



## CABINET

<b>DATE:</b>	<b>Friday, 11 April 2025</b>
<b>TIME:</b>	<b>10.30 am</b>
<b>VENUE:</b>	<b>Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

<b>MEMBERSHIP:</b>	
Councillor M Stephenson	- Leader of the Council; Portfolio Holder for Corporate Finance & Governance
Councillor I Henderson	- Deputy Leader; Portfolio Holder for Economic Growth, Regeneration & Tourism
Councillor A Baker	- Portfolio Holder for Housing & Planning
Councillor M Barry	- Portfolio Holder for Leisure & Public Realm
Councillor P Kotz	- Portfolio Holder for Assets & Community Safety
Councillor G Placey	- Portfolio Holder for Partnerships
Councillor G Scott	- Portfolio Holder for Arts, Culture & Heritage
Councillor A Smith	- Portfolio Holder for Environment & ICT

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**DATE OF PUBLICATION: THURSDAY, 3 APRIL 2025**

## AGENDA

### 1 **Apologies for Absence**

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

### 2 **Minutes of the Last Meeting (Pages 7 - 24)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Monday 17 March 2025.

### 3 **Declarations of Interest**

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

### 4 **Announcements by the Leader of the Council**

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

### 5 **Announcements by Cabinet Members**

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

### 6 **Matters Referred to the Cabinet by the Council**

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

### 7 **Matters Referred to the Cabinet by a Committee**

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

### 8 **Leader of the Council's Items**

There are no Leader of the Council's items on this occasion.

### 9 **Cabinet Members' Items - Report of the Assets and Community Safety Portfolio Holder - A.1 - Consideration and Adoption of a Crime and Disorder Reduction Strategy 2025 - 2028 (Pages 25 - 94)**

To present to Cabinet the Crime and Disorder Reduction Strategy 2025 - 2028 for approval and recommendation to Full Council for its formal adoption.

### 10 **Cabinet Members' Items - Report of the Assets and Community Safety Portfolio Holder - A.2 - Freehold Disposal of Redundant Office Site at Weeley (Pages 95 - 100)**

To evaluate whether, given the extended negotiations, the Council should continue with negotiating an Option Agreement for the disposal of the redundant Council Office at Weeley. This is in line with Cabinet's decision on 17 December 2021 to dispose of the Weeley Office site, based on the Heads of Terms finalised by the then Leader, the then Portfolio Holder for Housing, the Corporate Director (Operations and Delivery), the Section 151 Officer, and the Monitoring Officer on 25 April 2023.

**11 Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.3 - Annual Capital and Treasury Strategy For 2025/26 (including Prudential and Treasury Indicators) (Pages 101 - 146)**

To agree the Annual Capital and Treasury Strategy for 2025/26 (including Prudential and Treasury Indicators) for submission to Council on 20 May 2025.

**12 Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.4 - Sunspot Workspace, Jaywick Sands - Post Project Review (Pages 147 - 174)**

To present the post project review of Sunspot, Jaywick Sands Workspace, community gardens, meeting rooms and event space on the former Sunspot Arcade site which opened in September 2023, including a requirement to allocate up to £100,000 to meet additional costs emerging from the final account processes / negotiations with the associated contractor.

**13 Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.5 - Homelessness in Tendring (Pages 175 - 194)**

Further to a request from Cabinet, this report sets out the current levels of and causes of homelessness. In particular, the number of households presenting as homeless, numbers placed in temporary accommodation and data on rough sleeping and how these pressures have continued to grow. It also sets out the various actions that are being put in place to address these pressures.

**14 Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.6 - Consideration and Adoption of a Revised Housing Under Occupation Transfer Incentive Policy and a New Housing Compensation Policy (Pages 195 - 224)**

To present to Cabinet the following Housing Policies for approval and adoption:

- Housing Under Occupation Transfer Incentive Policy; and
- Housing Compensation Policy.

**15 Management Team Items**

There are no Management Team items on this occasion.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Cabinet is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 9 May 2025.*

## **Information for Visitors**

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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON MONDAY, 17TH MARCH, 2025 AT 10.30 AM  
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-  
ON-SEA, CO15 1SE**

**PRESENT:**

**PORTFOLIO:**

Councillor M E Stephenson	Leader of the Council & Portfolio Holder for Corporate Finance and Governance (Chairman)
Councillor I J Henderson	Deputy Leader of the Council & Portfolio Holder for Economic Growth, Regeneration & Tourism
Councillor A P H Baker	Portfolio Holder for Housing & Planning
Councillor M Barry	Portfolio Holder for Leisure & Public Realm
Councillor P Kotz	Portfolio Holder for Assets
Councillor G G I Scott	Portfolio Holder for Arts, Culture & Heritage
Councillor A Smith	Portfolio Holder for the Environment

**Group Leaders Present by Standing Invitation:** Councillors J D Bray (Leader of the Reform UK Group) and J B Chapman BEM (Leader of the Independent Group)

**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Economy & Place) & Deputy Chief Executive (Lee Heley), Director (Finance & IT) & Section 151 Officer (Richard Barrett), Assistant Director (Housing & Environmental Health) (Tim Clarke), Head of Democratic Services & Elections (Keith Simmons), Committee Services Manager (Ian Ford), Committee Services Officer (Bethany Jones) and Communications Officer (James Dwan)

**137. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors G R Placey (the Portfolio Holder for Partnerships) and P B Honeywood (Leader of the Conservative Group).

**138. MINUTES OF THE LAST MEETING**

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

**RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 21 February 2025, be approved as a correct record and be signed by the Chairman.

**139. DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members on this occasion.

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

The Leader of the Council reminded those persons present that this meeting had been postponed from its original date of Friday 17 March 2025 due to the DCN Conference which he had attended along with the Deputy Leader of the Council and the Chief Executive. Attendees had had the opportunity to talk to the Minister of State for Local

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Government and English Devolution (Jim McMahon OBE MP) on LGR matters and to talk to Leaders of Councils who had already gone through previous iterations of LGR and Devolution.

**141. ANNOUNCEMENTS BY CABINET MEMBERS**

There were no such announcements on this occasion.

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

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

**143. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE STANDARDS COMMITTEE - A.1 - REVISED PLANNING PROBITY PROTOCOL**

Cabinet had before it a reference report (A.1) which enabled the Cabinet to consider the recommendations made by the Standards Committee in relation to a revised Planning Probity Protocol and sundry other related matters.

It was reported that the Standards Committee (“the Committee”), at its meeting held on 5 February 2025 (Minute 34 referred), had considered the Monitoring Officer’s report (A.1) that had presented the updated revised version of the Planning Probity Protocol, following consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons.

It had been reported that some themes emerging from that consultation were:-

- the concept of Bias needed to be stronger.
- stronger links to the Members’ Code of Conduct, declarations of interest and the impact of participation at meetings.
- importance of seeking advice earlier.
- a determination should be made as to which Planning Applications submitted by Officers of the Council in their personal capacity should be submitted to the Planning Committee for determination i.e. Senior Officers above a certain grade and all Officers employed within Planning Services and Legal Services.
- the importance of Member Training needed to be stressed within the Planning Probity Protocol.
- stronger details needed around Planning Committee Members attending public meetings with applicants, developers and objectors, and
- site visits section needed to be stronger relating to the exceptional circumstances.

The Committee had been made aware that the outcome of the consultation was set out in detail in Appendix B of the Monitoring Officer’s report. In addition, it had been considered necessary to include some text around the Protocol on Member and Officer Relations, as that had been omitted in the first review and was deemed relevant.

The Committee had decided, inter alia, to recommend to full Council that:-

- (1) *the revised Planning Probity Protocol (subject to tracked changes being accepted as well as the typing errors being amended) be adopted and incorporated into the Council’s Constitution;*

- (2) *the Planning Committee's Terms of Reference be amended to reflect that personal planning applications submitted by the proposed seniority level of Officers plus all Officers within Planning and Legal Services will be referred to the Planning Committee; and*
- (3) *training on the Planning Probity Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.*

Having duly considered the recommendations put forward by the Standards Committee:-

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

**RESOLVED** that Cabinet recommends to Full Council that:-

- (1) the revised Planning Probity Protocol be adopted and incorporated into the Council's Constitution;
- (2) the Planning Committee's Terms of Reference be amended to reflect that personal planning applications submitted by the proposed seniority level of Officers plus all Officers within Planning and Legal Services will be referred to the Planning Committee; and
- (3) training on the Planning Probity Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

**144. LEADER OF THE COUNCIL'S ITEMS - A.2 - DELIVERING AGAINST THE COUNCIL'S CORPORATE PLAN 2024-28 - FINAL PROPOSALS FOR HIGHLIGHT PRIORITIES FOR 2025/26**

Cabinet considered a detailed report of the Leader of the Council (A.2).

Members were aware that the Council's adopted Corporate Plan 2024-28 ('Our Vision') set out its strategic direction. That strategic direction itself sought to reflect the issues that mattered most to local people, the national requirements from Government and the challenges that faced the District over the time period of the Plan.

The themes of the 2024-28 Corporate Plan ('Our Vision') were:

- *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*

The Corporate Plan ('Our Vision') itself was set out at Appendix A to the Leader's report (A.2).

Cabinet was aware that it established each year its highlight priority actions to deliver against the Corporate Plan and thereby ensured that the ambition of that Plan was central to its work.

Members were reminded that the priority actions did not cover every separate element of the ambition of the four-year Corporate Plan; nor were they intended to indicate that other projects, schemes or activities were not being pursued. They were though intended to reflect imperatives across the Council and for the District and actions that it was right to focus on in 2025/26.

Members recalled that the initial proposals had been agreed by Cabinet on 20 December 2024 and had been the subject of a consultation exercise, a summary of which was included within the body of the Leader's report (A.2).

Cabinet was informed that the desire among respondents for local residents to be engaged in the big decisions facing the Council/District was clear. Likewise steps to improve the area through supporting the local economy to grow, providing opportunities for skills development and "place setting" with partner organisations had come through in that consultation.

Cabinet was aware that, since the initial priorities had been proposed by Cabinet, the Government had published its English Devolution White Paper and had requested expressions of interest for areas to be included within the Devolution Priority Programme. On Wednesday, 5 February 2025 the Deputy Prime Minister had announced that Greater Essex had been accepted onto the programme, which included developing proposals for Local Government Reorganisation. An Interim Plan was required to be submitted to Government by 21<sup>st</sup> March 2025 and Full Council had considered this at its meeting on 11<sup>th</sup> March 2025.

It was reported that the degree of the impact of both the devolution and local government reorganisation programmes were still unknown but, due to the tight deadlines being imposed and the level of preparation work at a senior level, it was clear that the Council's resources would be significantly affected for 2025/26. Therefore, in adopting any priorities Cabinet were mindful that those would be subject to change and reflection throughout the year. It was also right that devolution and local government reorganisation was recognised as a highlight priority for 2025/26 given the potential importance to delivery of services for residents that would be decided in the parallel processes of devolution and local government reorganisation.

Appendix B to the Leader's report (A.2) set out the final proposed highlight priority actions for 2025/26. The principal changes in those finalised proposals from the Initial highlight priorities approved by Cabinet for consultation purposes had been set out in the outcome of consultation and engagement section of that report.

