeting of the Cabinet held on 15 November 2024

APPENDIX 2 = Gambling Licensing Policy Statement (as recommended for approval by the Licensing and Registration Committee via the Cabinet)

A.3 APPENDIX 1

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;**

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- **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

A.3 APPENDIX 1

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:

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

Tendring District Council



GAMBLING LICENSING POLICY STATEMENT

2025–2028

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	Lotteries specified in the Gambling Act as permitted to be run without a licence form the Gambling Commission. There are four types: <div><input type="checkbox"/> Small Society Lottery [required to register with Licensing Authorities.</div> <div><input type="checkbox"/> Incidental Non Commercial Lotteries.</div> <div><input type="checkbox"/> Private Lotteries.</div> <div><input type="checkbox"/> Customer Lotteries.</div>																																							
External Lottery Manager	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.																																							
Gaming	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.																																							
Gaming Machine	<div>Machine covering all types of gambling activity, including betting on virtual events.</div> <div>Categories</div> <table><tr><th>Category</th><th>Maximum Stake</th><th>Maximum Prize</th></tr><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 Non Money Prizes</td><td>30p</td><td>£8</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></table> <div>*With option of maximum £20,000 linked progressive Jackpot on premises only</div>	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 Non Money Prizes	30p	£8	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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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)																																						

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

COUNCIL

26 NOVEMBER 2024

REFERENCE FROM CABINET

A.4 CLIMATE CHANGE TARGET DATE: AMENDMENT
(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of an amendment to the Council's Climate Change target date.

EXECUTIVE SUMMARY

At its meeting held on 15 November 2024 (Minute 85 refers), the Cabinet had considered a report of the Portfolio Holder for the Environment (A.10), which had sought 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, in order to allow for more financially sustainable investment to meet the target.

The Portfolio Holder's report had also set out the proposed Climate Action Plan for 2024-27, subject to Cabinet's endorsement, which would look to deliver against the new target, following Full Council's approval.

Cabinet had further been requested to note that an action within the Action Plan was for further work to be undertaken to improve and streamline data collection on energy usage and emissions.

The Environment Portfolio Holder had proposed that the Council aligned its target date for scope one and two emissions to reach net zero to the Government's national target date, currently set at 2050, because this Council could not financially sustainably become net zero by 2030. This change was a realistic, value for money approach to responding to climate change. Aligning with the national target meant that the Government policy, regulation and funding required to meet net zero would be brought forward to enable the country, and so this Council, to meet what remained a challenging ambition by 2050.

Cabinet had been made aware that the Government would need to regulate to meet the 2050 target, and as it did so new statutory responsibilities for the Council would come with new burdens funding to deliver them. Over time it was expected that innovations in technology would 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 had therefore been recommended by the Environment Portfolio Holder.

Cabinet had consequently:-

“RESOLVED that Cabinet -

- a) *notes the contents of the Environment Portfolio Holder's report (A.10) and in particular the development of a draft Climate Change Action Plan, as set out in Appendix A for*

2024-27 based upon a revised target of achieving Net Zero carbon emissions by 2050;

b) recommends to Full Council that –

- i) the Council's Policy Framework (within Article 4 of the Constitution)) 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 via an executive decision being made by the Portfolio Holder for the Environment; and
- d) notes the limitations of currently available carbon emission data and commends further investigative work by Officers to improve data.

A copy of the published report of the Environment Portfolio Holder (and its appendices) to the Cabinet meeting held on 15 November 2024 is attached to this report.

RECOMMENDATIONS

That Full Council, having considered this reference report from Cabinet –

- (a) approves that the Council's Policy Framework (within Article 4 of the Constitution)) 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";
- (b) approves that the Council's new target for achieving Net Zero carbon emissions be aligned with the UK Government's national objectives to achieve Net Zero, i.e. by 2050; and
- (c) agrees that Cabinet adopts and delivers against its strategy and action plans in accordance with the Council's Budget and Policy Framework.

BACKGROUND PAPERS FOR THE DECISION

Published Decisions of the meeting of the Cabinet held on 15 November 2024.

APPENDICES

APPENDIX 1 = Published A.10 Report (and its appendix) of the Portfolio Holder for the Environment for the meeting of the Cabinet held on 15 November 2024

A.4 APPENDIX 1

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").

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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

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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 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

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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

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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-

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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
<p>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.</p> <p>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.</p>			
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			

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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	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.
--	--

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services;	
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.

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

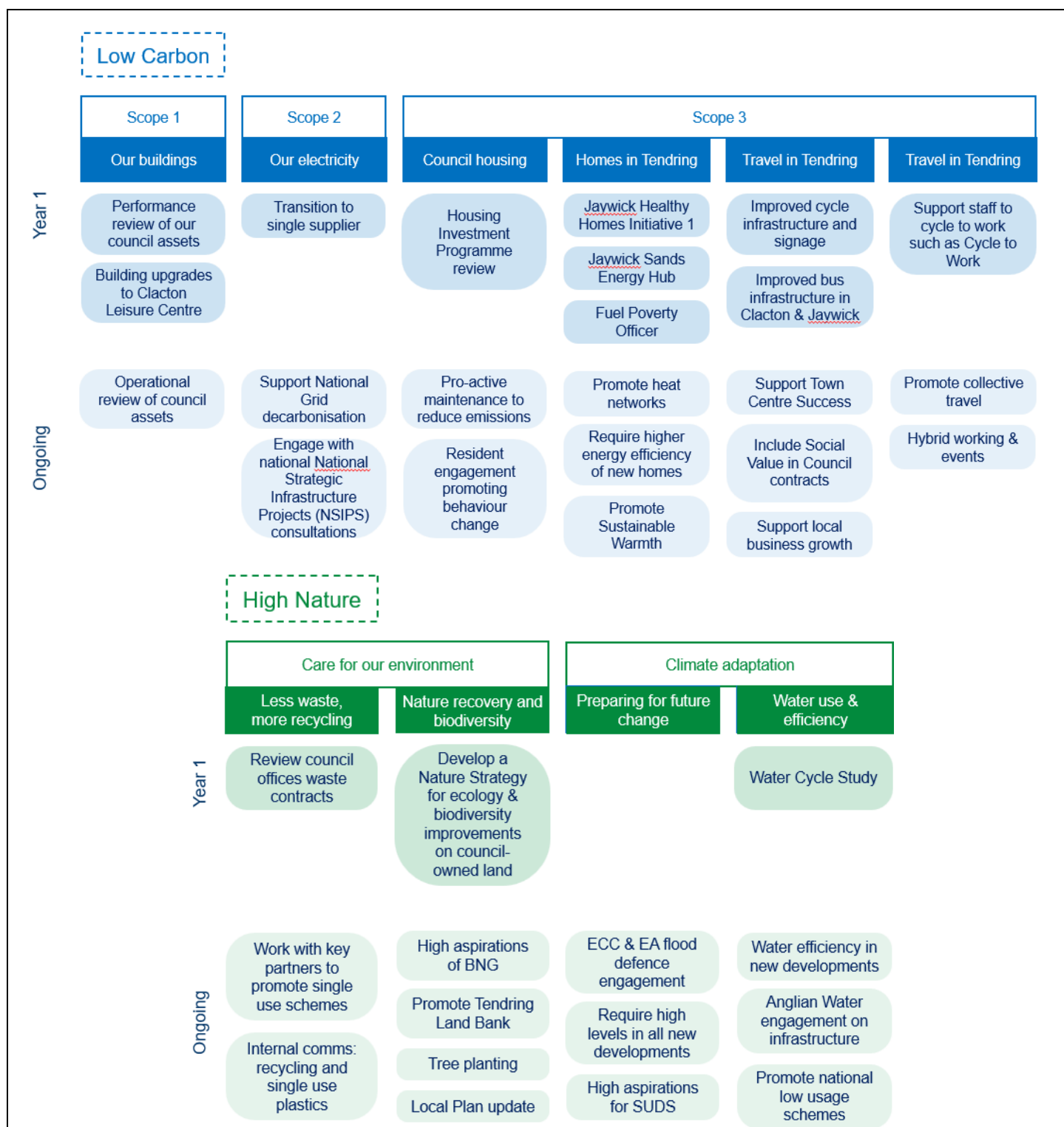
2025	Target to complete within Year 1	20%
2026	Target to complete within Year 2	20%
2027	Target to complete within Year 3	20%
Ongoing	Action ongoing over strategy period	40%

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.

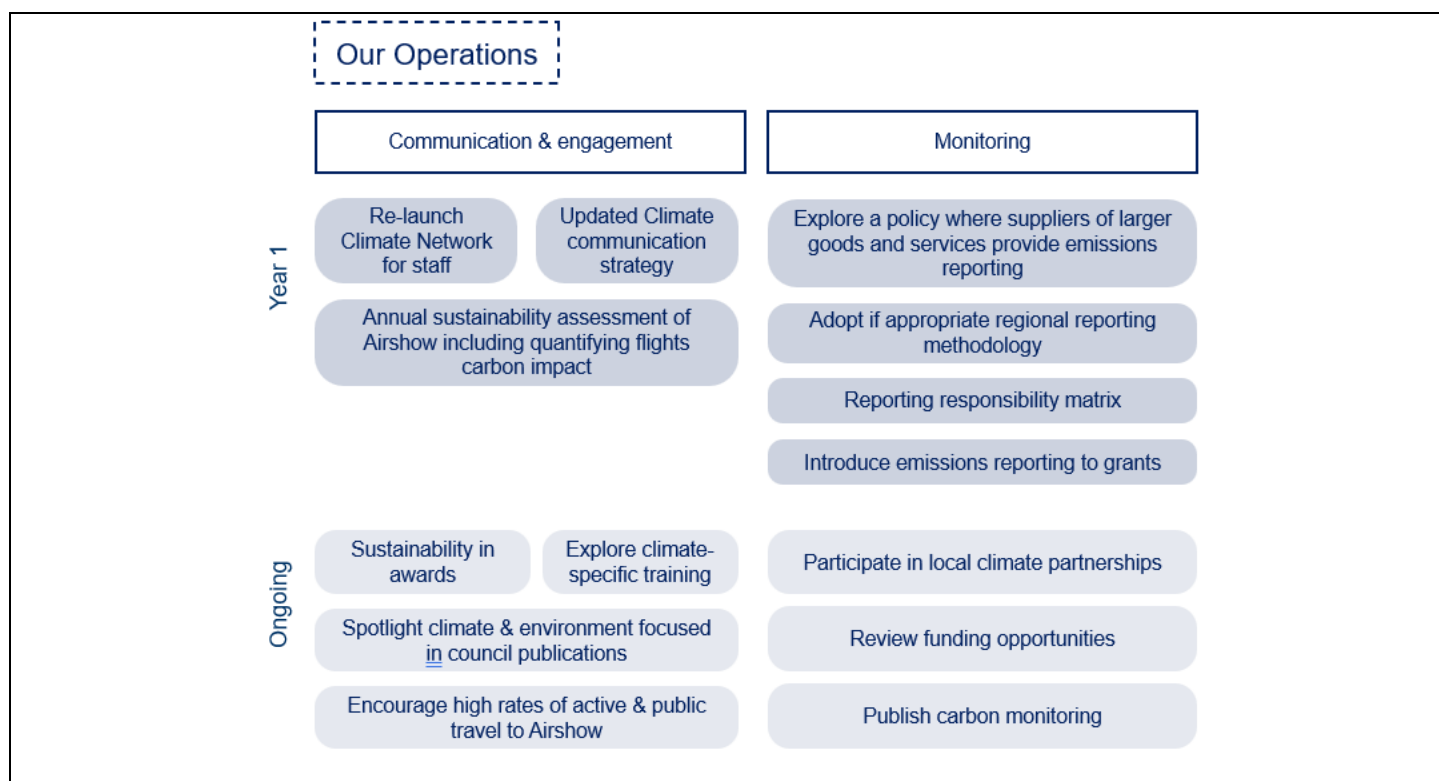
Recognising the evolving nature of any strategy, the Action Plan proposes a milestone review at the end of Year 1, to appraise the updated position, with particular consideration of the policy position and funding availability.