The Chief Executive advised Cabinet that the highlight priorities for 2025/26, as formally adopted, would need to be kept under review and amended as necessary to take account of the Council's emerging workloads and capacity as a result of Devolution and Local Government Reorganisation affecting Greater Essex.

Being cognisant that adopting highlight priority actions allowed Council activity to remain focused against Our Vision and provided the framework for the annual performance monitoring system of the Council based on the milestones approved as part of the priority actions and that with Local Government Reorganisation pending it was important to ensure the Council could respond accordingly, and where possible sought to identify areas where closer working between authorities would serve to be an effective use of resources:-

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

**RESOLVED** that Cabinet -

- a) notes the outcome of the consultation on the initial highlight priorities adopted for that purpose at Cabinet's meeting on 20 December 2024;
- b) approves the final highlight priorities for 2025/26, as set out at Appendix B to the Leader of the Council's report (A.2); and
- c) expressly approves the inclusion of a new highlight priority, as set out in the aforementioned Appendix B, in relation to the critically important area of devolution and local government reorganisation in view of their consequential impact on delivery of services to residents of the District.

**145. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.3 - TIMETABLE OF MEETINGS: 2025/2026 MUNICIPAL YEAR**

Cabinet considered a report of the Corporate Finance and Governance Portfolio Holder (A.3) which enabled Cabinet, as required by the Constitution, to submit for formal approval to the Annual Meeting of the Council a timetable of meetings for the 2025/2026 Municipal Year.

In presenting this report the Corporate Finance and Governance Portfolio Holder drew Cabinet's attention to two matters. The first matter concerned the Planning Policy and Local Plan Committee and its meeting dates in 2025. The Council's Planning Policy Team Leader had consulted with the Chairman of the Planning Policy & Local Plan Committee (Councillor Guglielmi) to agree dates for meetings of that Committee during 2025 to progress the review of TDC's Local Plan. It was proposed that the Planning Policy & Local Plan Committee would meet, during 2025, on the following dates:-

Wednesday 28<sup>th</sup> May  
Monday 21<sup>st</sup> July  
Monday 8<sup>th</sup> September  
Monday 8<sup>th</sup> December

The Portfolio Holder therefore suggested that those dates should be accommodated within the Timetable of Meetings for 2025/26 that went forward to the Annual Meeting of the Council.

The second matter concerned the submission of the detailed Local Government Reorganisation (LGR) proposals to the Government. As had been reported to Members at Full Council on 11 March 2025 the deadline for the submission by Essex Councils of the final LGR proposals for Greater Essex was 26 September 2025. To meet that deadline, it was likely that extra meetings of Cabinet and/or Full Council, and possibly other bodies, outside of those in the scheduled timetable, would be required in order for this Council to make its decision regarding the final proposal on LGR prior to the deadline. It was too early to be able to fix any dates for such extra meetings, but the Portfolio Holder felt that Cabinet in making its decision on this matter should acknowledge that such extra meetings were likely to be needed later this year.

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Having considered the timetable of meetings proposed by the Corporate Finance & Governance Portfolio Holder, together with the other matters set out above and to enable the timetable of meetings to be submitted to the Annual Meeting of the Council for approval and adoption, in accordance with the Council's Constitution:-

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

**RESOLVED** that -

- (a) the timetable of meetings for the Council and its Committees, as set out in the Appendix to report A.3, but subject to the inclusion of dates for meetings of the Planning Policy & Local Plan Committee as set out hereunder, be agreed, in principle, and be submitted to the Annual Meeting of the Council for formal approval;

Wednesday 28th May 2025  
Monday 21st July 2025  
Monday 8th September 2025  
Monday 8th December 2025

- (b) the proposed dates for All Members' Briefings and Councillor Development Sessions be noted; and
- (c) Cabinet notes that special meetings of the Cabinet and/or Full Council and potentially other bodies will likely be required in order to ensure that Tendring District Council can make its formal decision on the submission of the final Local Government Reorganisation proposals for Greater Essex by the Government's deadline of 26 September 2025.

**146. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.4 - ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION**

Cabinet considered a detailed report of the Corporate Finance and Governance Portfolio Holder (A.4) which asked Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a review undertaken by the Portfolio Holder for Corporate Finance and Governance through a Working Party constituted for that purpose.

It was reported that the Review of the Constitution Portfolio Holder Working Party (CRWP) had met on 19 February 2025 and that the meeting had been attended by its Chairman, the Corporate Finance & Governance Portfolio Holder (Councillor M E Stephenson) as well as Councillors Guglielmi, Kotz, Talbot and Wiggins.

A summary of the proposed changes compared to the existing Parts of the Constitution had been provided under each heading in the background section of this report and in each case, the content had been revised to provide greater clarity, ensure effectiveness and efficient up to date working practices for both Members and Officers and also to ensure it was in accordance with legislation, where necessary.

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Cabinet was informed that additional matters which had arisen since the meeting of the CRWP, related to the following proposed amendments:-

- Two technical financial amendments suggested to the Financial Procedure Rules by the Section 151 Officer (one for the use of an associated reserve account for Section 106 monies, and a second relating to a further decision being required once an application for External Funding has been successful).
- Consistency and clarity on when the exemption to Call-in applied to Portfolio Holder decisions and Officers making Key Decisions (to ensure the wording was correct in two places).
- Minor clarification on Officers exercising their discretion on the Members' Referral Scheme under the Planning Committee's terms of reference (to make clear an Officer decision was required).
- Consistency on the principles applying to Officers exercising delegated powers for both Executive and Non-Executive functions (ensuring the same wording was used and emphasising the discharge of those functions by Officers was subject to criteria); and
- Proposed changes to the Executive Functions Scheme of Delegation covering the Traffic Regulation Order process.

Having considered the outcome of the annual review of the Constitution carried out by the Review of the Constitution Portfolio Holder Working Party and the Portfolio Holder's recommendations arising therefrom, together with the additional matters set out above and to enable those recommendations to be submitted to the Full Council for approval and adoption:-

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

**RESOLVED** that Cabinet –

1. **RECOMMENDS TO COUNCIL** that:
  - (a) the Council's Constitution be amended to reflect the proposed changes as set out in Appendices A to J attached hereto this report (A.4);
  - (b) the membership of the Audit Committee be increased to seven (from five) with effect from the Annual Meeting of the Council on 29 April 2025; and
  - (c) it supports the intention to introduce from April 2025 a new box within the standard template for Cabinet and Committee reports and that the new box will be headed "Devolution and Local Government Reorganisation Implications".
2. supports the intention to introduce from April 2025 a new box within the standard template for Cabinet and Committee reports and that the new box will be headed "Devolution and Local Government Reorganisation Implications".
3. supports the Leader of the Council's proposal to amend the Scheme of Delegation to Portfolio Holders, especially in relation to the process regarding Traffic Regulation Orders, as set out in Appendix K.

**147. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.5 - FINANCIAL PERFORMANCE REPORT 2024/25 - GENERAL UPDATE AT THE END OF DECEMBER 2024**

Cabinet considered a detailed report of the Corporate Finance and Governance Portfolio Holder (A.5) which provided a general update and overview of the Council's financial position against the 2024/25 budget as at the end of December 2024 and looking ahead to 2025/26 and beyond.

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

It was reported that the position to the end of December 2024, as set out in more detail within the appendices, showed that overall, the General Fund Revenue Account was overspent against the profiled budget by £0.294m (£0.724m at the end of September 2024). However, it was highlighted that this position continued to primarily reflect the timing of when the Government reimbursed the Council for the cost of meeting housing benefit claims and the parliamentary election expenses incurred earlier in the year.

Cabinet was made aware that in terms of proposed in-year adjustments to the budget, Appendix H set out a limited number of largely unavoidable cost pressures, along with reflecting some favourable issues emerging in the second half of the year to date.

It was proposed that the overall net impact of the proposed budget adjustments set out in Appendix H would be adjusted against the Corporate Investment Fund. In terms of the proposal to set aside money to support the delivery of the Council's savings and efficiency plans and wider corporate priorities as set out within Appendix H, a recommendation was included within the Portfolio Holder's report (A.5) to provide for a delegation to the Chief Executive, in consultation with the Portfolio Holder for Corporate Finance and Governance to utilise that funding.

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

Members were informed that a recommendation had been included within the report (A.5) to provide for a delegation to the Corporate Director (Place and Economy), in consultation with the relevant Portfolio Holders to adjust the 2025/26 budgets for sport and leisure facilities to respond to the favourable income position currently being experienced across the various centres. Further details were set out in Appendix B.

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

Members were aware that as highlighted in the report to Full Council on 11 February 2025, future year's estimated annual deficits remained significant against the context of the Council's overall net budget.

In terms of the later years of the forecast, it was highlighted that there were significant challenges arising from inflationary increases, which were expected to exceed the Council's ability to raise income from council tax and business rates over the long-term plan. Therefore, at some reasonable point in the future, the Council must be able to put itself in the position of balancing its annual budget, otherwise the position was not sustainable.

Set against this position, it was also acknowledged that there would be further impacts from the Government's proposals relating to changes to the Local Government Finance Settlement and 'reset' of the business rates retention model. In addition, Devolution and Local Government Reorganisation would also make financial planning even more challenging over the forecast period. Such issues would need to remain highlighted within the forecast risk assessment that accompanied the wider forecast and further updates would be provided during 2025/26 as necessary.

It was reported that notwithstanding the above, the Council's long-term plan and Forecast Risk Fund provided flexibility and support, against which the development of the Council's forecast could be considered, and it continued to provide the time and opportunity to respond to the structural annual budget deficits and changes highlighted above.

Cabinet was reminded that the challenges faced by the Housing Revenue Account also remained significant and included increased expectations and requirements that continued to emerge from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan would be developed over the coming months alongside a review of the announcements included within the Government's recent Autumn Budget Statement with the aim of responding to such challenges set against the wider context of continuing to provide a financially sustainable position in the long term.

Having considered the financial position for the Council and to respond to emerging issues in 2024/25 along with developing the budget and long-term forecast from 2025/26:-

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

**RESOLVED** that Cabinet –

- (a) notes the Council's in-year financial position at the end of December 2024 along with the latest financial forecast update;
- (b) approves the proposed adjustments to the 2024/25 budget as set out in Appendix H to the Portfolio Holder's report (A.5);
- (c) requests Officers to review any potential longer term / on-going impact of the items set out in Appendix H, as part of developing the forecast for further consideration by Cabinet later in the year;
- (d) in respect of the additional sum of £0.250m made available to support the delivery of savings / efficiency plans and wider corporate priorities that is set out in Appendix H, authorises the Chief Executive, in consultation with the Portfolio Holder for Corporate Finance and Governance to utilise this funding to support any associated work and activities;
- (e) notes the financial forecast update set out in this report (A.5) and requests Officers, in consultation with Portfolio Holders to further develop the forecast and associated savings and efficiency plans for presenting to Cabinet later in 2025/26;

- (f) in respect of the budget for 2025/26, authorises the Corporate Director (Place and Economy), in consultation with the Portfolio Holders for Leisure and Public Realm and Corporate Finance and Governance to adjust the sports and leisure facilities budgets as necessary to better reflect the current experienced income and expenditure positions, but with no net overall impact on the Council's wider budgeted position; and
- (g) invites the views of the Resources and Services Overview and Scrutiny Committee on the information set out in this report along with the Council's wider financial position as part of its work programme for the year.

**148. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.6 - ESSEX DEVOLUTION CONSULTATION RESPONSE**

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.6) which asked Cabinet to endorse the proposal that the consultation response to the Government's Greater Essex Devolution Consultation be undertaken by the Leader of the Council, in consultation with the Portfolio Holder for Economic Development, Regeneration and Tourism (Deputy Leader). The response on behalf of Tendring District Council could either be standalone or form part of an Essex-wide response to go forward as part of the open consultation which closed on 13 April 2025.

Members were aware that the Government had accepted Greater Essex onto the 'Devolution Priority Programme', but before taking a decision on whether to proceed to make the necessary legislation to enact devolution in Essex, the Government had launched a consultation seeking views from interested parties on a proposal to form a Mayoral Combined County Authority. The text of the consultation and its questions was included as Appendix A to the Portfolio Holder's report (A.6) and was open until 13 April 2025.

The consultation sought views from those who lived and worked across Greater Essex on the effect of establishing a Mayoral Combined County Authority in the area and included questions on the proposed geography and how the Mayoral Combined County Authority would make decisions.

It was reported that Combined County Authorities were organisations made up of a group of councils who came together over larger areas that people recognised and worked in. They allowed councils to work together in a structured way and to take decisions over a wider area footprint, with powers and responsibilities being held by that Combined County Authority. Combined County Authorities did not replace the councils within the area delivering services, those would continue to be provided by the relevant council.

Cabinet was informed that a Combined County Authority could be led by a directly elected Mayor. This was then known as a Mayoral Combined County Authority. The Government's consultation stated: "*it is supportive of places having Mayors because they have a mandate to take big decisions affecting more people, they have convening power to tackle shared problems, and they are accountable to the local electorate for the decisions they take. Mayors in other parts of the country have become vital local leaders, delivering on the promise of change in their area to drive growth, more joined-up delivery, and earning trust.*"

Members were cognisant that Essex had an 'upper-tier' Essex County Council and 'lower-tier' district, borough and city councils – with responsibility for local services split between the two tiers. In addition, there were the two unitary councils of Southend and Thurrock. The Levelling Up and Regeneration Act 2023 had introduced Combined County Authorities consisting of upper tier local councils only - so in Greater Essex: Essex County Council (ECC), Southend and Thurrock. As a district council, Tendring District Council could not be a full constituent member of the Combined County Authority but it could participate as a non-constituent member and serve on committees.

Cabinet was advised that Greater Essex Combined County Authority's constituent members (ECC, Southend, Thurrock Councils and the Mayor) would be able to appoint a maximum of seven non-constituent and associate members to support the delivery of their work programme.

Non-constituent members were representatives of an organisation; for example, a district council, local NHS trust, the Police and Crime Commissioner, or a local registered housing provider. Non-constituent members *could* be given voting rights, at the discretion of the Combined County Authority (see below).

Associate members were named individuals who could provide particular experience or expertise – for example, on active travel, or local businesses. Associate members could not have voting rights (see below).

The Combined County Authority's constituent members (the Mayor and seven constituent council members) would be the decision makers within the Combined County Authority. Constituent members would automatically have voting rights. Non-constituent members could be given voting rights at the discretion of the Combined County Authority; associate members could not be given voting rights. All members would have a single vote. The default voting arrangement for Combined County Authority decisions to be approved would be a simple majority in favour, including the Mayor (i.e. 5 out of 8).

Mayoral Combined County Authority summary, as proposed by the Government consultation, with Mayoral elections in May 2026:

Mayor  
ECC – 3 members  
Southend – 2 members  
Thurrock – 2 members

Eight members with one vote each. Majority for decisions, five votes. Seven additional members - either non-constituent (organisational) or associate (individual) - could be appointed to the authority. Non-constituent (organisational) members could be given voting rights at the discretion of the combined authority.

Cabinet was made aware that the Mayoral Combined County Authority would change should local government reorganisation take place. The new unitaries would replace Essex County, Southend and Thurrock Councils as constituent members, alongside the Mayor and legally, it would become a Combined Authority. This change did not affect the functions, powers or funding available to the area. The governance and decision-making arrangements within the Combined Authority would then be updated to reflect any changes needed.

Members were aware that local authorities in Greater Essex were discussing how best to progress Devolution and respond to the consultation. There was an ambition to submit one response from Greater Essex councils, which were supportive of devolution and positive about the benefits it could bring to transport and local infrastructure, skills and employment support, housing and strategic planning, economic development and regeneration, environment and climate change, health, wellbeing and public service reform, and public safety. The response would also support the establishment of a Mayor in Greater Essex. The consultation response would come to a view on the number of members from each Upper Tier authority on the Combined Authority and the voting rights of districts.

Recognising that it was important to focus on the residents of Tendring District as the District Council engaged with partners on Devolution and that whilst the Council was not a Decision maker on devolution, it should advocate to put local residents and businesses in the best place possible as the Strategic Authority was planned and further noting that the Leader and Deputy Leader exercising their responsibilities on behalf of Cabinet would allow for the District Council to sign off the response at the appropriate time either alone or alongside other local authority partners before the deadline on 13 April 2025:-

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

**RESOLVED** that Cabinet –

- (a) acknowledges work is continuing to ensure that the District of Tendring is in the best possible position should devolution go ahead; and
- (b) endorses the Leader of the Council approving the Council's response to the Essex Devolution Consultation, in consultation with the Portfolio Holder for Economic Development, Regeneration and Tourism.

**149. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.7 - COMMUNITY REGENERATION PARTNERSHIP - PROGRAMME UPDATE AND FURTHER WAVE OF PROJECTS**

Cabinet considered a detailed report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.7) which updated Cabinet on progress on the Community Regeneration Partnership programme and recommended that Cabinet agree the high-level strategic approach and scope of the remaining projects aimed at place-based regeneration in Clacton and Jaywick and make delegations for the responsibility for the approach to delivery, and oversight thereof.

It was reported that the programme included 15 projects, identified by civil servants through a 'Deep Dive' process in January 2024. This Portfolio Holder report (A.7) delivered on the commitment made to Cabinet in December 2024 to bring a future report to Cabinet setting out the scope and details of the second and third waves.

Members were informed that the 15 projects had been grouped into:-

- (1) four thematic clusters, relating to common geography and outcomes in the context of past vision and regeneration work by the Council; and
- (2) four 'waves', relating to the timelines attached to each project for scoping and delivery. The first and fourth waves had been approved by Cabinet in December 2024, which included delegation to enter an appropriate funding agreement with the identified delivery partners.

Cabinet was made aware that a formal Project Initiation Document (PID) was under development for all projects under the CRP2 programme, as the first step of establishing best practice project management protocols. The PIDs expanded on the information provided within this report (A.7) and would follow an approval process including Project Board and Programme Board at Officer level, including senior management, and by the relevant Portfolio Holder. Those PIDs would provide the basis for monthly Highlight Reports throughout the project trajectory through to delivery and close-out.

In order to capitalise on the Government's funding opportunity to address key socio-economic challenges in Clacton-on-Sea and Jaywick Sands, improve local infrastructure, enhance community services, and contribute to the long-term regeneration of the area and recognising that this was a once in a decade opportunity for Tendring to deploy investment on this scale, in addition to other Government funding, to be benefit of Clacton-on-Sea and Jaywick Sands:-

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

**RESOLVED** that Cabinet -

- (a) approves the scope and details of the 'second' and 'third' wave projects set out in Table 2 of this report (A.7) for implementation and that the following delegations are based upon the information as set out in Table 2;
- (b) authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism in consultation with:
  - (i) the Portfolio Holder for Portfolio Holder for Leisure & Public Realm, to approve the detailed brief and procurement strategy through to contract award for delivery for the Public Open Spaces in Jaywick project (Ten\_09);
  - (ii) the Portfolio Holder for Assets & Community Safety, to agree the procurement strategy through to contract award for delivery of the Martello Tower E project (Ten\_11);
  - (iii) the Portfolio Holder for Leisure & Public Realm, to proceed to agree the procurement strategy through to award of contract for the Active Wellbeing Centre Phase 1 project, incorporating urgent repairs (Ten\_12);
  - (iv) the Portfolio Holder for Arts, Culture & Heritage, to approve the detailed brief and procurement strategy through to award of contract for delivery of the Spatial Plan for Culture project (Ten\_14);
  - (v) the Portfolio Holder for Leisure & Public Realm, to approve the detailed brief and procurement strategy through to award of main building contract(s) for the

Active Wellbeing Centre Phase 1 project subject to the outcome of a formal procurement process;

- (vi) for the Sunspot Solar Panels project (Ten\_04) authority is delegated to the Portfolio Holder for Economic Growth, Regeneration and Tourism to agree the procurement strategy through to award of contract for completion of the project;
- (c) requests the procurement strategy for each of the projects to specify the relevant Social Value Themes, Outcomes and Measures in accordance with the Council's adopted policy;
- (d) accepts the £60,000 grant received from the Ministry for Housing, Communities and Local Government LUF Capacity and Capability fund and allocates the sum in full to the budget established for the Project Delivery Unit;
- (e) approves that the Regeneration Capital Delivery Board (RCDB) be formally established as the programme governance board with authority for the Community Regeneration Partnership and authorises the Portfolio Holder for Regeneration, Economic Growth and Tourism to approve the final terms of reference of the RCDB, to include:
  - that the RCDB shall coordinate and oversee the work of Project Boards formed for each Project;
  - that the RCDB shall oversee and approve terms of reference of the Project Boards;
  - that the RCDB shall report directly to the Portfolio Holder for Economic Growth, Regeneration and Tourism by way of a report by the Corporate Director (Place & Economy); and
- (f) approves that with the robust project management principles being established and delivered against, constitutional Portfolio Holder responsibilities and corporate oversight through the Regeneration Capital Delivery Board, each project can progress without reference back to Cabinet, unless the details of the individual scopes are proposed to be altered or timescales for delivery are at risk of being contrary to the MOU with MHCLG.

**150. MANAGEMENT TEAM ITEMS - REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.8 - PETITION: "SAVE CITIZENS ADVICE TENDRING"**

Cabinet considered a report of the Head of Democratic Services & Elections (A.8) which formally reported the receipt of a petition submitted requesting the Council to continue to fund Citizens Advice Tendring and the Mental Health Hub and invited Cabinet to determine its formal response to that petition, which would then be reported to Full Council at its meeting due to be held on 25 March 2025.

Cabinet was informed that a paper petition submitted by Danny Mayzes as lead petitioner, had been received on Friday 21 February 2025. Following a partial check carried out by Officers in Electoral Services, the petition contained at least 514 names and addresses that were legible and those persons were included on the electoral register.

The text of the paper petition stated:-

*“We the undersigned petition Tendring District Council to continue to fund Citizens Advice Tendring and the Mental Health Hub to ensure this vital advice service can continue to support the residents, families and small businesses of the Tendring District. The core grants of £144,000 and £28,000 per annum should be reinstated for 2025/2026 and beyond. Citizens Advice is a national treasure and a staple of UK life, and we want this protected locally for the people of Tendring at all costs.*”

*The Council has stated publicly that it would not be able to deliver the same level of advice for less cost, and that Council staff would not have the knowledge to deliver the advice required in-house. The Council praises Citizens Advice Tendring as value for money, and despite core funding not having increased in 10 years, the advice service by Citizens Advice Tendring is better than ever and must be retained.”*

In addition, the Lead Petitioner, Danny Mayzes, had submitted an E-Petition with the same text. That E-Petition had been e-signed by 349 individuals who had given an address within the District.