The actions identified for Year 1 are set out below.

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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

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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

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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).

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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.

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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/1psO30U3LIqdJTVta9vqnm1U0qi8Jhtr8ua5aPhPIqDA/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

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Appendix A – 2024-2027 Climate Action plan

REPORT CONTACT OFFICER(S)	
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Climate Action Plan 2024-2027

Low Carbon, High Nature

November 2024

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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.

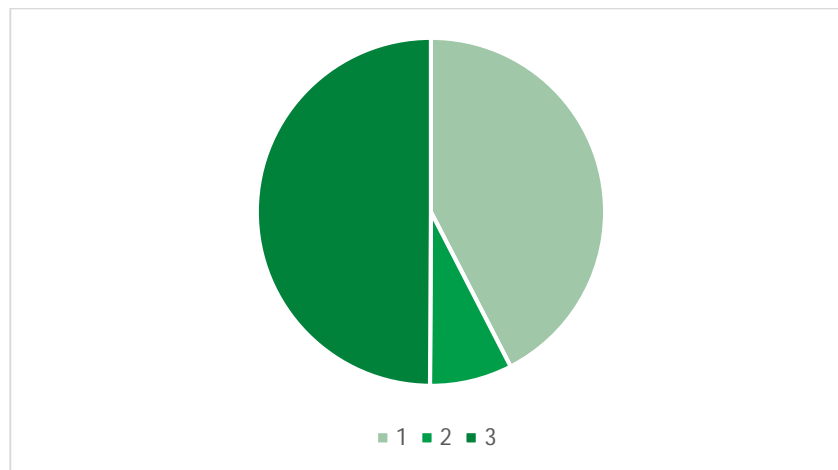


Figure 1 Distribution of emissions across Scopes 1, 2 & 3

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	<ul style="list-style-type: none"> - Setting an over-arching target for the theme: for instance, a measurable reduction in carbon emissions
The Challenge	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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.

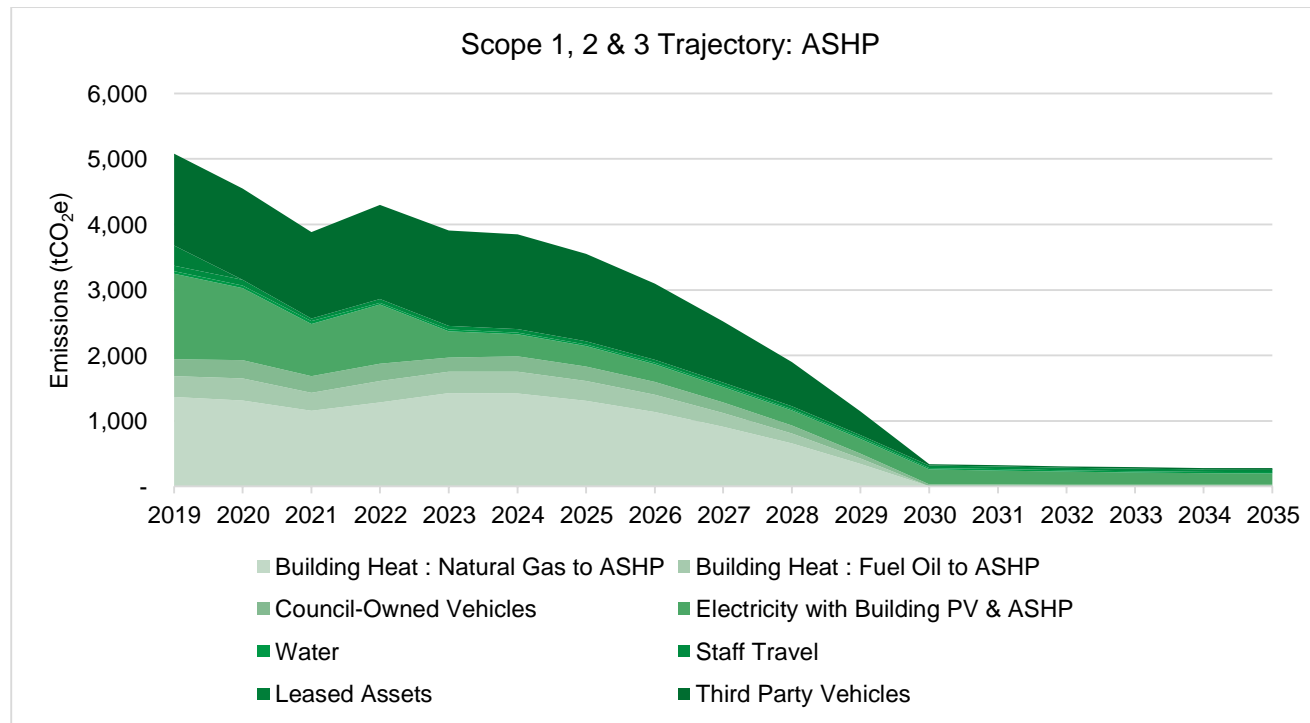


Figure 2 Scope 1 & 2 CO₂e trajectory

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:

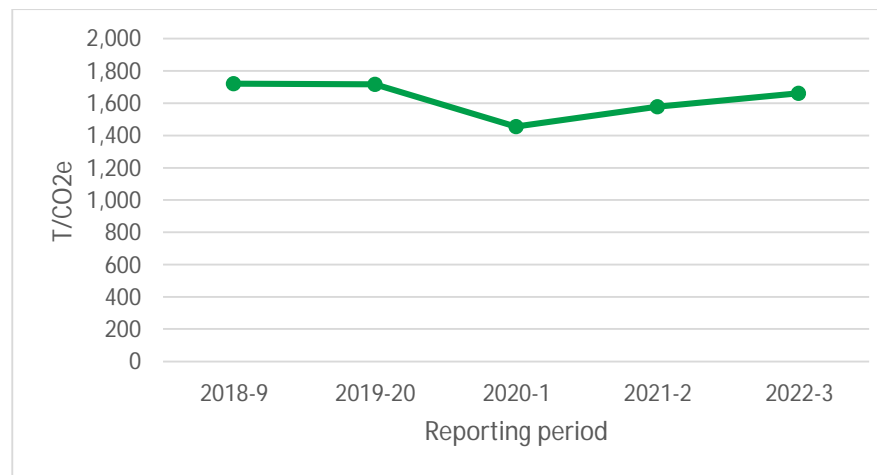


Figure 3 Scope 1 reduction since baseline year

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:

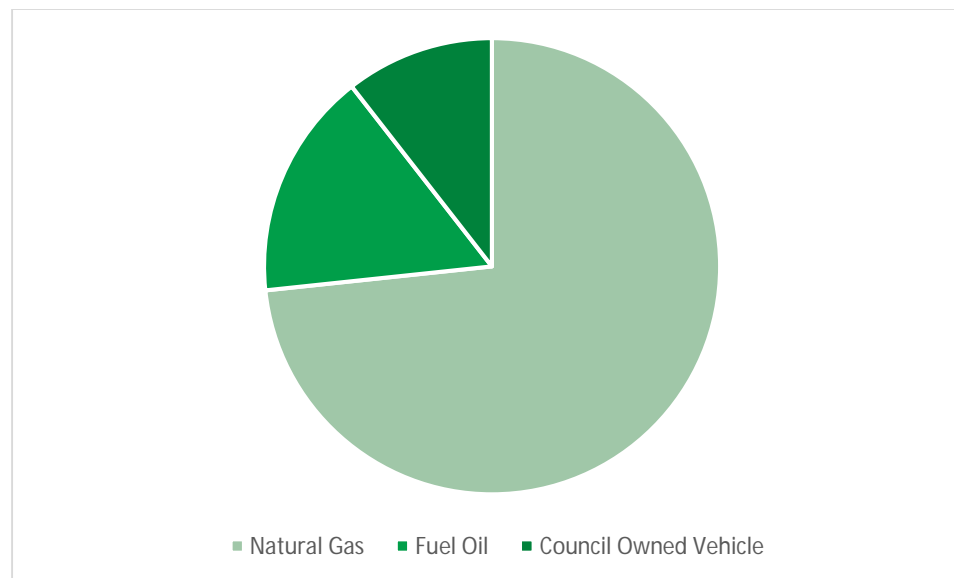


Figure 4 Relative make-up of Scope 1 emissions

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.

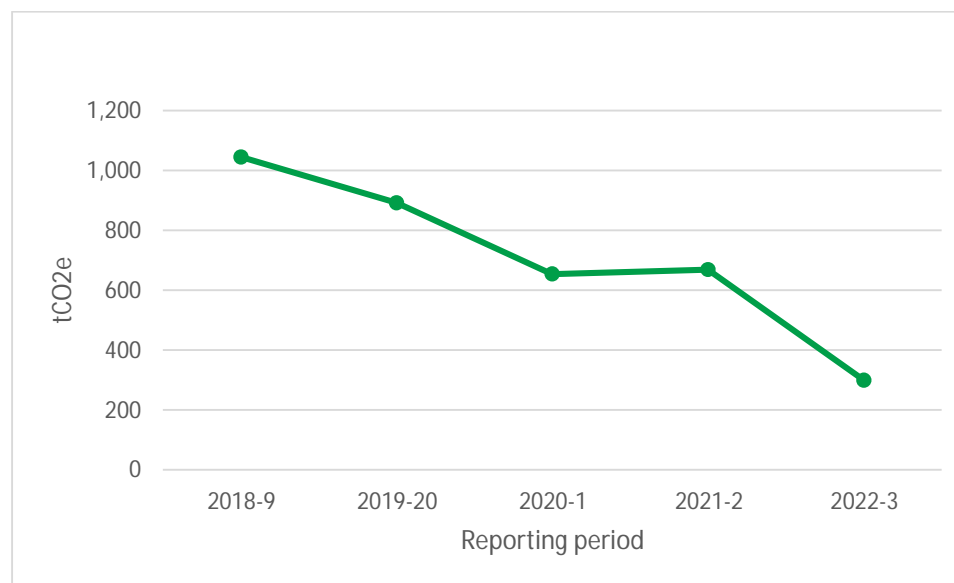


Figure 5 Reduction in Scope 2 emissions since baseline year

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		
	Tendring		Nationally
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		
	Tendring		Nationally
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

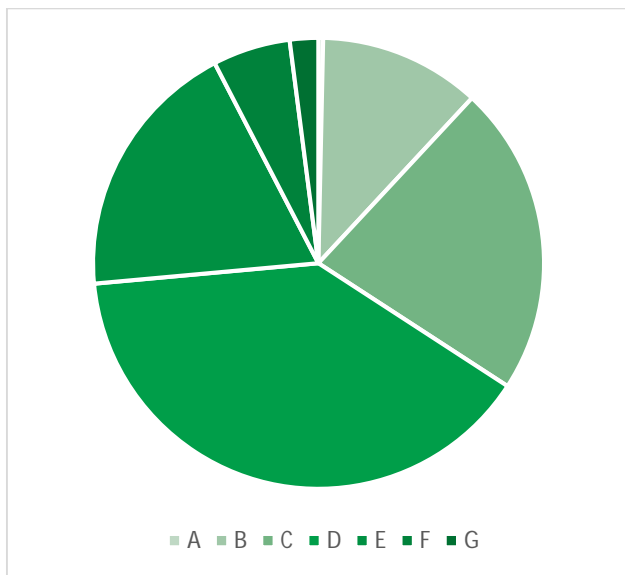


Figure 6 Distribution of Domestic EPC certificates within Tendring District

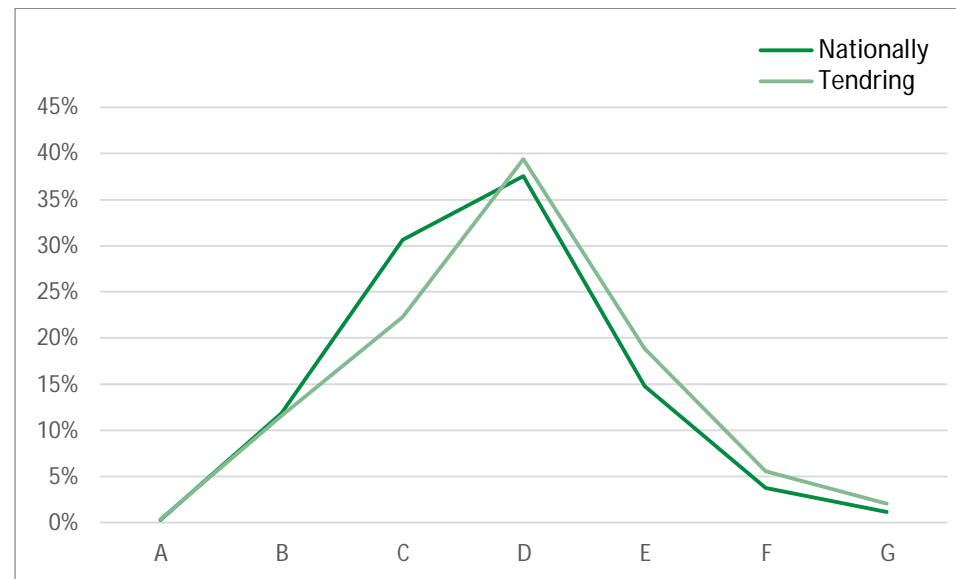


Figure 7 Comparison between Tendring district and national distribution of Domestic EPC rating

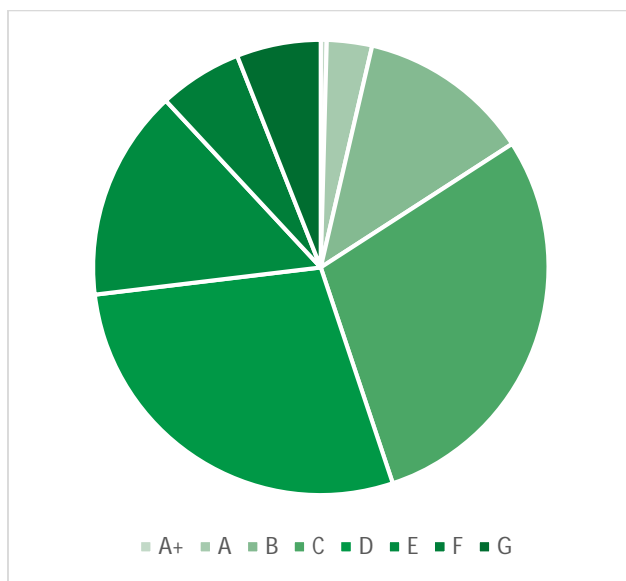


Figure 8 Distribution of Non-Domestic EPC certificates within Tendring District

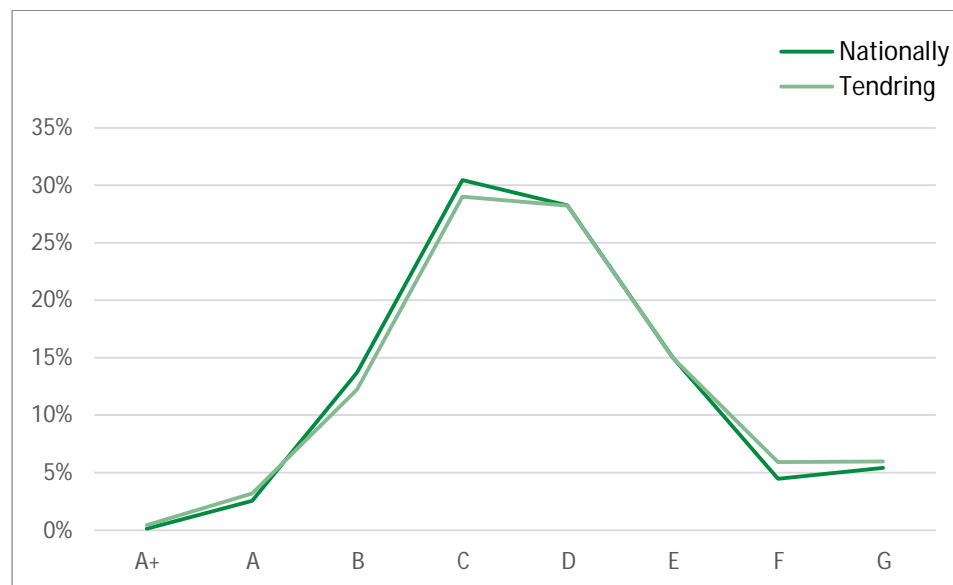


Figure 9 Comparison between Tendring district and national distribution of Non-Domestic EPC rating

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.

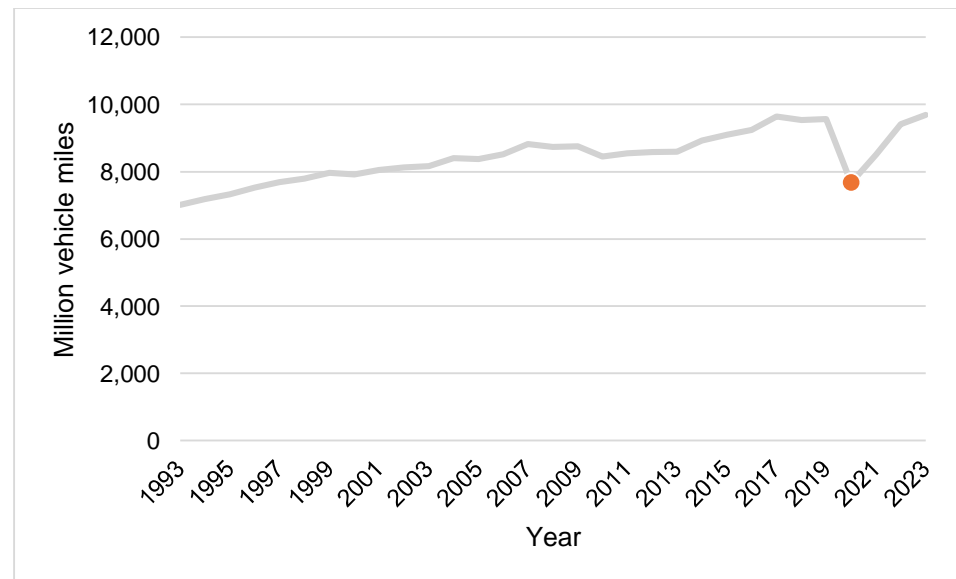


Figure 10 Change in annual vehicle miles across Essex⁴

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

List of figures

Figure 1 Scope 1 & 2 CO2e trajectory 17

Figure 2 Distribution of emissions across Scopes 1, 2 & 3 **Error! Bookmark not defined.**

Figure 3 Scope 1 reduction since baseline year 20

Figure 4 Relative make-up of Scope 1 emissions 21

Figure 5 Reduction in Scope 2 emissions since baseline year 25

Figure 6 Distribution of Domestic EPC certificates within Tendring District 30

Figure 7 Comparison between Tendring district and national distribution of Domestic EPC rating 30

Figure 8 Distribution of Non-Domestic EPC certificates within Tendring District 31

Figure 9 Comparison between Tendring district and national distribution of Non-Domestic EPC rating 31

Figure 10 Change in annual vehicle miles across Essex 35

COUNCIL

26 NOVEMBER 2024

REFERENCE FROM CABINET

A.5 ADOPTION OF A SOCIAL VALUE POLICY

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Council is asked to consider the recommendations submitted to it by the Cabinet in respect of the adoption of a Social Value Policy.

EXECUTIVE SUMMARY

At its meeting held on 15 November 2024 (Minute 82 refers), the Cabinet had considered a report of the Portfolio for Assets which had presented to Cabinet for its 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.

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

The Policy could also enable this Council to set out a framework for:

- ensuring the social value measures we used aligned to the Corporate Plan **and** how changes to Social Value Themes, Outcomes and Priorities were made; and
- how changes to the specific measures listed in the TOMs Calculator were made where they delivered Outcomes agreed by the Cabinet. Each Measure sat under one of the agreed Social Value Outcomes.

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

Whilst Social Value could apply with any value of contract, there was an operational cost to preparing and scoring the evaluation model. Therefore, the portfolio Holder had proposed that the Council would normally only require social value to be considered when it was procuring a contract with a value of over £100,000.

Cabinet had consequently:-

“RESOLVED that Cabinet -

- (a) approves the Social Value Policy, as set out in Appendix A, for recommendation onto Full Council for adoption;*
- (b) 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.”*

A copy of the published reference report of the Assets Portfolio Holder (and its appendix) to the Cabinet meeting held on 15 November 2024 is attached to this report.

RECOMMENDATIONS

That Full Council, having considered this reference report from Cabinet, approves and formally adopts the Social Value Policy, as set out in Appendix 2 to this report.

BACKGROUND PAPERS FOR THE DECISION

Published Decisions of the meeting of the Cabinet held on 15 November 2024.

APPENDICES

APPENDIX 1 = Published A.7 Report of the Portfolio Holder for Assets for the meeting of the Cabinet held on 15 November 2024

APPENDIX 2 = Social Value Policy (as recommended for approval by Cabinet)

A.5 APPENDIX 1

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.

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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.

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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

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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.

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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' 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

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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 (tendringdc.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—

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- (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*

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(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.

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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

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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:
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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

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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
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.

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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)

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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	<p>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:</p> <ul style="list-style-type: none"> (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; (c) re-offending in its area; and (d) serious violence in its area. <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>

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Health Inequalities	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.
Area or Ward affected	All wards

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.

EEP'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

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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 Tending 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'.

Tending 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).

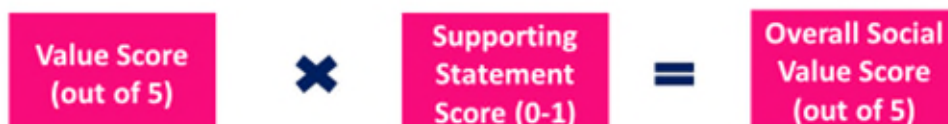
How it works...



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:

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- 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-

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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

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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)

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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

Outcome

Borough/district residents in employment, skills gaps reduced and barriers to employment reduced for disadvantaged groups.

Outcome

Business growth and the impact of public sector spend within the county maximised.