Members were reminded that this matter was an executive function (Partnerships Portfolio) and therefore the Cabinet was the appropriate body to consider this matter.

It was reported that Section 2 of the Council’s adopted Scheme for Dealing with Petitions stated, inter alia,:-

*“(b) A valid petition containing 501, or more signatures from Tendring residents or non-residents who can be clearly identified as either working or studying in Tendring, will be reported to Council to advise that the petition has been received. Once it has been investigated, a report will be prepared and presented with the petition at the next meeting of the Council for consideration. If it relates to a matter that is an Executive function under the law the petition will also be presented to the first practicable meeting of the Cabinet and any views, comments or recommendations made by Cabinet will be incorporated into the aforementioned report to Council.”*

Therefore, having discussed the petition it would be for Cabinet to decide what views, comments or recommendations it wished to be incorporated into the report to Full Council. That report would be submitted to the meeting of the Full Council on 25 March 2025.

The report (A.8) contained the written advice of the Corporate Director (Place & Economy) which was as follows:-

*“The petitioner highlights the importance of providing a vital advice service.*

*Cabinet decided on this matter on 31 January 2025 with the report of the Partnerships Portfolio Holder: Procurement of information and support service. The advice to Cabinet is drawn from that report, which sought approval from Cabinet to provide an information and advice service to local residents with revised requirements via an associated specification and procurement process, with the new arrangements commencing on 1 October 2025. [...] This approach ensures a joined-up approach across the various sectors within the area with the underlying aim of maximising the use of the Council’s resources.*

*Citizens Advice Tendring have been made aware of the proposed approach set out above and they may consider submitting their own 'bid' for the work the Council is seeking to procure and respond to the outcome of that process.*

*In summary, Cabinet has approved the provision of an information and advice service to local residents, which it will procure via a modular approach to determine who is best placed to deliver the services required and provide best value for the taxpayer. There is a process in place to determine the best provider of advice services for residents. As such, Cabinet should enact the recommendations made in the January 2025 report.*

*In relation to the Mental Health Hub, the funding for the Mental Health Hub run by Citizen's Advice Tendring remains in the Council's budget and continues."*

In addition, the report (A.8) set out the written comments and recommendations of the Portfolio Holder for Partnerships as follows:

*"I believe passionately in the importance of advice and information to enable residents to make the best decisions and navigate the systems that provide financial and other support. That is why the Council extended the funding to Citizens Advice Tendring for six months to ensure there is no gap in provision and why we want to go through a process to test the best value provision of advice in the District.*

*Having considered the petition and reviewed the assessment and advice set out in this report, I believe the right approach is to test which is the best organisation to provide advice in Tendring through the procurement process, as was set out in the January 2025 report to Cabinet."*

In accordance with the Petitions Scheme, Danny Mayzes, as Lead Petitioner attended the meeting and addressed the Cabinet, outlining the reasons for the submission of the petition and what action the petitioners wanted the Council to take.

To comply with the adopted scheme for dealing with petitions, as set out in the Council's Constitution:-

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

**RESOLVED** that Cabinet –

- (a) notes the allocation of £0.072m to Citizen's Advice Tendring to continue to contribute to the existing information and advice guidance service through direct funding for the interim period up to 30 September 2025 in accordance with a subsidy scheme; and
- (b) recommends to Council that having considered the petition and having reviewed the assessment and advice set out within the Head of Democratic Services & Elections' report (A.8), Cabinet believes the right approach is to test which is the best organisation to provide advice in Tendring through the procurement process, as was set out in the January 2025 report to Cabinet.

The Meeting was declared closed at 11.32 am

**Chairman**

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## CABINET

11 APRIL 2025

### REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND COMMUNITY SAFETY

#### **A.1 CONSIDERATION AND ADOPTION OF A CRIME AND DISORDER REDUCTION STRATEGY 2025 - 2028**

##### **PART 1 – KEY INFORMATION**

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

To present to Cabinet the Crime and Disorder Reduction Strategy 2025 - 2028 for approval for recommendation onto Full Council for adoption, as part of the Council's Policy Framework.

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

At its meeting of 21st October 2024 Cabinet received a report by the Monitoring Officer issued under Section 5A of the Local Government and Housing Act 1989 in respect of the position in relation to Council's historical omission regarding the formulation and implementation of a Crime and Disorder Strategy for the Council, as required under Sections 5 and 6 of the Crime and Disorder Act.

Following on from that report a strategy is now presented to Cabinet as part of the process to resolve the historical omission to have in place a Crime and Disorder Reduction Strategy for recommendation onto Full Council for adoption.

This report presents the Crime and Disorder Reduction Strategy 2025 – 2028 for approval. The strategy set out the overarching framework for the Council and its partners in the Community Safety Partnership (CSP) to reduce crime and disorder by formalising the work that will be undertaken with the CSP and the Council's Community Safety Team over the next three years.

It sets out our priorities for reducing crime and disorder and Anti-Social Behaviour (ASB), whilst protecting vulnerable people across Tendring over the next three years.

Through working together, the CSP has achieved many successes in reducing crime and disorder and ASB, protecting those who are vulnerable and making Tendring safe and secure for residents, businesses and visitors.

As a community leader the Council is proud of these achievements that have been possible only through partnership working. In order to build upon previous work and to understand the challenges that continue to arise we will continue work with partners to ensure a safer Tendring for our residents.

The strategy is based upon a wide range of data and information, from public consultation to crime and disorder information that are brought together in our annual Strategic Assessment. Through the assessment we have identified four key themes within the strategy, as set out below, that feed into the CSP priorities. We recognise the challenges facing our children, young adults and families that have evolved and continue to do so. For example, criminal gangs are targeting children to move drugs in and out of towns and other areas, including in Tendring. This is a national issue, but we need to be aware of criminal gangs, and to be able to spot the signs that our children may be being targeted.

1. Tackling violence against women and girls is at the forefront of the CSP's agenda and reflects the Government's priority in tackling this issue, following the tragic deaths of Sarah Everard, Balvinder Gahir, Bibaa Henry, Nicole Smallman and Julia James, and an increase in reports of domestic abuse.
2. Our ambition is to increase support for victims and survivors, increase the number of perpetrators brought to justice and reduce the prevalence of violence against women and girls.
3. We will work in partnership across the CSP & Health and Wellbeing Board and with our partners and communities to achieve progress on our priorities during the lifetime of this strategy and seek to bring about real change for residents and visitors to Tendring.
4. The CSP brings the opportunity for organisations and groups to come together to improve crime and disorder and ASB in Tendring and create an environment where people and communities can flourish, the CSP remains committed to making Tendring safe.

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

**That Cabinet:**

- (a) **notes the success of the Community Safety Partnership to date and the outcome of consultation and engagement with the Partnership and its constituent members in respect of the proposed Crime and Disorder Reduction Strategy 2025-28;**
- (b) **notes the individual recommendations from the Community Leaderships Overview and Scrutiny Committee meeting held on 28<sup>th</sup> January 2025, and considers whether to endorse the Portfolio Holder's proposed responses to those five recommendations;**
- (c) **notes the findings of the assessment to inform the Crime and Safety Partnership's four priorities for the District of Tendring and agrees that these priorities, as set out below, should form the Council's strategic priorities;**
  1. **Tackling ASB and the root causes of ASB**
  2. **High Harm Violence (with a focus on Violence Against Women and Girls (VAWG) and Domestic Abuse)**
  3. **Drug and knife enabled Serious Violence (Gangs and County Lines)**
  4. **Emerging threats and Trends (i.e. Shoplifting, Vehicle Crime, Arson & Criminal Damage)**
- (d) **approves the Crime and Disorder Reduction Strategy 2025 – 2028, as set out in Appendix A, in accordance with Section 6 of the Crime and Disorder Act 1998, for recommendation onto Full Council for adoption as part of the Council's Policy Framework.**

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

The recommendations are to ensure that the strategy is appropriately adopted, in accordance with the Council's Constitution and to evidence compliance with The Crime and Disorder Act 1998, as amended by section 97 and 98 of the Police Reform Act

2002, that places a requirement on Community Safety Partnerships (CSP) to develop a Crime and Disorder Reduction Strategy.

#### **ALTERNATIVE OPTIONS CONSIDERED**

The strategy is designed to assist the Council in meeting the statutory duty in the Crime and Disorder Act 1998. The only alternative option considered was to not produce the Strategy which would mean that the statutory requirements would not be met.

Failure to adopt the strategy makes the day-to-day operation of the partnership more difficult with the potential for inconsistencies in approach and increases the likelihood of complaints across all partners in the partnership.

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

#### **DELIVERING PRIORITIES**

This strategy contributes to a number of Corporate Plan 2024-28 themes:

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

#### **OUTCOME OF CONSULTATION AND ENGAGEMENT**

Consultation and engagement has been undertaken with members of the Community Safety & Health and Wellbeing Board (where the Strategic Assessment and Strategy was ratified on 9<sup>th</sup> January 2025). Members of the CSP will monitor the outcomes in the strategy.

The Strategy was considered by the Community Leadership Overview and Scrutiny Committee (CLOSC) on 28<sup>th</sup> January 2025 and the minute recommendations) of the meeting is included below:

- (a) the Crime and Disorder Strategy presented to the Committee be supported and Cabinet advised of this support for delivery by the appropriate partners including Essex Police;
- (b) the Committee -
  - (i) commends the Strategy authors for ensuring that the language and format and use of graphics to create what is an accessible document for most readers;
  - (ii) urges the Cabinet to ensure that all reasonable and appropriate steps are taken to care for the health, safety and wellbeing of all staff involved in enforcement activities and community safety;
  - (iii) recognises the increasing levels of violence against the person, shoplifting, possession of weapons, personal robbery, hate crime and domestic abuse and the need for robust action to address these growing crime problems in the District;
  - (iv) urges the Community Safety Partnership to adopt, as a priority, the need to educate and encourage confidence in the reporting of crime by the public and business managers to reduce significantly the current levels of under reporting by victims; and

- (v) expresses its concern for delivery of the priorities on the basis of the plans announced on the day of the meeting for all 99 PCSOs in Essex to be made redundant.

The Portfolio Holder for Assets & Community Safety's formal response to the Comments/Recommendations put forward by the Community Leadership Overview and Scrutiny Committee held on 28 January 2025 is as follows:-

*“The Portfolio Holder for Assets and Community Safety agrees the recommendations and comments of the Community Leadership Overview and Scrutiny Committee in relation to (a) and (b) (i – iv). In relation to (b) (v) I note that the Police, Fire and Crime Commissioner has revised the budget and that the PCSO’s are set to continue in their roles, subject to the Home Office approving the Neighbourhood Policing Guarantee Funding.”*

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

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>Yes</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<b>X Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b>	<b>31<sup>st</sup> October 2024</b>

Community Safety Partnerships are statutory bodies which exist in all local authorities. They were established by the Crime and Disorder Act 1998 with the aim of creating *“An alliance of organisations which generates strategies and policies, implement actions and interventions concerning crime and disorder within their partnership area”*.