Measures

Create employment opportunities including for the long term unemployed, armed forces veterans, NEETs and people with disabilities (EPP1-4 & 6)

Develop a recruitment programme for care leavers and the rehabilitation of local young offenders (EPP5 & 7)

Measures

Offer apprenticeships and training opportunities resulting in a recognised qualification (EPP9)

Provide careers advice to local school leavers via visits to schools and including employment support for the long term unemployed (EPP8 & 10)

Measures

Use suppliers local to the contracting authority when contracted to carry out a building refurbishment (EPP11)

Donate staff volunteering hours to VCSEs (EPP30)

Organise workshops/provide expert business advice VCSEs and SMEs (EPP39)

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)

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COUNCIL

26 NOVEMBER 2024

REPORT OF THE CHIEF EXECUTIVE

A.6 COMMUNITY GOVERNANCE REVIEW OF CLACTON-ON-SEA, HOLLAND-ON-SEA AND JAYWICK SANDS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report seeks to provide the Council with the information requested at Full Council's last meeting (Minute 50 of 17 September 2024 refers) in respects of a possible community governance review of the unparished areas of the District. For completeness, at the last meeting, Council requested *“that proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick be prepared and submitted to the next ordinary meeting of the Council to enable Council to determine whether to proceed with such a review, the timetable for a review and the resourcing of such a review.*

EXECUTIVE SUMMARY

This report sets out proposals for Council to consider in respect of possible community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands. These proposals are in the form of draft Terms of Reference for such a review (which themselves include a timetable for such a review) and possible costs to be incurred in undertaking such a review. If Council was minded to proceed with a community governance review there would need to be a recommendation to Cabinet to authorise the necessary expenditure to facilitate that review. This is set out as one of the recommendations in this report for consideration.

RECOMMENDATION(S)

It is recommended that Council;

- (a) considers whether it wishes to see a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands and, if it is so minded;**
- (b) subject to a decision on (a) above to proceed, to then determine the following:**
 - (i) that the draft Terms of Reference for the community governance review as set out at Appendix A be approved as the basis for that review;**
 - (ii) that the Chief Executive be authorised to adjust the Terms of Reference approved in (b)(i) to finally be published to reflect the current position as known on 1 July 2024 in relation to matters such as the 2025/26 Parish Precepts and consequential Band D Council Tax amount in each area of the District;**
 - (iii) subject to (iv) below, Cabinet be requested to include within the recommended budget for 2025/26 of the minimum sum of £48.4K to fund consultation and other expenses in respect of the community governance review and thereby authorise officers to incur expenditure to undertake the review following approval of the budget;**

- (iv) that officers be requested to monitor the anticipated costs to deliver the review, including postage charges, to update likely cost of the review and to inform Cabinet to enable the sum in (c) above to be updated as necessary;
- (c) that the terms of reference for the Community Leadership Overview and Scrutiny Committee be expanded, as set out in Appendix B, to include a reference power to consider and oversee community governance reviews and to submit a final recommendation to Council following the conclusion of the review (including any proposal to discontinue the review in any particular part of the review area based on responses received);
- (d) approves the delegation of functions for community governance reviews, as set out in Table 1, within this report, to be included within Part 3(X), Schedule 2 Non-Executive functions for Full Council; and
- (e) subject to (c) and (d) above, the Monitoring Officer be authorised to make the necessary changes to the Constitution to implement the Council's decision.

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations are submitted pursuant to the decision of the Council on 17 September 2024 (Minutes 51 refers) to enable Council to consider proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands, the timetabling of such a review and its resourcing. Should the Council determine to proceed with a community governance review of that area the remaining recommendations seek to provide mechanisms for the review to be delivered. This would include allocating an existing Committee of the Council with the opportunity to oversee the review and act as the conduit for recommendations to be submitted to Council (in due course).

ALTERNATIVE OPTIONS CONSIDERED

Council requested the proposals be submitted to the Council. As such, to not submit the proposals would go against a decision of the Council. On this basis it was discounted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Corporate Plan 2024-28 has, at its heart, Community Leadership with the commitment that the Council will listen and for our residents and businesses. The community governance arrangements for the communities of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands are critical going forward. With the potential for local government re-organisation it is vital that those communities have the chance to determine the extent to which they require and can benefit from dedicated local voices to represent their interests. Like the Parish and Town Councils of Brightlingsea, Frinton & Walton, Harwich, Manningree and others any new Local Council(s) would be integral partners with the principal Councils for the area to work with and deliver for the residents and businesses in those areas.

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)

Both the Essex Association of Local Councils and the Tendring District Association of Local Councils have been advised on the intention for Council, at this meeting, to consider whether to initiate a Community Governance Review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	<p>Although not a Key Decision, as it is a non-Executive Matter being taken by Council, it is nevertheless important to record that the potential decision would meet the following criteria:</p> <p><input checked="" type="checkbox"/> Significant effect on two or more wards</p> <p><input type="checkbox"/> Involves £100,000 expenditure/income</p> <p><input checked="" type="checkbox"/> Is otherwise significant for the service budget</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>Notice of the proposal was given through the motion approved by Council on 17 September 2024. It was then formally added to the published list of forthcoming decisions on 31 October 2024</p>

The legal framework under which the proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands has been prepared is set out in the Local Government and Public Involvement in Health Act 2007. As the name of the Act implies, it is wide ranging in terms of its provisions. Part 4 of the 2007 Act sets out those provisions related to parishes and community governance reviews. It was through this Act that principal authorities such as this Council (for the District of Tendring), has the power to determine such matters as whether to parish an area, to amend parish areas, to change electoral arrangements for parish councils and to remove moribund parishes following a process defined as a community governance review.

A community governance review can be instigated by the relevant principal council (this Council) or otherwise in response to a community governance petition. In the case of the proposed review area of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands (with an electorate of over 45,000) the petition would need to be signed by approximately 3,380 electors. However, if the petitioners wished to only address one of the three identified areas the number of petitioners would need to be approximately as below:

Clacton-on-Sea – with almost 34,000 electors – the petition would need to be signed by over 2,500 electors from that area.

Holland-on-Sea – with almost 7,300 electors – the petition would need to be signed by over 500 electors from that area.

Jaywick Sands – with over 4,200 electors – the petition would need to be signed by over 300 electors from that area.

In this case, the Council is being invited to approve a community governance review without a petition requiring it. As referenced above, this is a power it has.

In undertaking community governance reviews, principal councils are required, by section 100(4) of the 2007 Act, to have regard to this guidance which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2) of the same Act. Due regard has been given to that guidance in the preparation of this report. The full guidance is available through the link later in this report.

The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended), within Regulation 2(1) and Schedule 1 prescribes those “FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY’S EXECUTIVE” therefore retaining community governance review functions to Council or a Committee of Council (EB (1) 1 to 9).

Tendring District Council within its Constitution (Part 3.9) has not delegated its functions to a committee and therefore rests with Full Council, however due to the practicalities and operational requirements of overseeing a community governance review, it is recommended that either a new committee be established or the terms of reference of one of the existing committees can be extended to cover these functions.

Section 9F of the Local Government 2000 (as amended) made the provisions for Overview and Scrutiny Committees and their functions

- (2) Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power (or its overview and scrutiny committees, and any joint overview and scrutiny committees, have power between them)—
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.

The Community Leadership Overview and Scrutiny Committee’s current Terms of Reference (Part 2.13) include performing the role of Overview and Scrutiny and its functions (amongst others) in relation to:

- Community Leadership developing the external focus of overview and scrutiny on “district-wide” issues’ (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.
- Community engagement, development and empowerment

Should Council resolve to extend the role of Community Leadership Overview and Scrutiny Committee to delegate some of it’s the functions relating to community governance reviews, consequential amendments to the Constitution will be necessary. **Part 3 Schedule 2 - Responsibility for Council (Non-Executive) Functions** will need to record the delegation of functions, as set out in **Table No. 1** below, and the **Terms of Reference for the Community Leadership Overview and Scrutiny Committee** would be required, as set in **Appendix B**.

Table No. 1

Part 3 Schedule 2 - Responsibility for Council (Non-Executive) Functions

Functions relating to community governance reviews	Sections of Part 4 of the Local Government and Public Involvement in Health Act 2007	Functions being retained by Council, or delegated to Community Leadership Overview & Scrutiny Committee (CL OSC) or the Chief Executive (CX)
Duties relating to community governance reviews.	Section 79	Council
Functions relating to community governance petitions.	Sections 80, 83 to 85	Council
Functions relating to terms of reference of review.	Sections 81(4) to (6)	Council
Power to undertake a community governance review.	Section 82	Council
Functions relating to making of recommendations.	Sections 87 to 92	CL OSC to provide recommendation on sections 87 to 92 to Council
Duties when undertaking review.	Section 93 to 95	CX
Duty to publicise outcome of review.	Section 96	CX
Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1)	CX
Power to make agreements about incidental matters.	Section 99	CL OSC to provide recommendation on section 99 to Council

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

Article 15.02 (b) provides the Monitoring Officer with authority to make minor changes to the Constitution arising from decisions of the Council, should the Council approve the recommendation to extend the terms of reference of Community Leadership Overview and Scrutiny Committee.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The cost of undertaking the review is estimated at £48,400 (as the minimum) divided almost equally over the two major stages of consultation set out in Appendix A to this report. The main element of the costs relates to written communication with 27,000 households in the review area on two separate occasions as we initially invite views and then set out one or more options in detail and request feedback. Allowing for business reply responses from households in the review area amount, across both consultations, to approximately £40,100. The remaining sum from the £48,400 referred to would provide funding for public meetings and advertisement costs (including digital and paper based) to bring the consultation to the attention of electors and other stakeholders. Prior to the start of the community governance

review, we would seek to identify tenant, resident, community and business groups to be advised/consulted in addition to electors.

These costs have been determined in autumn 2024, and in view of the costs associated with Royal Mail (or downstream access) could vary prior to commencement of the review there will need to be monitoring of the position and adjustment of the final sum included (if Council determines to proceed with it). One of the recommendations seeks to address this point.

The review (as set out in the draft terms of reference at Appendix A) would be timed to be undertaken in 2025/26. As such, the intention would be to recommend to Cabinet to make the necessary provision for the review (if approved) in the budget for 2025/26.

The staff resource to undertake the various tasks necessary to achieve the steps summarised in the draft terms of reference for this review have still to be fully assessed. It is envisaged that several service areas within the Governance Directorate will be called upon to undertake those tasks. Some consideration has been given to commissioning a third party to undertake some or many of the required tasks. To explore this further, an approach has been made to one external business who have experience of supporting Councils in delivering community governance reviews. However, the business does not have the capacity to provide significant support to this review. Clearly, any external resource would need to be procured following the Council's procurement rules and this would require an appropriate budget to be identified. Should Council approve a community governance review for Clacton-on-Sea, Holland-on-Sea and Jaywick Sands, the assessment of the staff resource and any further investigations in respect of outsourcing elements of the work involved would be reported to Cabinet for consideration as it considers the resourcing of the review.

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 other comments not otherwise referenced in this report. Due consideration of the funding requirement for a community governance review will take place if Council approve the recommendations set out.

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;	Through early identification of the likely one off costs of undertaking a community governance review, this report seeks to support financial sustainability.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Through the various sections of this report and the Appendix attached it is intended that the relevant facts are presented to Council to inform good decision making.
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 report (and the appendix) set out the requirements and powers in respect of conducting a community governance review. The anticipated resourcing to undertake a review that acknowledges and adheres to those duties and appropriately use the powers are also set out.