Whilst their responsibilities have developed over time, they remain statutorily responsible for identifying local community safety priorities through the production of an annual strategic assessment which as a minimum must cover:

- Crime and disorder by local area (including anti-social behaviour and other behaviour adversely affecting the local environment) and,
- The misuse of drugs, alcohol and other substances.

There are also statutory requirements for CSPs regarding sharing information and engaging and consulting with the community about their priorities, and monitoring progress in achieving them. Each CSP is required to develop a plan setting out how Crime and ASB will be tackled in their area.

There are five responsible authorities that make up a CSP:

the local authority

police

fire and rescue service

probation service

health service.

**Section 6 Crime and Disorder Act 1998 - formulation and implementation of strategies:**

(1) The responsible authorities for a local government area shall, in accordance with [section 5](#) [with subsection (1A)] and with regulations made under subsection (2), formulate and implement—

- (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
- (c) a strategy for the reduction of re-offending in the area; and
- (d) a strategy for—
  - (i) preventing people from becoming involved in serious violence in the area, and
  - (ii) reducing instances of serious violence in the area.

Regulation 3.— Functions in respect of the formulation and implementation of a strategy (1) For each area there shall be a strategy group whose functions shall be to (a) prepare strategic assessments; and (b) prepare and implement a partnership plan, for that area on behalf of the responsible authorities.

The Council has to adopt the Strategy within its Policy Framework.

<b>X</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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Pursuant to Section 6 of the Crime and Disorder Act 1998, we have a statutory duty to approve and adopt a Crime and Disorder Strategy. Section 6(2) of the 1998 Act, refers to the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 which set out the requirements for the Formulation and Implementation of the Strategy, and uses the terminology Partnership Plan (Regulation 3).

Approval of the Strategy/Partnership Plan is a function which must go to Full Council for approval, and whilst this is set out in our Constitution, as part of the Policy Framework, this is because it's a statutory requirement under Regulation 4(1) and Schedule 3 (Functions not to be the Sole Responsibility of an Authorities Executive) under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

There are no financial implications associated with the adoption of this strategy as the strategy formalises existing arrangements which are currently fully funded via the Police Fire and Crime Commissioner Annual Grant.

<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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I do not have any comments to make over and above those already set out in the report.

#### **USE OF RESOURCES AND VALUE FOR MONEY**

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council has an adopted Financial Strategy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,	The Council has a constitutional structure and framework for 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 Council has an adopted Financial Strategy.

#### **MILESTONES AND DELIVERY**

The Crime and Disorder Reduction Strategy 2025 – 2028 sets out the vision of the Council and how it aims to work together, with partners, to deliver community safety outcomes for the residents of the district and to achieve compliance with the Crime and Disorder Act 1998.

This strategy supports the work of the Tendring Community Safety Partnership in understanding the patterns and trends relating to crime and disorder, anti-social behaviour and community safety issues in the District, enabling it to respond to its strategic priorities, ensuring focus and the appropriate allocation of resources to tackle the crime and anti-social behaviour having the most impact on our residents, visitors and businesses.

Collaborating with our partners is crucial in delivering our aims and this strategy sets out the range of responsibilities and governance by which we will ensure effective delivery.

#### **ASSOCIATED RISKS AND MITIGATION**

A failure to adopt this strategy would mean that the statutory requirements in the Crime and Disorder Act 1998 are not met.

Failure to adopt the strategy will also make the day-to-day operation of the partnership more difficult with the potential for inconsistencies in approach and increases the likelihood of complaints across all partners in the partnership.

The main mitigation to the risks highlighted above is to adopt the strategy.

#### **EQUALITY IMPLICATIONS**

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

An Equality Impact Assessment has been carried out in connection with this strategy.

#### **SOCIAL VALUE CONSIDERATIONS**

Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower

<p>communities. The strategy will benefit our communities in relation to building confidence that the Partnership are dealing with issues that matter to them and reduce the fear of crime in the community.</p>	
<p><b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b></p>	
<p>The implementation of these policies does not present a direct impact on the Council's target for net zero greenhouse gas emissions from its business operations by 2030. The Council will be mindful of energy efficiency measures, wherever relevant, in the implementation of its policies and strategies.</p>	
<p><b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b></p>	
<p><b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b></p>	
<p><b>Crime and Disorder</b></p>	<p>An effective strategy and partnership plan can contribute to a better quality of life for our communities and can act as a deterrent to anti-social behaviour.</p>
<p><b>Health Inequalities</b></p>	<p>People living in poverty are more likely to experience domestic abuse and domestic abuse may lead to poverty with this reducing the ability to escape a situation of abuse. Poverty also increases the likelihood of various mental health conditions. An effective Crime and Disorder Reduction Strategy aims to improve both the safety and wellbeing of our residents, through the Tendring Community Safety Health and Wellbeing Board.</p>
<p><b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b></p>	<p>The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of this strategy.</p>
<p><b>Area or Ward affected</b></p>	<p>All</p>
<p><b>PART 3 – SUPPORTING INFORMATION</b></p>	
<p><b>BACKGROUND</b></p>	
<p>Every Community Safety Partnership (CSP) is required by the Crime &amp; Disorder Act 1998 (<a href="#">Statutory Instrument 1830</a>) to prepare a three year Strategy and an annual Strategic Assessment, in order to assist the group in revising its partnership plan.</p> <p>The strategic assessment should include:</p> <ul style="list-style-type: none"> <li>• Analysis of the levels and patterns of crime and disorder and substance misuse in the Tendring.</li> <li>• Analysis of the changes in those levels and patterns since the previous Strategic Assessment.</li> <li>• Analysis of why those changes have occurred.</li> <li>• The matters which the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in the Tendring.</li> </ul>	

- The matters which the persons living and working in the Tendring consider the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in the Tendring.
- An assessment of the extent to which the Partnership Plan for the previous year has been implemented.
- Details of those matters that the strategy group considers should be brought to the attention of the county strategy group to assist it in exercising its functions under these Regulations.

In order to inform the Strategic Intelligence Assessment and Partnership Plan, the Strategy Group is expected to obtain the views of those who live or work in the Tendring District about:

- The levels and patterns of crime and disorder and substance misuse in the Tendring District.
- the matters which the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in Tendring.

The views of residents are taken from community consultation and engagement events throughout the year and from the Community Safety survey 2024.

The Crime and Disorder Act 1998, as amended by section 97 and 98 of the Police Reform Act 2002, places a requirement on Community Safety Partnerships (CSP) to develop a Crime and Disorder Reduction Strategy. This document sets out how crime, anti-social behaviour and the fear of crime will be reduced and resolved.

In collaboration with all partners, Tendring Council has produced a comprehensive strategic assessment for 2024 - 2025. The purpose of the assessment is to understand the trends, patterns and drivers relating to crime and anti-social behaviour so that the partnership can set clear priorities, develop intelligence-led activity and deploy resources effectively. The strategy has been informed primarily by this strategic assessment. That has identified the five key elements of the strategy.

#### **CURRENT POSTION**

The proposed strategy and assessment are attached.

The Crime and Disorder Reduction Strategy 2025 – 2028 sets out the vision of the Council and how it aims to work together, with the Community Safety Partnership, to deliver community safety outcomes for the residents of the District and to achieve compliance with the Crime and Disorder Act 1998.

This strategy supports the work of the partnership in understanding the patterns and trends relating to crime and disorder, anti-social behaviour and community safety issues in the District, enabling it to respond to its strategic priorities, ensuring focus and the appropriate allocation of resources to tackle the crime and anti-social behaviour having the most impact on our residents, visitors and businesses.

Whilst the Council has a key community leadership role, collaborating with our partners is crucial in delivering our aims and this strategy sets out the range of responsibilities and governance by which we will ensure effective delivery.

Whilst this strategy outlines the priorities for the coming three years and it's not envisaged for these to vary significantly during this time, as mentioned earlier in the report, the partnership will undertake an annual strategic assessment, looking at data, patterns and trends to provide assurance that the strategy remains focused on the key issues and remains fit for purpose.

It is an ambitious strategy that confronts difficult issues that cannot be resolved by any single agency, including serious violence and knife crime, drugs and gangs, domestic abuse, the criminal exploitation of young children, young people and vulnerable adults, modern slavery and hate crime and the impact of these on our local communities, town centres and businesses.

The strategy highlights the partnerships ambitions for the 3 years, it uses reported crime and ASB data, residents survey data, and other data from the strategic assessment to ascertain what the priorities should be in the forthcoming year. The strategy also outlines how the partnership will tackle / deliver against its priorities and target resources effectively to address the issues (priorities).

The findings of the strategic assessment have informed the decision to select the CSP Priorities for Tending which will be:

5. Tackling ASB and the root causes of ASB
6. High Harm Violence (with a focus on Violence Against Women and Girls (VAWG) and Domestic Abuse)
7. Drug and knife enabled Serious Violence (Gangs and County Lines)
8. Emerging threats and Trends (i.e.: Shoplifting, Vehicle Crime, Arson & Criminal Damage)

<b>APPENDICES</b>	
<b>Appendix 1 – Crime and Disorder Reduction Strategy 2025 - 2028</b>	
<b>Appendix 2 – Assessment</b>	
<b>REPORT CONTACT OFFICER(S)</b>	
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# Crime and Disorder Reduction Strategy 2025 - 2028



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# Foreword

Tendring District Council in collaboration with the Community Safety Partnership (CSP) is pleased to present our Crime and Disorder Reduction Strategy for 2025 – 2028. It sets out our priorities for reducing crime and disorder and Anti-Social Behaviour (ASB), whilst protecting vulnerable people across Tendring over the coming three years.

Through working together, the CSP has achieved many successes in reducing crime, disorder and ASB, protecting those who are vulnerable and making Tendring safe and secure for residents, businesses and visitors. We are proud of these achievements but know that more needs to be done to make Tendring safer.

As a CSP, we recognise that the challenges facing our children, young adults and families have evolved and continue to do so. For example, criminal gangs are targeting children to move drugs in and out of towns and other areas, including in Tendring. This is a national issue, but we need to be aware of criminal gangs, and to be able to spot the signs that our children may be being targeted.

Tackling violence against women and girls is a top priority for the Central Government. This follows the tragic deaths of Sarah Everard, Balvinder Gahir, Bibaa Henry, Nicole Smallman and Julia James, and an increase in reports of domestic abuse. Tackling violence against women and girls is also forefront of the CSP's agenda. Our ambition is to increase support for victims and survivors, increase the number of perpetrators brought to justice and reduce the prevalence of violence against women and girls.

We will work in partnership across the CSP & Health and Wellbeing Board and with our partners and communities to achieve progress on our priorities during the lifetime of this strategy and seek to bring about real change for residents and visitors to Tendring. The Council and the CSP bring the opportunity for organisations and groups to come together to tackle crime and disorder and ASB in Tendring and create an environment where people and communities can flourish, the CSP remains committed to making Tendring safe.



***Councillor Peter Kotz***  
***Cabinet Member for Assets and Community Safety at Tendring District Council.***  
***Chair of Tendring Community Safety and Health and Wellbeing Board.***



# Introduction

The Crime and Disorder Reduction Strategy 2025 – 2028 sets out the vision of Tendring District Council and the Community Safety Partnership and how it aims to work with others, to deliver community safety outcomes for the residents of the District.