MILESTONES AND DELIVERY	
The submission of this report seeks to achieve the milestone set by Council on 17 September to enable this meeting of Council to consider whether to proceed with a community governance review (having received proposals for such a review).	
ASSOCIATED RISKS AND MITIGATION	
The principal risk Council's attention is drawn to is that it does not undertake a community governance review in accordance with the duties and appropriate use of powers set out in the Local Government and Public Involvement in Health Act 2007 having had regard to the statutory guidance issued by the Secretary of State and the Local Government Boundary Commission for England. This report and the attached draft Terms of Reference seek to militate against that risk.	
EQUALITY IMPLICATIONS	
In preparing this report, due consideration has been given to the Council's statutory Equality Duty, as set out in Section 149(1) of the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to:	
<ul style="list-style-type: none"> eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act); advance equality of opportunity between people who share a relevant characteristic and people who do not; foster good relations between people who share a protected characteristic and people who do not. 	
SOCIAL VALUE CONSIDERATIONS	
There are no direct implications for the Council in respect of social value.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
There are no direct implications for the Council in respect of its net zero policy.	
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	There are no direct implications for the Council in respect of these considerations.
Health Inequalities	
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	
Area or Ward affected	<p>In Clacton-on-Sea - Bluehouse Ward, Burrsville Ward, Cann Hall Ward, Coppins Ward, Pier Ward, St James Ward, St John's Ward and St Paul's Ward</p> <p>In Holland-on-Sea - St Bartholomews Ward and Eastcliff Ward</p> <p>In Jaywick Sands - West Clacton & Jaywick Sands Ward</p>

PART 3 – SUPPORTING INFORMATION

BACKGROUND

By way of background to this report, Council is reminded of the following motion approved at its meeting on 17 September 2024 (Minute 50 refers):

“That Full Council -

(1) notes that:

- a. Parish and Town Councils are an established and valued form of local democracy with an important role to play in both rural, and urban, areas.*
- b. the District currently has 27 Town and Parish Councils with a cumulative electorate of almost 75,000 and that Clacton-on-Sea, Holland-on-Sea and Jaywick are not currently parished and the cumulative electorate for those areas is almost 45,000. As such, about 62% of residents have one of 27 Town and Parish Councils to represent them and their interests at a very local level. 38% of the District’s residents do not have that representation.*
- c. between 1891 and 1974, Great Clacton (later renamed Clacton as it also covered Clacton-on-Sea) had its own specific tier of local government, and the area of this tier of local government was expanded in 1934 to take in the then former parish of Little Holland (later renamed Holland-on-Sea).*
- d. since 1974, with the abolition of Clacton Urban District Council and creation of this District Council, there has been no distinct Local Council representation for specifically Clacton-on-Sea, Holland-on-Sea and Jaywick.*
- e. it has been more than 25 years since the electors of Jaywick Sands last had the chance to express their view on the issue of a parish for that Town.*
- f. the nature/responsibilities of local government has changed over the years and, in recent years, there has been a distinct impetus to devolve power from Whitehall to local councils and communities that will further change that landscape.*
- g. the Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements to the District Council for its area, through a process called a community governance review which has, at its heart, engagement with local people in the defined review area and that representations received in connection with the review are taken into by the District Council.*

(2) requests that proposals for a community governance review of Clacton-on-Sea, Holland-on-Sea and Jaywick be prepared and submitted to the next ordinary meeting of the Council to enable Council to determine whether to proceed with such a review, the timetable for a review and the resourcing of such a review.”

Through this report and its appendices, it is hoped that the necessary information has been provided to enable the Council to reach a decision as to whether to proceed with the community governance review concerned.

The draft terms of reference includes the following text:

“The District Council would expect there to be a minimum number of responses from the population to trigger a draft recommendation for parish arrangements to be made in the review area. This number would be 5% of the electors involved. A greater level of support would be expected for such a draft recommendation to be made a final recommendation.

If more than one option is supported at the draft or final recommendation stage then the support from the local electorate for those options will be measured against one another to determine whether the trigger point has been achieved.”

The reference to minimum levels of support are not explicitly referenced in the 2007 Act or the statutory guidance mentioned in this report. However, they are included as a means of reassurance to the public that this whole exercise has not simply been predetermined and their say on this matter is important.

PREVIOUS RELEVANT DECISIONS

Council on 17 September (Minute 50 refers) requested the submission of proposals for a Community Governance Review to enable Council to determine whether to proceed with such a review.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

The joint statutory guidance issued by Government and the Local Government Boundary Commission for England in respect of community governance reviews under the 2007 Act is available here–

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

APPENDICES

A – Draft Terms of Reference for the possible Community Governance Review of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands

B – Proposed Amendment to the Community Leadership Overview and Scrutiny Committee Terms of Reference.

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**TERMS OF REFERENCE FOR THE COMMUNITY
GOVERNANCE REVIEW FOR THE UNPARISHED AREAS
OF CLACTON-ON-SEA AND HOLLAND-ON-SEA AND
JAYWICK SANDS IN THE DISTRICT OF TENDRING**

A.6 APPENDIX A

***Reflecting the identities and interests of the communities
in the area and that is effective and convenient.***

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1. INTRODUCTION

Setting the Context

The table below sets out the District Council Wards that comprise the unparished area of Clacton-on-Sea, Holland on Sea and of Jaywick Sands. These areas have not been parished (civil parishes) for at least 50 years.

The following data is relevant to this review and is derived from the Revised Register of Electors published on 1 August 2024. This date has been used as it is likely to be the most complete register in view of the United Kingdom Parliamentary General Election on 4 July 2024.

District Wards	Total Local Government Electors	16 + 17 Year Old included	Over 70 Year Olds	Non Common-wealth or Irish - European Union Electors
CLACTON-ON-SEA				
Bluehouse Ward	4173	2	704	6
Burrsville Ward	4853	3	1258	12
Cann Hall Ward	4733	8	846	12
Coppins Ward	5342	5	779	23
Pier Ward	2016	1	346	9
St James Ward	5055	3	1181	19
St John's Ward	5107	8	1010	7
St Paul's Ward	2316	2	610	4
HOLLAND-ON-SEA				
St Bartholomews Ward	4721	3	1637	6
Eastcliff Ward	2553	3	804	5
JAYWICK SANDS				
West Clacton & Jaywick Sands Ward	4246	2	1080	10

Electoral Areas, including Parliamentary Constituencies, District Wards, and County Council Electoral Divisions are comprised of 'building blocks', which are geographical areas called Polling Districts. At the time of writing, the Polling Districts that comprise each of the District Council Wards in the areas covered by this review are subject to a periodic review. However, the maps of the existing Polling Districts for the Wards concerned are available at:

http://www.tendringdc.gov.uk/council_and_democracy/elections/polling_district_and_pla ces.aspx

In reviewing community governance in the review area referred to above, there is no requirement to be restrained by boundaries for existing Polling Districts, District Wards, and County Council Electoral Divisions etc. The entire review area is within the Clacton Constituency.

Why undertake a Community Governance Review?

The relevant national guidance in respect of Community Governance Reviews is that issued in 2010 by the Government in conjunction with the Local Government Boundary

Commission for England. The Council is required to have regard to this guidance when it undertakes community governance reviews.

The national guidance referred to states that it is good practice to conduct a Community Governance Review of a particular area every 10-15 years. In respect of the review area set out in these terms of reference, the 10-15 years referenced in the national guidance has been exceeded by some considerable time and the landscape of local government in England has been changing and may yet change in Essex.

The District Council has the legislative powers to create and amend parishes and the electoral arrangements for Parish Councils in the District. However, such decisions are for the end of the community governance process. These publication of these terms of reference only mark the commencement of that process. As the District Council will both conduct the community governance review and then determine the outcome (by making an order to create one or more parish, the names of any such parish(es), the parish council and related electoral arrangements) it is important that the Council retains a collective open mind on the outcome and to conduct the review in a way that demonstrates this.

Some of the possible outcomes to the Community Governance Review that could be examined are:

- **No change. The areas of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands remain unparished.**
- **A single Parish to cover the three communities of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands that make up the whole review area.**
- **Three separate parishes be created across the whole review area, one to cover Clacton-on-Sea, one for Holland-on-Sea and the third for Jaywick Sands.**
- **Some other number of parishes (than one or three) be created for the entire review area.**
- **Part of the review area is parished and the remainder remains unparished. By way of example only, Holland on Sea could be parished and Clacton-on-Sea and Jaywick Sands remain unparished.**

The above outcomes are not intended to exclude in any way other potential outcomes including the naming of parishes, warding arrangements and the number of parish councillors to be elected to any Parish Council for parishes established following this review.

In this review, there would not be the possibility to amend the existing parish boundaries/electoral arrangements for the neighbouring parishes of St Osyth, Little Clacton and Frinton & Walton. This is because they are not in the review area defined in these Terms of Reference.

What is a Community Governance Review?

A community governance review can cover a range of proposals, such as creating, merging, altering and abolishing Parishes. As the review area is currently entirely unparished, the referencing to merging, altering and abolishing parishes do not apply to this review. The review must have regard to the need to secure community governance that reflects the identities and interests of the community in the area and that is effective and convenient.

The District Council will undertake this Community Governance Review under the powers within Part 4 of the Local Government and Public Involvement in Health Act 2007 and the relevant parts of the Local Government Act 1972, and in accordance with the following

regulations: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626). The Council will have regard to the statutory Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the (then) Department of Communities and Local Government and The Local Government Boundary Commission in April 2010.

The 2007 Act has transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England. Parish arrangement reviews prior to 13 February 2008 would therefore have followed a different process than that set out in these terms of reference.

Parish Governance in the Review Area

Town and parish councils are important stakeholders within the District. The District Council wants to ensure that there is clarity and transparency as to the areas that town and parish councils represent and that the electoral arrangements of parish councils – the warding arrangements and the allocations of Parish Councillors – are appropriate, equitable and readily understood by their respective electorate.

The District Council wants to ensure that any parish governance in the District is robust, representative and enabled to meet the challenges that lay before it. Ultimately, the recommendations made in a community governance review should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

These considerations are equally applicable to community governance reviews of currently unparished areas (such as in the case of this review) as they are for reviews of areas with existing parishes.

2. CONSULTATION

How Consultations will be conducted

This section sets out how the District Council proposes to conduct consultations during the separate stages of the Review. Specific details of the consultation periods are set out in the timetable below.

In coming to its recommendations in this Review, the District Council will take into account the views of local people. The District Council will consult the local government electors for the area under review, Clacton-on-Sea, Holland-on-Sea and Jaywick Sands, and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007. The decision of the Council will be taken in public and the reasons publicised in the area affected by the Review.

Details of the consultation will be circulated by letter to all electors in the area under review and, subject to the timing of publication, will also be published newspapers circulating in the area concerned. All stakeholders will be invited to complete a response form. Public meetings will be held at a community facility in Clacton-on-Sea, Holland-on-Sea and Jaywick Sands. Details will be available on the District Council's website and the District Council will also engage with the media to publicise the consultation.

It is hoped that the community and voluntary groups operating in Clacton-on-Sea, Holland-on-Sea and Jaywick Sands will include reference to the review in any meetings they have during the period of the review and on any websites they have.

How to contact us

For further details please contact Democratic Services and Elections, Tendring District Council, Town Hall, Station Road, CO15 1SJ or e-mail: communitygovernance@tendringdc.gov.uk with the words COMMUNITY GOVERNANCE REVIEW in the e-mail heading.

A Timetable for the Review

The Community Governance Review commences with the publication of these Terms of Reference and the review must be completed within twelve months of that date.

An indicative timetable for this review is as follows:

Action	Timetable	Date
Stage 1: Terms of reference are published. Start of formal Community Governance Review		1 July 2025
Stage 2: Initial submissions are invited	Three months	1 July 2025 - 30 September 2025

Stage 3: Consideration of submissions received and draft Recommendations are prepared		1 October 2025 – 31 October 2025
Stage 4: Draft Recommendations are published – consultation on them	Three months	1 November 2025 – 31 January 2026
Stage 5: Consideration of submissions received and Final Recommendations are prepared and published; interested parties informed		1 February 2026 – 28 February 2026
Recommendation and draft Order submitted to Council		March 2026
Application of Decision and reasoning and interested parties informed. Copy of Order with map(s) placed on deposit and notification as required.		As soon as practicable thereafter

In the event that parishes are to be created, the intention would be for these to formally come into being on 1 April 2027, with elections to any consequential parish council at the scheduled elections on 6 May 2027. Interim governance arrangements would be established for the period from 1 April 2027 until the point at which parish councilors took up office following the elections on 6 May 2027.

Prior to 1 April 2027, again on the basis that parishes were established as a consequence of this review, the District Council would need to determine the precept for the parish that would be in place for 2027/28. Other matters would also need to be considered including such things as responsibility for allotments etc. in the new parish area.

3. ELECTORATE FORECASTS

The District Council is required to consider the number and distribution of electors which is likely to occur in the period of five years beginning with the day when the review starts. The following electorate forecasts have been developed by Tendring District Council. It is the Government's guidance that these forecasts should be made available to all interested parties as early as possible in the review process, ideally before formal commencement of the review, so that they are available to all who may wish to make representations. This data is as follows:

	2024-25	2025-26	2026-27	2027-28	2028-29
Clacton on Sea					
Bluehouse Ward	4,289	4,289	4,289	4,289	4,289
Burrsville Ward	4,853	4,853	4,923	4,993	5,067
Cann Hall Ward	4,788	4,861	4,934	5,007	5,073
Coppins Ward	5,342	5,342	5,443	5,443	5,443
Pier Ward	2,016	2,038	2,038	2,053	2,053
St James Ward	5,055	5,055	5,055	5,072	5,072
St John's Ward	5,107	5,107	5,107	5,107	5,107
St Paul's Ward	2,316	2,316	2,316	2,316	2,316
Holland on Sea					
St Bartholomews Ward	4,721	4,721	4,721	4,721	4,721
Eastcliff Ward	2,639	2,725	2,780	2,780	2,780
Jaywick Sands					
West Clacton & Jaywick Sands	4,252	4,275	4,341	4,387	4,448

Area (based on the above table's allocation of District Wards)	Electorate 2024	Electorate 2029
Clacton-on-Sea	33,595	34,420
Holland-on-Sea	7,274	7,501
Jaywick Sands	4,246	4,448

The methodology used was to assess the number of electors in each of the District Wards for the elector numbers in 2024. This provides a ratio of electors to dwelling for each District Ward based on existing dwellings numbers. The Council's Planning Policy Team then provided details of the number of dwellings in each District Ward that they consider are likely to be finished and ready for occupation in each of the years for the five year forecast tables

above. The ratio of electors to household for the Ward was then multiplied by the likely number of dwellings to be finished and ready for occupation to give a number of electors to be added to the base figure for the electorate in 2024 for each District Ward.

The developments that were assessed in the above methodology to provide the number of dwellings in each Ward considered likely to be finished and ready for occupation were as follows:

Burrsville Ward - Foots Farm and Oakwood Park

Pier Ward - 3 Marine Parade East and the former Rumours Nightclub

Cann Hall Ward - Brook Park West and Hartley Gardens

Coppins Ward - Coppins Court

St James Ward – Former St Helena Hospice

Bluehouse Ward - Hartley Gardens

Eastcliff Ward – Sladburys Lane

West Clacton & Jaywick Sands Ward – Rouses Farm, 82 Jaywick Lane, 23-27 Brooklands and 32-37 Brooklands

4. DEMOGRAPHIC TRENDS AND INFLUENCES IN THE AREA

Individual District ward profile data is available for the District Wards that comprise Clacton-on-Sea, Holland-on-Sea and Jaywick Sands. These ward profiles are available at:

http://www.tendringdc.gov.uk/***.

If you would like to receive a paper copy of these documents, please contact Democratic Services and Elections at communitygovernance@tendringdc.gov.uk or the address provided in these Terms of Reference.

5. THE PRESENT COMMUNITY GOVERNANCE STRUCTURE

Introduction

This review area is unparished. The extent of the review area is limited by the boundaries with the parishes of St Osyth, Little Clacton and Frinton & Walton. The principal councils for the area are Tendring District Council and Essex County Council. They will continue to be the principal councils for the area unless (and until) such time as there is some form of local government review.

The electorate in the review area totals 45,115 and the electorate for the District of Tendring is 117,752 and for Essex County it is 1,116,845 (2022). The residents in the review area are represented on the District and County Councils in broadly similar proportion to the electorates for the review area in comparison to the District and County totals.

By reference to the immediate neighbouring parished areas, the electorates, parish wards and total number of parish councilors are as set out in the table that follows. The principal councils for those parishes/town are also Tendring District Council and Essex County Council.

Parish/Town Area	Electorate	Number of Parish/ Town Wards	Total Number of Parish/Town Councillors
St Osyth Parish	4,278	2	13
Little Clacton	2,562	0	13
Frinton & Walton	14,217	6	16

Present Structure of Community Governance in our Area

The District of Tendring has 27 parishes. The list of all those parishes is given in Appendix A and this Appendix also identifies the number of Parish Councillors and the ratio of electors to Parish Councillors. In addition, details of the Council Tax precepts for 2024/25 in relation to those parished areas are set out at Appendix B.

There are no moribund parish councils and there have been calls in the recent past for the size of some parish councils to be increased in order that the members can deal with the volume of work.

As stated, the currently unparished area of the District of Tendring is the area for this community governance review; Clacton-on-Sea, Holland-on-Sea and Jaywick Sands.

There are a range of groups operating in the review area and these include:

- Neighbourhood Watch Groups in Clacton-on-Sea, Holland-on-Sea and in Great Clacton Community Association
- Albert Edward Hall Community Association
- The Brotherhood Community Hall Charity
- Coppins Hall Community Association
- Tendring Community Voluntary Services
- Tendring District Talking Newspaper Association
- Holland-on-Sea Community Association

Rush Green Allotments Trust
Tendring Community Transport
Jaywick Sands Community Forum
Jaywick Sands Revival (CIC)
Golf Green Hall
Jaywick Community Resource Centre Association
West Clacton, Jaywick Sands Neighbourhood Association

Parishes

Tendring District Council is anxious to ensure that electors should be able to identify clearly with the area in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the community governance structure, creates a common interest in local affairs, encourages participation in elections, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

At present, in the unparished review area of Clacton-on-Sea, Holland-on-Sea and Jaywick Sands community governance exists in the forms of tenant panels, neighbourhood residents groups and organisations such as Neighbourhood Watch. These organisations do not have the powers of a parish/town council. For completeness, a list of the powers and duties of parish councils is set out at Appendix C.

The District Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity; the feeling of local community and the wishes of local inhabitants are primary considerations in this review. The process of this review supports the general statement within the Council's Corporate Plan of "Listening to and delivering for our residents and businesses". The review reflects the Council's drive to improve community engagement.

The District Council wishes to balance carefully the consideration of changes that have happened over time, through population shifts or additional development, for example, and that have led to a different community identity with historic traditions in its area.

The District Council also notes the guidance issued by Government that community cohesion should be taken into account in this review. Whilst this guidance was published in 2010, it remains the guidance that the Council must have regard to when undertaking reviews of this nature. In addition, the Council will be mindful in carrying out the review to its duties under the Equality Act 2010. The Equality Act 2010 places a duty on the Authority "to have due regard to" the need to eliminate discrimination, advance equality of opportunity and foster good relations in regards to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The District Council is further mindful of the national guidance in which it strongly states that it "expects to see a trend in the creation, rather than the abolition, of parishes".

Boundaries

In the event that there is support for the creation of (a) parish(es), consideration will need to be given to the boundaries to be applied to the parish(es). If such a parish were to have its own parish council, part of the review will also be to consider comments in respect of the electoral arrangements for the parish(es) and to best reflect the community identities and interests and be effective and convenient. As stated already, these matters are not constrained by existing District Ward/County Electoral Divisions.

The Council considers that Parish boundaries should where possible be easily identifiable. These barriers will be either natural or man-made: they might include rivers or man-made features such as parks, railways, major road – those barriers that oblige the residents of an affected area to have less in common with the remainder of the Parish council area to which they may have been allotted.

The Council considers that 'natural' settlements or settlements as they are defined in the Local Development Framework should not in normal circumstances be partitioned by electoral boundaries. In this review this consideration is less of an issue than could be the case in other areas of the District.

Within the constraint that many parts of the review area are urban in nature, the Council will endeavour to select boundaries that are and are likely to remain easily identifiable.

Council Size

In the event that the review looks at establishing one or more parish council, it will need to consider the issue of the size of that council (i.e. the number of parish councillors that shall serve on the parish council).

By law, each Parish Council must have at least five Councillors and there is no specified maximum. As guidance, the National Association of Local Councils (NALC) suggest the minimum number of Councillors for any Town/Parish should be 7 and the maximum 25.

The former Aston Business School published the following indicative table for representation on Parish Councils:

Electorate	Parish Councillor Allocation
Less than 500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
Greater than 20,000	13-31

The Government has advised, and this Council concurs, that "it is an important democratic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of Councillors."

Statute requires that the District Council must have regard to the following factors when considering the number of Councillors to be elected for a Parish Council(s):

- the number of local government electors for the area;
- any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Each area will be considered on its own merits having regard to its population, geography and the pattern of communities. In addition the pattern of delivery of services by individual Parish Councils may affect the optimum number of Parish Councillors in any individual case.

Parish Warding

Parish warding is the division of the Parish Council area into appropriately sized wards for the purpose of electing Parish Councillors. Any Community Governance Review, where parishing and the creation of a parish council is considered, must examine the number and boundaries of Parish Wards, their names and the number of Councillors to be elected to each ward. In determining warding arrangements regard will be given to community ties in the area. In considering whether or not a Parish Council area

should be divided into wards, the legislation requires that consideration be given to whether:

- a) The number, or distribution of the local government electors for the area would make a single election of Parish Councillors impracticable or inconvenient; and
- b) It is desirable that any area or areas of the Parish Council should be separately represented.

There is a need to consider not only the size of the electorate in the area but also the distribution of communities within it. Warding arrangements should be clearly and readily understood by, and should have relevance for, the electorate in the Parish Council area.

The Council will be mindful of all this guidance. Each case will be considered on its merits and on the basis of information and evidence provided during the course of the review.

Parish Ward proposals should have merit in themselves; not only should they meet the two tests laid down in the Act (namely):

- (a) Whether the number, or distribution, of the local government electors for the Parish Council would make a single election of councillors impractical or inconvenient
- (b) Whether it is desirable that any area or area of the Parish Council should be separately represented on the council.

They should also be in the interests of effective and convenient local government and not be

Should this review recommend the creation of (a) parish(es) it must also make a recommendation as to whether to establish Parish Wards. wasteful of a Parish Council's resources.

The Pattern of Community Representation and Community Engagement

The Council will take account of the nature of the area under review to determine whether the creation of a parish or parishes for the area would reflect the identities and interests of the community. Parish Council considerations would then follow any decisions around parishing in the review area.

In considering whether to create parishes in Clacton-on-Sea, Holland-On-Sea and/or Jaywick Sands, consideration needs to be given to the name of the new parish, whether there should be a new parish council and whether any new parish should be styled using one of the alternative names referred to elsewhere in these Terms of Reference.

In relation to any existing parish, community governance reviews must come to a conclusion whether an area should be altered or retained and whether the name of the parish should be changed. However, in this review there are no existing parishes in the review area and so this element of a community governance review is referenced for information only.

In relation to future parish councils in the area under review, the electoral arrangements for that/those parish council(s) must be the subject of a recommendation through the review.

Based on the existing electorate in the un-parished areas, it is likely that any parish created following the review would be above the threshold that would require a Parish Council to be established.

6. NAMES AND STYLES

The following are relevant to and proposal that would involve parishing all or part of the review area (and then if parish wards are to be created in the parish where a Parish Council is to be established).

Alternative styles

Parishes may have alternative styles to 'Parish'. The alternative styles are "community", "neighbourhood" or "village". In addition, it should be noted that the style "town" is still available to a parish. However, for as long as the parish has an 'alternative style', it will not also be able to have the status of a town and vice versa. The use in these terms of reference of parish and community does not preclude one of the alternative styles (or Town) being adopted.