This strategy supports the work of the partnership in understanding the patterns and trends relating to crime and disorder, anti-social behaviour and community safety issues in the District, enabling it to respond to its strategic priorities, ensuring focus and the appropriate allocation of resources to tackle the crime and anti-social behaviour having the most impact on our residents, visitors and businesses.

Collaborating with our partners is crucial in delivering our aims and this strategy sets out the range of responsibilities and governance by which we will ensure effective delivery.

Whilst this strategy outlines the priorities for the coming three years and it is not envisaged for these to vary significantly during this time, the partnership will undertake an annual strategic assessment, looking at data, patterns and trends to provide assurance that the strategy remains focused on the key issues and fit for purpose.

It is an ambitious strategy that confronts difficult issues that cannot be resolved by any single agency, including serious violence and knife crime, drugs and gangs, domestic abuse, the criminal exploitation of young children, young people and vulnerable adults, modern slavery and hate crime and the impact of these on our local communities, town centres and businesses.



# The Tendring District

Tendring forms part of the North Local Policing Area (LPA). This area also includes Maldon, Braintree, Uttlesford, Colchester and Chelmsford.

The Tendring District has many geographic, demographic and economic characteristics that make it distinctive from other areas.

Tendring enjoys over 36 miles of coastline, award-winning sandy beaches, numerous coastal towns providing everything from the traditional pleasures of the seaside to maritime heritage, a variety of beautiful and picturesque villages and one of the busiest harbours in Europe. Our coastal geography is our greatest asset but also presents us with difficult and expensive management issues.

A large majority of people living in Tendring consider it a good place to live, which is reflected in the number of individuals who have decided to retire to the area. A very high proportion of our residents are over the age of 65. Overall population is growing rapidly and is predicted to grow from 146,000 in 2009 to 170,000 by 2026.

The Tendring District has the highest percentage of residents aged 65 and over in Essex (29.5%), 9% higher than the Essex average (20.5%). The proportion of Children and Young People aged 0-15 (16.5%) and 16-64 years olds (53.9%) are lower than the Essex average (18.9%, and 60.6%). This is also the lowest percentage of 16 to 64-year olds (working age) in the county.

The population count at the 2021 Census was 148,300.

The largest town in the Tendring district is Clacton-on-Sea, with a population of over 53,000.





# Purpose And Aims

This Crime and Disorder Reduction Strategy is the strategy of Tendring District Council and the Tendring Community Safety Partnership, it sets out our ambitions for the partnership and the district and our strategic priorities. It details the outcomes we wish to achieve, the approach we will take to deliver them and resources. It outlines the range of responsibilities and priorities and is an important tool to help focus our effort and resources on the right things.

# Structure And Governance

The structure and governance arrangements are designed to offer a strong approach to partnership working, providing opportunities for agencies to work together to focus on established strategic priorities, outcomes and deliverables:



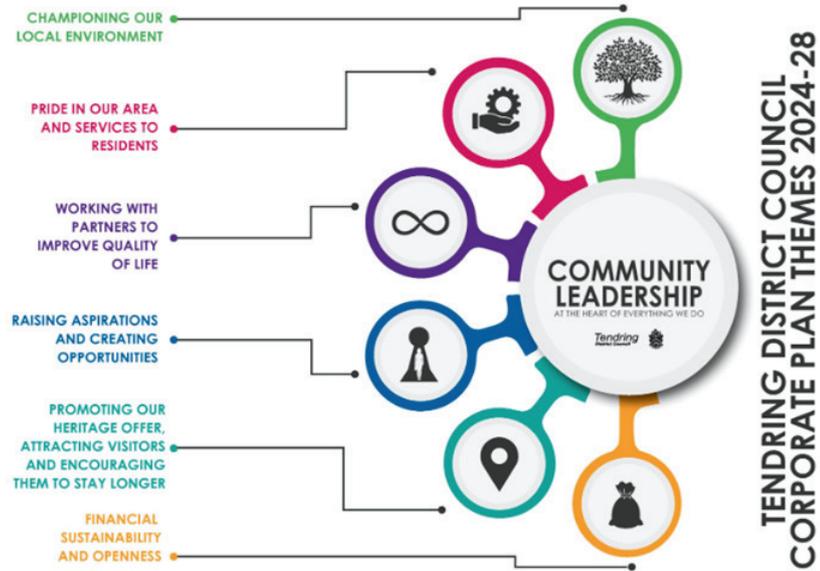
# Community Safety Partnership Ambitions

**People** – We want Tendring to be a place where people feel safe, where local communities are aware of abuse, harm and exploitation and are confident to raise their concerns with local agencies, preventing themselves and others becoming victims of crime.

**Place** – We want Tendring to offer a high quality of life for all residents through attractive, liveable, accessible and safe neighbourhoods and towns and will work together to protect geographical locations where crime and anti-social behaviour occurs, using all available tools and powers to create community reassurance and reduce the fear of crime. This strategy aligns the key themes and ambitions of the District’s ‘Our Vision’ Corporate Plan 2024 – 2028 and those of the Essex Police Fire and Crime Commissioner.



“Listening to and delivering for our residents and businesses”



The strategy also aligns to the Changing Futures Strategy (Essex County Council Strategy), which focuses on supporting adults in contact with the criminal justice system, as well as homelessness, mental ill-health and substance misuse issues.

We will focus our efforts and resources on four strategic priorities for community safety. These priorities are based upon the annual strategic assessment of crime and disorder issues across the District and reflect outcomes from public consultation and legislative requirements and the alignment of the strategy with other agencies priorities.

The CSP’s priorities are as follows:

- Tackling ASB and the root causes of ASB
- High Harm Violence (with a focus on Violence Against Women and Girls and Domestic Abuse)
- Drug and knife enabled Serious Violence (Gangs and County Lines)
- Emerging threats and Trends such as Shoplifting, Vehicle Crime, Arson & Criminal Damage

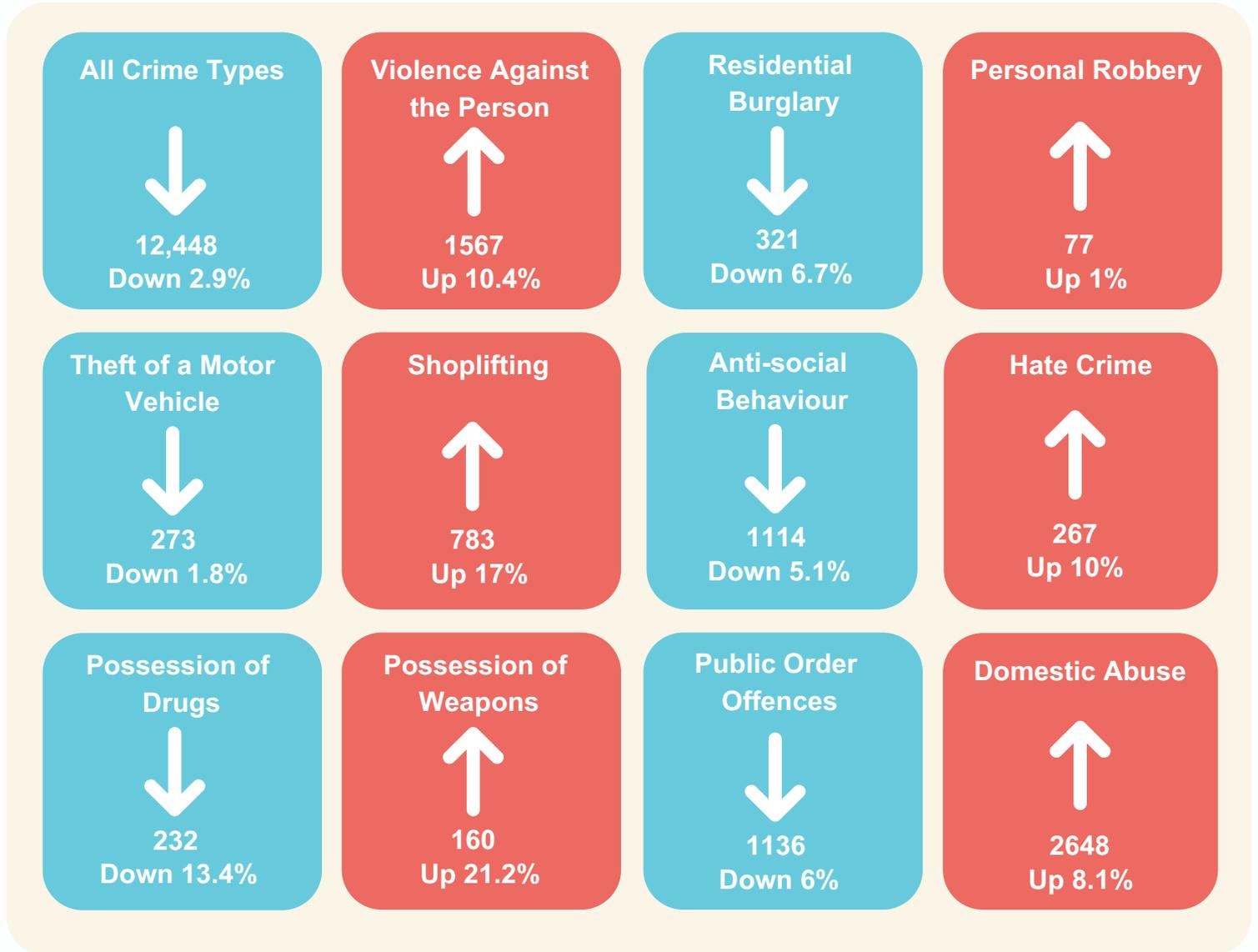
The partnership considers that focusing its efforts on these priorities will be the most effective use of resources.



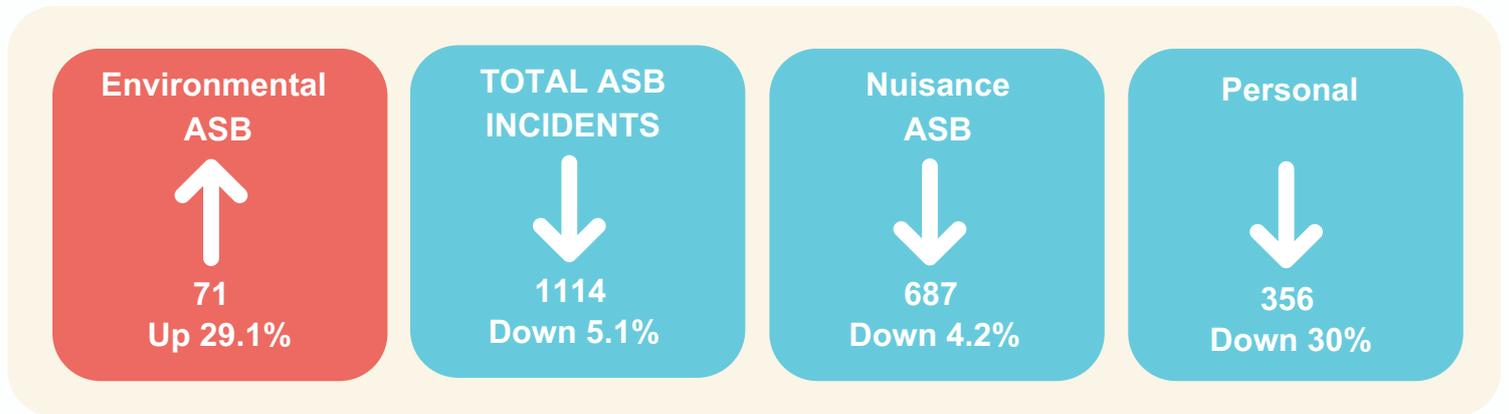
# Reported Crime

Essex Police Reported Crime Data

Tendring District Between October 2023 – September 2024



# Reported ASB



# What Did Our Residents Say

In 2024 residents in the Tendring District said that:



**87%**

Feel safe in their local area during the day



**55%**

Feel safe in their local area after dark



**56%**

Feel that we are dealing with crime and antisocial behaviour in the district

## CSP Priorities 2025

Tackling ASB and the root causes of ASB

High Harm Violence (with a focus on VAWG and Domestic Abuse)

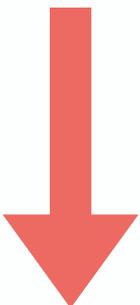
Drug and knife enabled Serious Violence (Gangs and County Lines)

Emerging threats and Trends (ie: Shoplifting, Vehicle Crime, Arson & Criminal Damage)

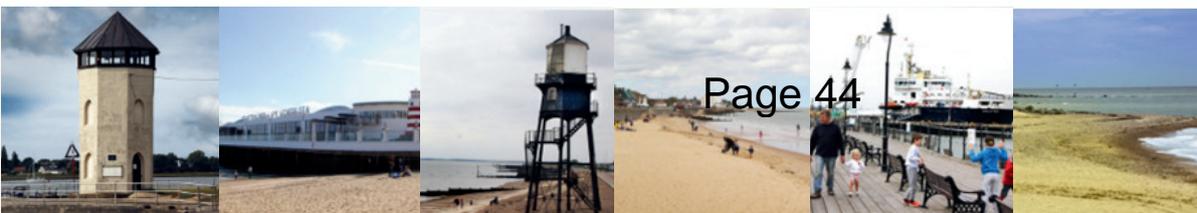
## What Success looks like



- Increase in perpetrators of drug related crimes being brought to justice
- Increase of people in drug and alcohol treatment services
- Increase in delivery of violence prevention programmes in schools
- Increase confidence in reporting

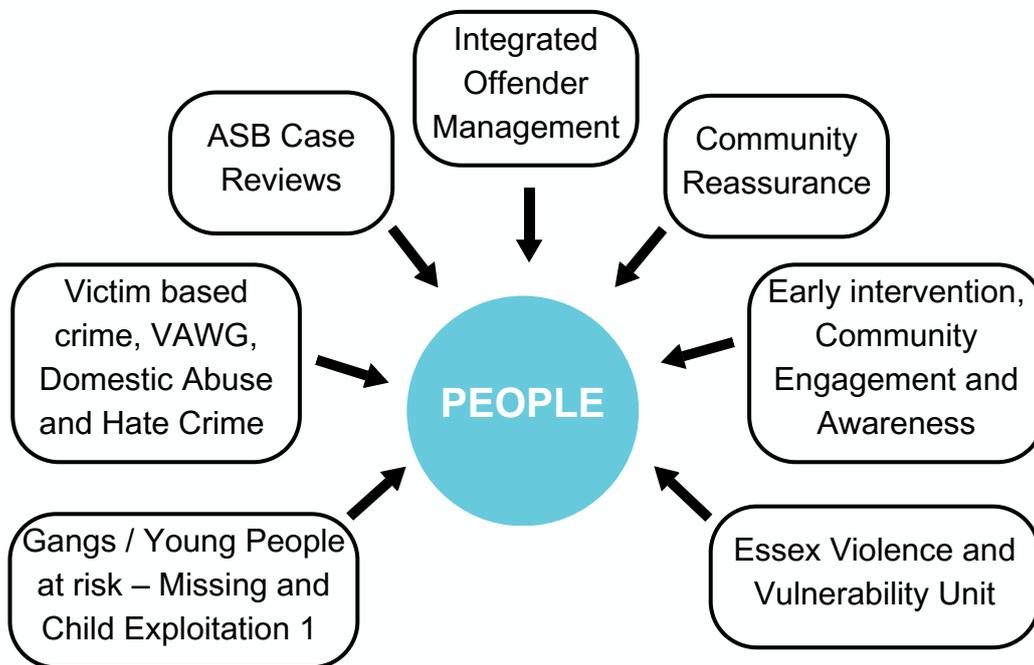


- Reduction in ASB
- Reduction in knife crime
- Reduction in violence with injury
- Reduction in repeat domestic abuse incidents (victim and perpetrator measures)
- Reduction in hate crime incidents
- Reductions in the proportion of people reporting they feel unsafe at night, in particular young people.

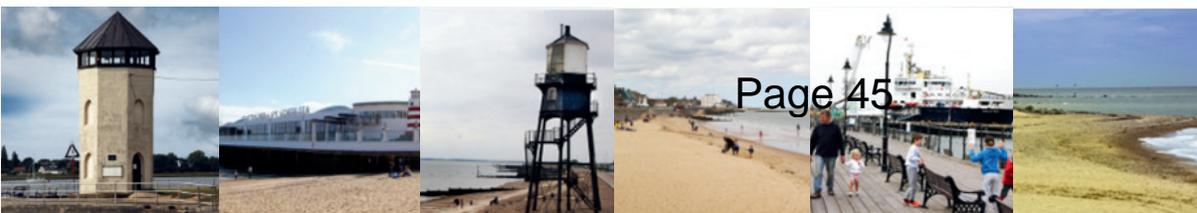
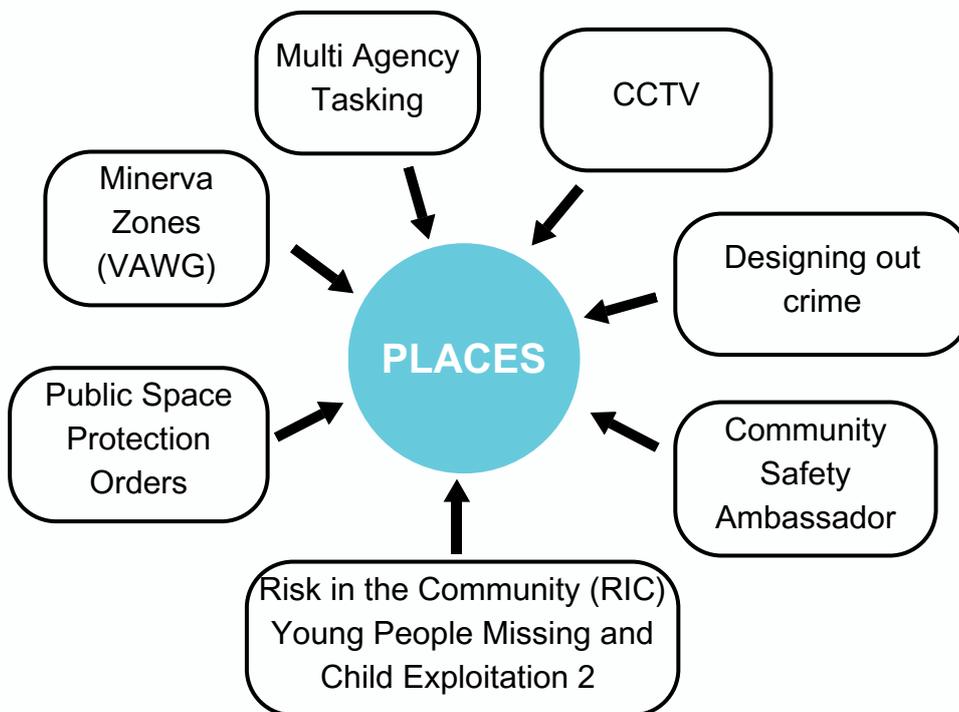


# Delivery

The partnership will adopt range of approaches to focus efforts on protecting people and safeguarding them from abuse, exploitation and harm, particularly young people who are at risk of becoming involved in gangs and drug related crime and those who are victims of domestic abuse, hate crime and VAWG.



The partnership will work together to improve know hotspots locations and will provide partners to share information on areas of concern in respect of known and perceived risk in the community.





# Priority One

## Tackling ASB and the root causes of ASB (Including Hate Crime)

This priority will tackle anti-social issues across the district as well as targeting resources on those areas that are highlighted as hot-spots through the levels of ASB reported, or through noted increases. Our aim will be to reduce ASB, investigate the root cause of the behaviour and improve the confidence of residents and provide reassurance. This priority will also tackle Hate Crime across the District, our aim is to improve resident's knowledge of what a hate crime is, Improve access to reporting centres/ambassadors, provide confidence and reassurance to victims and communities.

### What we will tackle:

We will take a joint problem solving approach in respect of those crimes that affect our residents and businesses the most including:



**Anti-Social Behaviour** - Managing the volume, problematic areas across the district. Utilising established operational models where appropriate (Op Dial, Op GRIP), investigating the root causes of anti-social behaviour.



**Clacton on Sea Public Space Protection Order (PSPO)** - Enforcing the PSPO in relation to prohibited activities.



**Shoplifting** - Working with Shopsafe and Essex Police Business Crime Team to provide a system to connect retailers and licensed premises with security, local police and CCTV control. Using the latest Smart Radio and a secure information sharing app 'alert!' we enable businesses to share incidents instantly as a group to promote safer spaces for customers and staff alike.



**Hate Crime** - To protect residents and visitors from hate crime, ensuring victims and communities are aware of what hate crime is, and where and how it can be reported.

### How we will do it:

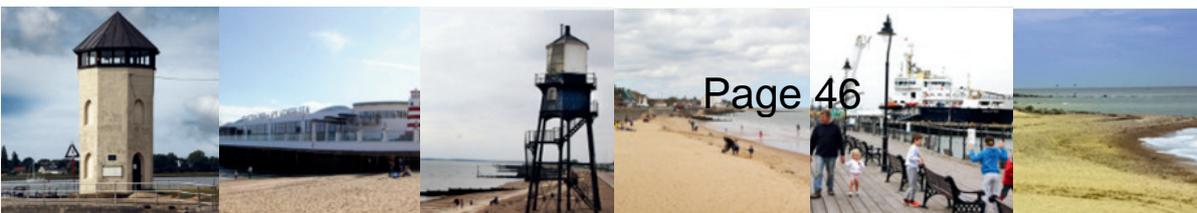


**Work in Partnership** - Partners will work collaboratively to identify, assess and tackle high volume / high harm issues through a co-ordinated approach utilising crime prevention activities towards the people and places that experience high volume ASB or contribute most to the problem. Approaches and referrals can be coordinated through Fortnightly Tasking and / or Problem Solving Group.

Victims will have clear ways to report and be kept informed of their case, have access to support and be given the opportunity to choose restorative approaches to tackling ASB.



**ASB Case Reviews (Community Trigger)** - All partners will be encouraged to empower victims of ASB by informing them about their entitlement to start a ASB Case Review and provide a cohesive response.