The Naming of Parish Council Wards

With regard to the names of Parish Wards, the District Council will endeavour to reflect existing local or historic place names, and will give a strong presumption in favour of names proposed by local interested parties. The Council would wish to avoid composite names other than in exceptional circumstances where the demands of history, local connections or the preservation of local ties make a pressing case for the retention of distinctive traditional names.

7. ELECTORAL ARRANGEMENTS

The next programmed elections for all parishes in the District of Tendring are in May 2027. The timetable for this review set out in section 2 above, propose that any decision to establish a parish (with a parish council) should be with effect from 1 April 2027 and elections at that programmed date in May 2027. If, however, following the Community Governance Review, an area is parished, and parish arrangements were to come into existence from April 2026, elections would need to be held in May 2026 and the initial term of office would be for the following full year ending with elections in May 2027. Elections would then be every fourth year thereafter. At the time of writing, it would appear to be preferable, in the absence of reasoning against it, to follow the timetable in section 2 with any parish being created from 1 April 2027. However, circumstances may change in the community governance review and the establishment date may need to be actively reconsidered.

Should the review proceed to consider the establishment of a parish council (or more than one such council) the size (as in the total number of parish councilors) would need to undertake the work that such parish council (or councils) would need to undertake.

8. CONCLUSION

In formulating its recommendations, the Council will consider all submissions of opinion about the issues contained in the review expressed by residents and other interested parties, as well as its knowledge of the local area. Everyone affected by these proposals including Ward Councillors, MPs, community organisations, other stakeholders and the public will be encouraged to submit their views.

The Review Process

The District Council would expect there to be a minimum number of responses from the population to trigger a draft recommendation for parish arrangements to be made in the review area. This number would be 5% of the electors involved. A greater level of support would be expected for such a draft recommendation to be made a final recommendation.

If more than one option is supported at the draft or final recommendation stage then the support from the local electorate for those options will be measured against one another to determine whether the trigger point has been achieved.

Date of publication of these terms of reference: [to be determined – section 2 suggests 1 July 2025]

Existing Parish Councils, Parish Ward numbers, Numbers of Parish Councillors, Electorate and Electoral Ratios (as of 1 August 2024)

Parish	Parish Wards (Blank if none)	No. of Parish Councillors	Electorate	No. of electors per Cllr
Alresford Parish Council		11	2221	202
Ardleigh Parish Council		11	2305	210
Beaumont Parish Council		5	283	57
Bradfield Parish Council		9	1034	115
Brightlingsea Town Council		12	6989	582
Elmstead Parish Council		11	1967	179
Frating Parish Council		7	560	80
Frinton & Walton Town Council	6	16	17003	1063
Great Bentley Parish Council		9	2250	250
Great Bromley Parish Council		9	929	103
Great Oakley Parish Council		9	875	97
Harwich Town Council	5	16	14050	878
Lawford Parish Council		15	4013	268
Little Bentley Parish Council		5	243	49
Little Bromley Parish Council		5	211	42
Little Clacton Parish Council		13	2562	197
Little Oakley Parish Council		9	946	105
Manningtree Town Council		7	756	108
Mistley Parish Council		11	2726	248
Ramsey And Parkeston Parish Council	2	11	1830	166
St Osyth Parish Council	2	13	4278	329
Tendring Parish Council		7	608	87
Thorpe-Le-Soken Parish Council		11	1969	179
Thorrington Parish Council		9	1169	130
Weeley Parish Council		9	1951	217
Wix Parish Council		7	702	100
Wrabness Parish Council		7	330	47
Totals		264	74,760	283

Parish Precepts and Levies 2024 to 2025

The Town and Parish Council precepts that form part of the Council Tax bill are shown below. The table shows the total amount of each Parish Precept and the resulting parish Council Tax charge for 2024/2025 for a property in valuation band D.

Parish	Precept (£) – what the Parish Council seeks to raise from Council Tax Payers	Element of the Band D Council Tax Charge (£)
Alresford	92,230	272.50
Ardleigh	81,077	251.30
Beaumont-cum-Moze	4,400	214.48
Great Bentley	146,300	319.62
Little Bentley	3,360	209.94
Bradfield	70,700	324.49
Brightlingsea	231,526	257.24
Great Bromley	32,000	253.96
Little Bromley	1,700	197.24
Little Clacton	88,615	263.96
Elmstead	63,750	251.16
Frating	15,220	236.08
Frinton and Walton	680,000	279.06
Harwich	212,629	236.51
Lawford	287,654	290.27
Manningtree	32,452	257.81
Mistley	103,400	264.25
Great Oakley	29,590	256.14
Little Oakley	22,820	240.35
Ramsey and Parkeston	74,196	278.02
St Osyth	173,800	268.61
Tendring	17,250	236.04
Thorpe-le-Soken	67,250	254.83
Thorrington	30,000	234.47
Weeley	45,170	232.15
Wix	27,000	259.77
Wrabness	6,561	212.37

In 2024/25, the District Council allocated £651,530 as Special Expenses and £403,895 of that total was charged to Council Tax Payers in Clacton on Sea, Holland on Sea and Jaywick Sands. A reassessment of the total charge and the allocation of it would follow this community governance review in the event that parishing in the review area took place; including any allocation of assets from the District Council to a/the new Parish Council(s).

What can local councils do?

(with credit to NALC for compiling this)

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	Small Holding & Allotments Act 1908, s.23
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs	Local Government Act 2003, Schedule 1, para. 2
Baths (public)	Power to provide public swimming baths	Public Health At 1936, s.221
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Sections 9 and 10 Local Government Act 1972, s.214 Local Government Act 1972, s.214 (6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s.4
Byelaws	Power to make byelaws for: Places of public recreation Cycle parks Public swimming baths Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s.164 Road Traffic Regulation Act 1984, s.57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Charities	Duties in respect of parochial charities Power to act as charity trustees	Charities Act 2011, ss.298-303 Local Government Act 1972, s.139 (1)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215

Commons and common pastures	Powers in relation to Inclosure, regulation, management and provision of common pasture	Inclosure Act 1845; Small Holdings and Allotments Act 1908, s.34
Highways	<p>Power to repair and maintain public footpaths and bridle-ways.</p> <p>Power to light roads and public places</p> <p>Power to provide parking places for vehicles, bicycles and motor-cycles.</p> <p>Power to enter into agreement as to dedication and widening.</p> <p>Power to provide roadside seats and shelters.</p> <p>Power to consent to a local highway authority stopping maintenance of a highway or stopping up/ diverting a highway</p> <p>Power to complain to district council about the</p> <p>Power to provide certain traffic signs and other notices</p> <p>protection of rights of way and roadside waste</p> <p>Power to plant trees and shrubs and to maintain roadside verges</p>	<p>Highways Act 1980, ss.43, 50</p> <p>Parish Councils Act 1957, s.3; Highways Act 1980, s.301</p> <p>Road Traffic Regulation Act 1984, ss.57, 63</p> <p>Highways Act 1980, ss.30, 72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47, 116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Honorary titles	Power to admit to be honorary freemen/ freewomen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area.	Local Government Act 1972, s.249
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate, to dispose of</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss.124, 126, 127</p> <p>Local government Act 1972, s.139</p>
Litter	Provision of bins	Litter Act 1983, ss.5, 6
Lotteries	Powers to promote	Gambling Act 2005, s.252, 258

Markets	Power to establish or acquire by agreement markets within the council's area and provide a market place and market buildings	Food Act 1984, s.50
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s.198
Neighbourhood planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order.	Localism Act 2011, Schedule 9; Town and Country Planning Act 1990, ss.61E-61Q, Schedule 4B; Planning and Compulsory Purchase Act 2004, s.38A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260
Open spaces	Power to acquire and maintain land for public recreation Power to acquire and maintain land for open spaces	Public health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish Property and documents	Powers to receive and retain Duty to deposit certain published works in specific deposit libraries	Local Government Act 1972, s.226 Legal Deposit Libraries Act 2003, s.1
Public buildings and village hall	Power to acquire and provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public Conveniences	Power to provide	Public Health Act 1936, s.87
Recreation	Power to provide a wide range of recreational facilities Provision of boating pools	Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Right to challenge services that are provided by a principal authority	The right to submit an interest in running a service provided by a district, county or unitary authority	Localism Act 2011, ss.81-86
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss.87-108
Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to encourage tourism to the council's area	Local Government Act 1972, s.144

Traffic Calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1
Water	Power to utilise wells, springs or streams for obtaining water	Public Health Act 1936, s.125
Websites	Power for councils to have their own websites	Local Government Act 1972, s.142

Map of the Review Area

PROPOSED AMENDED TERMS OF REFERENCE (shown in red)

Community Leadership Overview and Scrutiny Committee

6.02 Terms of Reference:

The terms of reference for each Overview and Scrutiny Committee are set out below:

(i) Community Leadership Overview and Scrutiny Committee

Meetings of the Committee will be held in accordance with the programme of meetings normally approved at the Annual Meeting of the Council. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chairman of the Committee, or by the Head of Democratic Services & Elections. If considered necessary or appropriate. Meetings of Task and Finish Groups can be called as required, following the terms of reference being agreed by the Committee.

(A) To perform the role of Overview and Scrutiny and its functions in relation to

- Community Leadership developing the external focus of overview and scrutiny on “district-wide” issues’ (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.
- Approval of discrete researched and evidenced reviews on the effectiveness of partnership operating in the area with particular focus on:
 - Community Safety
 - Health and Well-being
 - Economy, Skills and Educational Attainment
- Community engagement, development and empowerment
- Economic Development, Regeneration and Freeport East
- Leisure and Tourism (except matters relating to budgets)
- Planning & Building Control and Strategic Planning (including the Local Plan)

(Peach)

-
- Emergency Planning
 - To scrutinize/review the outcomes and implications for the Council of its financial support to community organisations and also from its receipt and use of funds received from local partner organisations

(B) The Community Leadership Overview & Scrutiny Committee will also act as the Council's designated "crime and disorder committee" for the purposes of Section 19 of the Police and Justice Act 2006 and will have the power –

- (a) *to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities[*] of their crime and disorder function;*
- (b) *to make reports or recommendations to the local authority with respect to the discharge of those functions.*

** "The responsible authorities" means the bodies and persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998 (c.37) (authorities responsible for crime and disorder strategies) in relation to the local authority's area.*

In fulfilling that function the Community Leadership Overview & Scrutiny Committee will have the power (whether by virtue of section 9F(2) or 21(2) of the Local Government Act 2000 or regulations made under section 9JA(2) or 32(3) of that Act or otherwise) to make a report or recommendation to the local authority with respect to any matter which is a local crime and disorder matter in relation to a member of the authority.

The crime and disorder committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder function as the committee considers appropriate but no less than once in every twelve month period.

(C) The Community Leadership Overview & Scrutiny Committee, in accordance with Section 9F (d) and (e) of the Local Government 2000 (as amended) will also perform the functions relating to community governance reviews as provided for by Part 4 of the Local Government

(Peach)

and Public Involvement in Health Act 2007 (“the 2007”) where those functions have been delegated to the Committee by full Council (as set out in Part 3 Schedule 2 Responsibility for Council (Non-Executive) Functions).

In performing its delegated functions, the Committee is required, by section 100(4) of the 2007 Act, to have regard to the guidance which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2) of the same Act.

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COUNCIL

26 NOVEMBER 2024

REPORT OF THE CHIEF EXECUTIVE

A.7 MEMBERS OF THE COUNCIL'S INDEPENDENT REMUNERATION PANEL

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Council to approve the appointment of the members of the Council's Independent Remuneration Panel (IRP) following Council's decision on 30 April 2024 and to ensure compliance with the Section 20 of The Local Authorities (Members' Allowances) England Regulations 2003.

EXECUTIVE SUMMARY

There was a requirement, following the decision at Full Council on 22nd November 2022, that alternative arrangements for the Council's Independent Remuneration Panel (IRP) be explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment. During 2023, Braintree District Council (BDC) expressed an interest in joint working on the IRP Members and advertised to recruit to their IRP role and included reference to working with other Essex Councils (although Tendring District Council was not specifically named). Tendring's Director for Governance & Monitoring Officer took part in the BDC interview process in 2024 and each candidate confirmed they would be interested in joint working with TDC, if this was approved locally as an approach going forward.

The term of office for the Independent Remuneration Panel expired in April 2024 and following a reference report from the Standards Committee, Council approved on 30 April 2024 (minute no. 14):–

- (b) future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council; and*
- (c) for the purposes of (b) above the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme required for 2026/27 and into the next term of office for District Councillors.*

Following the decision of Full Council in April 2024, the Chief Executive can report all IRP members appointed by BDC expressed an interest in being involved with Tendring's IRP and that all six candidates were individually interviewed by the Chief Executive, Director for Governance and Head of Democratic Services and Elections.

The experience and/or interest in the role was of a high standard with a range of backgrounds and consequently, the Council would benefit from appointing all six to form a pool of members for an IRP to undertake reviews of Members' Allowance Schemes for the District Council and Town and Parish Councils.

It is recommended to Council that the following candidates are appointed by Tendring District Council for a term of up to seven years:

- **Andy Barton** – Self-employed therapist providing services to leaning disabled and elderly clients with a care home setting, spanning 28 care homes across Essex, Suffolk and North. Experience working on an Independent Panel in Essex.
- **Tricia Bernard** - Mental Health Counsellor at a charity based in Essex. Experience working on Independent Panels in Suffolk and Essex.
- **John Bryant BA Hons (QTS) NPQH NPQEL** - education background including as a Headteacher, now freelance and self-employed in a number of roles, covering being a member of governing boards and experience at clerking level.
- **Joy Ikumoinin** - Health and Social Care Professional with experience in successfully implementing social care digital systems, building strong relationships and applying innovative approaches to social care.
- **David Irvine** – Retired. Currently Independent Person for Tendring District Council and other local authorities. Independent Person for an Audit Committee. Experience working on Independent Panels in Suffolk and Essex (including Tendring)
- **Georgia Riley** – qualified solicitor previous volunteering experience with CAB. Experience working on an Independent Panel in Essex

The current Scheme of Allowances for Members for 2023/24 was approved in January 2023 and lasts until 2027/28. Therefore, commencement work on reviewing the Allowances Scheme will not be required until the latter part of 2026 however, it is important that the District Council has an established IRP in place, to respond to an earlier review if required, based on circumstances arising. Therefore, it is proposed that a retainer allowance is made of £300 per annum to all IRP Members and a further £300 for those IRP Members involved in a formal review. There will however be regular contact with the Panel to keep in touch over the interim period, which will enable information and data to be shared to gain an earlier understanding about the demographics of Tendring and the opportunities and challenges it faces.

RECOMMENDATIONS

That Council:

- (a) Upon receiving recommendations from the Chief Executive and Monitoring Officer approves the appointment of the following individuals as members of the Independent Remuneration Panel:
- (i) **Andy Barton;**
 - (ii) **Tricia Bernard;**
 - (iii) **John Bryant;**
 - (iv) **Joy Ikumoinin;**
 - (v) **David Irvine; and**
 - (vi) **Georgia Riley.**
- (b) delegates authority to the Chief Executive and Monitoring Officer to determine the individual term of office for those Independent Remuneration Panel Members for a term of up to 7 years;

- (c) subject to (d) below the members of the Independent Remuneration Panel will receive an allowance of £300 per annum as a retainer, with an additional £300 allowance for undertaking a formal review of the Members Allowance Scheme; and
- (d) requests Cabinet to establish and approve the allocation of budget within the relevant financial report to meet the allowances prior to any payments being made.

LEGAL AND CONSTITUTIONAL REQUIREMENTS

The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the 2003 Regulations') sets out the legal framework for allowances and expenses to Councillors. It provides for a Basic Allowance that is paid at the same level to all Councillors on the Council concerned and for allowances to be paid for those who have special responsibilities (special responsibility allowances). Other allowances, including dependants' carers', travelling and subsistence and co-optees are provided for in the Regulations.

The 2003 Regulations require that a scheme is to be determined normally before the relevant financial year has commenced (Regulation 10(1)). However, schemes can be amended at any time. The Regulations also permit a scheme to be adjusted by reference to an index specified by the authority and the indexed changes do not require a fresh determination at that time.

Regulation 19(1) of the 2003 Regulations states that "*Before an authority.....makes or amends a scheme, the authority shall have regard to the recommendations made in relation to it by an independent remuneration panel*".

Regulation 20 of the 2003 Regulations requires that IRP shall be established in respect of each authority and that the Panel shall consist of at least three people.

Regulation 21 requires the appointed IRP to produce a report making recommendations on the matters referred to above that are to be included in a scheme of allowances for Councillors. A copy of a report is then sent to the Council and it must make the report available for public inspection and publish the main features of the recommendations.

The Members' Allowances Scheme for Tendring District Council are set out in Part 7 of the Constitution. Council considered at its meeting on 24 January 2023, the report of the Independent Remuneration Panel for the current Scheme of Allowances for Members and had regard to the Panel's recommendations determining the uplift to be applied to the Basic and Special Responsibility Allowances in the scheme for 2022/23 and in approving the Scheme of Allowances for Members for 2023/24 (and until 2027/28).

In the Council's Constitution, the interview of suitable candidates for Independent Remuneration Panel and the making of recommendations to Council as to who should be appointed, are delegated to the Chief Executive and Monitoring Officer.

No allowances have been fixed for the Independent Remuneration Panel Members as these were previously joined with the Independent Persons, who received an allowance of £600 per annum for both roles. Therefore, there is a requirement for Council formally decide the IRP allowance amount and request that Cabinet identifies the relevant budget to meet the cost of the allowances, with a formal decision, prior to any payments being made.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of Council held on:-

- 22 November 2022 (Minute No. 52):

Council considered the recommendations of the Standards Committee in relation to the terms of office and future recruitment of the members of the Council's Independent Remuneration Panel and its Independent Persons.

- 24 January 2023 (Minute No. 77):

Council considered the report of the Independent Remuneration Panel and had regard to the Panel's recommendations therein in determining the uplift to be applied to the Basic and Special Responsibility Allowances in the scheme for 2022/23 and in approving the Scheme of Allowances for Members for 2023/24 (and until 2027/28).

- 30 April 2024 (Minute No. 14):

Council considered a report of the Assistant Director (Governance) & Monitoring Officer (A.4) which enabled Council to consider the recommendations submitted to it by the Standards Committee in relation to the Independent Remuneration Panel's and Independent Persons' term of office, exploring alternative options and future recruitment.

COUNCIL

26 NOVEMBER 2024

REPORT OF THE MONITORING OFFICER

A.8 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FINDING OF MALADMINISTRATION

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Council (or to Cabinet for executive functions) if any decision or omission has given rise to maladministration. This report concerns actions that the Local Government and Social Care Ombudsman has determined were maladministration/service failings. The relevant complaint summary is set out below.

This report is also required under section 5A of the Local Government and Housing Act 1989 in view of the aforementioned decision in this matter by the Local Government and Social Care Ombudsman.

EXECUTIVE SUMMARY

The Local Government and Social Care Ombudsman has recently determined a complaint received by it and has found that there was maladministration in this case. A summary of the case is set out elsewhere in this report. Through this report, the Monitoring Officer is bringing the matters to the attention of the Council as the matters concerns non-executive functions of the Council. Council is particularly requested to note the findings/orders/recommendations from the Local Government and Social Care Ombudsman, the compliance with those matters by the Council and the wider learning points set out.

In addition to reporting to Council, there is now a practice which will involve reporting of findings of maladministration by an Ombudsman Service to the Audit Committee. It should also be noted that a revised combined complaints procedure of the Council is being drafted with the intention of being submitted to the Audit Committee on 30 January 2025. The combined complaints procedure will seek to address the expectations of the parallel Codes adopted by the Housing Ombudsman and by the Local Government and Social Care Ombudsman.

RECOMMENDATION(S)

It is RECOMMENDED that Council receives and notes this report and, in particular the findings/orders/recommendations from the Local Government and Social Care Ombudsman in the case covered by this report, the compliance with those matters by the Council and the wider learning points set out.

REASON(S) FOR THE RECOMMENDATION(S)

The Constitution requires that maladministration findings are reported to Council for non-executive functions. In receiving the report, the particulars of the cases are relevant, as is the Council's compliance with the decisions of this Ombudsman and wider learning points.

ALTERNATIVE OPTIONS CONSIDERED

To not submit a report on the case concerned would have been contrary to the provisions of the Constitution (and section 5A of Local Government and Housing Act 1989). As such, not reporting this matter was discounted.

PART 2 – SUPPORTING INFORMATION**BACKGROUND**

The case considered by the Local Government and Social Care Ombudsman is set out below.

The matter related to a claimed failure by the Council to investigate concerns about a development neighbouring the complainant's home, a failure to correctly apply permitted development guidance and building regulations, and about the Council's complaint handling. The Ombudsman found that the Council was not at fault for how it considered and applied permitted development guidance. It did not question the merits of the Council's decision in this regard. The Ombudsman found the Council at fault for not making a clear decision on whether building regulations applied to the development and for not addressing concerns raised by the complainant in a timely way. This caused avoidable injustice for the complainant. The Ombudsman also found the Council at fault for its complaint handling. Recommendations to remedy the injustice caused were submitted to the Council and accepted by it.

:

The recommendations from the Ombudsman in the case were:

Within four weeks of the final decision being issued, to:

- a) Provide a written apology to the complainant for the faults and injustice identified.
- b) Pay the complainant £400 in recognition of the injustice experienced.

The Council has provided the requested apology and has taken the necessary step to pay the sum identified to the complainant. These steps included the publication of the decision of the Chief Executive to authorise the payment concerned. This was published on 12 November 2024.

Since the time of the complaint the Council has implemented revised procedures around complaint handling with a view to improving the consistency of compliance with the council's existing complaints procedure. In addition, that complaints procedure is itself being revised to align with the expectations of the two Ombudsman Services (separately for Local Government & Social Care and for Housing) as set out in their parallel codes.

The Director of Planning and Communities has met with both the Building Control & Planning Enforcement teams and shared the Ombudsman's final decision and findings with them at their team meetings. The Director of Planning and Communities has set down a clear expectation of the timelines required for responses to complaints and enquiries and have stressed that ongoing matters should be closed in a clear and precise manner which shall include a full explanation to the customer / complainant. Further training has been arranged and will cover improvements to customer service.

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QUESTIONS PURSUANT TO COUNCIL PROCEDURE 11.2

The following questions have been received, on notice, from a Member:

From Councillor Paul Honeywood to Councillor Mark Stephenson, Leader of the Council:

“Can the Leader of the Council please update this Council on the action he and his Cabinet have taken following the urgent review as to how Tendring District Council, with the inclusion of its partners and other local organisations, has offered support and advice to pensioners living in this District who may suffer or be in the position of fuel poverty or difficulty as a result of this Government’s decision to cut winter fuel payments and how the availability of Pension Credit has been promoted by the Council and with partners to assist all those entitled?”

Could the Leader of the Council also update this Council as to when these actions were taken and how successful they have been?”

NOTE: Councillor Honeywood’s question relates back to the Full Council meeting held on 17th September 2024 when the Council debated and approved a motion in response to the Government’s plans to cut winter fuel payments from all pensioners except those receiving pension credits.

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