**Intelligence Led Action** - Through use of data analytical tools and partnership groups (such as Tasking or Problem Solving) to track and respond to local ASB trends in real time and provide local input to develop appropriate responses to concerns across the district. This can include development of intelligence packages to assist with targeting of resources and evaluating the success of initiatives.



**Legislation** - Through appropriate use of the powers within various Acts and guidance from the Home Office ASB principles, to ensure that all available remedies are considered including the use of Dispersal Orders, Community Protection Warnings, Community Protection Notices, ASB Case Reviews, Criminal Behaviour Orders, Public Space Protection Orders, Closure Orders and Injunctions, taking a balanced approach involving support from partner agencies and enforcement where necessary.



**CCTV** - Through ensuring the effective use of public space CCTV on targeted areas as determined by intelligence. Using Body Worn Video footage to aid prosecution where appropriate.



**Intelligence and Evidence** - Understand the profile of hate crime offenders, what works to address causes and impact on victims and communities. Work with Safer Essex and Essex Strategic Hate Crime Board to identify any learning and areas of development.



**Education and Communication** - Engage with primary and secondary schools offering hate crime educational resources through Essex County Fire and Rescue Service and Essex Police Joint Education Team.

Develop and promote partnership hate crime awareness materials and campaigns. Promote hate crime referrals to Restorative Justice Hub.



**Training and Support** - Develop and promote Hate Crime (HCA's) Ambassadors and Hate Incident Reporting Centres across the District (HIRC's).





# Priority Two

High Harm (Emphasis on Domestic Abuse and VAWG)

Tendring Community Safety Partnership recognises that a significant number of men and boys also experience violent and abusive crimes that are captured within the cross-government Violence against Women and Girls Strategy. The CSP is committed to preventing all forms of gender based violence and addressing it wherever and however it occurs

## What we will tackle:

We will take a joint problem solving approach to better protect those experiencing violent and abusive crimes.



**Prepare** - Intelligence between agencies is shared appropriately and effectively.



**Prevent** - Raise awareness through partnership campaigns, provide education to children and young people



**Pursue** - Use tools and powers (ASB Legislation) to keep women safe in public places. Work with partners to provide perpetrator interventions and work towards effective prosecutions.



**Protect** - For anyone in the district to have access to the right support services, to help them to be safe, feel safe and free from violence and abuse.

## How we will do it:



**Work in Partnership** - Partners will work collaboratively to identify, assess and tackle high volume / high harm issues through a co-ordinated approach utilising crime prevention activities towards the people and places that experience feeling unsafe or contribute most to the problem. Approaches and referrals can be coordinated through Fortnightly Tasking and / or Problem Solving Group.



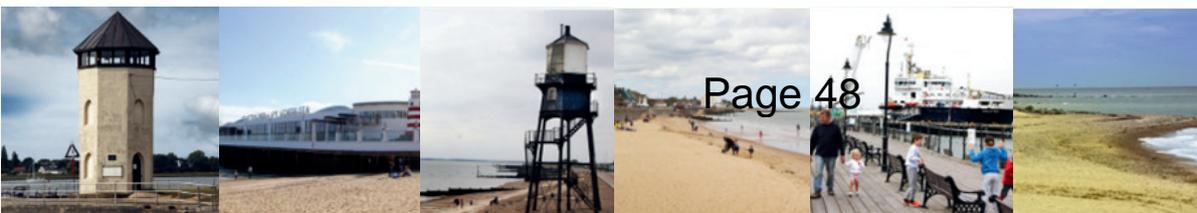
**Prevention** - Increase knowledge and understanding across communities and partners through training, events and campaigns. Promote Safer Streets to Tendring residents. Use evidence-based education and interventions that promote healthy relationships.



**Support Victims and Survivors** - Develop a joined up approach with all domestic abuse services working together to provide clear referral pathways. Support victims through Multi Agency Risk Assessment Conferencing (MARAC) and by implementing any learning points from Domestic Abuse Related Death Reviews (DARDR's)



**Legislation** - To ensure that perpetrators of violence against women and girls / domestic abuse are held accountable according to the law and are provided with assistance to change their abusive behaviour in order to prevent them causing harm or violence to their current, past or future partners. Reducing re-offending rates of high harm offenders.





# Priority Three

## Drug and Knife Enabled Serious Violence

### Drug and Knife Enabled Serious Violence

This priority is aimed to work with Tendring Community Safety partners in establishing a Knife Crime Matrix to help prevent and deter individuals and groups from committing acts of serious violence and carrying/using knives. Knife crime is defined as an offence where a knife/blade is used or threatened.

### What we will tackle:

We will take a joint problem-solving approach in respect of tackling knife crime and serious violence across the district.



**Provide Support and opportunities** - Work with partners / voluntary sector organisations to ensure people are supported and safeguarded through provision of education, training and diversionary activities.



**Stakeholder Engagement and Collaboration** - Build upon current relationships with stakeholders and communities to ensure a co-ordinated response to knife crime and drug related violence (such as Gangs & County Lines).



**Public Spaces** - Create the feeling of safety within outdoor public spaces by improving the local environment.

### How we will do it:



**Work in Partnership** - Partners will work collaboratively to identify, assess and tackle knife and drug enabled crime. Develop a multi agency knife crime matrix, outlining how partners are going to address knife crime across the district.



**Intelligence Led Approach** - Use strategic intelligence data, local drug market data, county line analysis, ASB data and any relevant data from partners relating to knife crime and serious violence.

Under the Serious Violence Duty, collaborate and work with the Serious Violence Unit to tackle issues in the local area (Tendring), using the Strategic Needs Assessment.

Use all available resources and tools to target problematic areas and high risk offenders, including a targeted approach to misuse of substances and alcohol. Ensure enforcement of the Public Space Protection Order.





**Young Persons** - Putting communities and young people at the heart of change and develop immediate and long-term solutions, ensuring a multi-agency response to those at risk of or involved in violence.

Ensure that young people feel supported and motivated through the provision of training, education or diversionary activities. Raise awareness of the various support and intervention services that are available to those in need, in particular for individuals who have been identified as being at risk of offending or re-offending, or those who may be vulnerable to criminal exploitation (such as County Lines).

Recognise the need for workstreams to be aligned and connected to looked after children, missing persons, children in need and public health/mental health plans and campaigns. Attend MACE meetings to ensure a consistent approach to dealing with the signs and symptoms of exploitation of all kinds.

### How will we know we are on track:

The Community Safety & Health and Wellbeing Board will monitor performance against each priority at a strategic level at its quarterly meetings.

#### **Tackling ASB and the root causes of ASB (Incl Hate Crime)**

- Update in relation to this priority at the quarterly Community Safety & Health and Wellbeing Board.
- The Community Safety Team will lead on effective monitoring and reporting of ASB service delivery at the six weekly Council's Operational Enforcement Group (OEG).
- The Community Safety Team will also report on-going issues and report exceptions (if required making a multi-agency referral) to the six weekly Problem Solving Meeting.
- Set up a performance framework for this theme, data will be monitored to identify trends, emerging themes and effectiveness of initiatives.
- Hate Crime statistics will be monitored by the Independent Advisory Group (IAG).
- Gather data from the Council's Hate Crime Ambassadors and the two Council HIRC's and report to the Problem Solving Meeting, referrals into Restorative Justice Hub if required.

#### **High Harm Violence (Emphasis on Domestic Abuse and VAWG)**

- Update in relation to this priority at the quarterly Community Safety & Health and Wellbeing Board.
- The Community Safety Team will lead on effective monitoring and reporting of activities and initiatives relating to VAWG and Domestic Abuse
- Set up a performance framework for this theme, data will be monitored to identify trends, emerging themes and effectiveness of initiatives.
- Engage with Southend, Essex and Thurrock Domestic Abuse Board (SETDAB), attend relevant meetings to ensure all partners are aware of County-wide training, initiatives and campaigns.
- Engage with VAWG Steering Group and Safer Essex to ensure Tendring has access to the most recent data and opportunities being discussed at these high level county wide meetings.



## Drug and Knife Enabled Serious Violence

- Update in relation to this priority at the quarterly Community Safety & Health and Wellbeing Board.
- The Community Safety Team will lead on effective monitoring and reporting of activities and initiatives relating to drug and knife enabled violence.
- Set up a performance framework for this theme, data will be monitored to identify trends, emerging themes and effectiveness of initiatives.

## Finance and Resources:

The Essex Police, Fire and Crime Commissioner is responsible for the funding of community safety services and so provides an annual Community Safety Grant to Tendring Community Safety Partnership, which must be utilised to deliver activity aligning to local priorities.

The partnership will continue to identify and access additional funding streams to improve community safety and enhance opportunities to increase the range of projects and initiatives being delivered.

The Council provides a community safety hub for key partners to work from. This collaborative space provides a secure environment for the Council, Police, Probation and other partners to enable sharing of information more effectively, whilst enabling a case management style approach for more complex cases to be discussed.

## Supporting Strategies And Plans

Strategies	Priority 1	Priority 2	Priority 3
Tendring Council Corporate Strategy 2024 - 2028	✓	✓	✓
Essex County Fire and Rescue Strategy 2024 - 2028	✓	✓	✓
Essex Police Crime Prevention Strategy 2021 - 2025	✓	✓	✓
Essex Rural Crime Strategy 2023 - 2026	✓	✓	✓
Essex Police VAWG Strategy and Delivery Plan		✓	
Essex Strategic Hate Crime Prevention Plan 2021 – 2025 (due to be refreshed)	✓		
Essex Serious Violence Strategy		✓	✓
Essex Joint Health and Wellbeing Strategy	✓	✓	✓
Tendring Health & Wellbeing Strategy	✓	✓	✓
SET Domestic Abuse Strategy 2021 - 2025		✓	
SET Reducing Re-offending Strategy	✓	✓	✓
Tendring ASB Strategy 2024 – 2025	✓		
Tendring Prevent Strategy 2024 – 2025			✓







The Tendring  
Community Safety  
Partnership

# TENDRING STRATEGIC ASSESSMENT 2024

**Document Owner:** Tendring Community Safety Partnership

**Author(s):** Leanne Thornton

**Date:** 29<sup>th</sup> November 2024

This cover sheet must not be detached from the report to which it refers.

No part of the report should be disseminated or copied without prior approval of the document owner.

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## 1. EXECUTIVE SUMMARY

### 1.1. Aim & Purpose

Every Community Safety Partnership (CSP) is required by the Crime & Disorder Act 1998 ([Statutory Instrument 1830](#)) to prepare an annual Strategic Assessment, in order to assist the group in revising its partnership plan.

The strategic assessment should include:

- Analysis of the levels and patterns of crime and disorder and substance misuse in the Tendring.
- Analysis of the changes in those levels and patterns since the previous Strategic Assessment.
- Analysis of why those changes have occurred.
- The matters which the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in the Tendring.
- The matters which the persons living and working in the Tendring consider the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in the Tendring.
- An assessment of the extent to which the Partnership Plan for the previous year has been implemented.
- Details of those matters that the strategy group considers should be brought to the attention of the county strategy group to assist it in exercising its functions under these Regulations.

In order to inform the Strategic Intelligence Assessment and Partnership Plan, the Strategy Group is expected to obtain the views of those who live or work in the Tendring about:

- The levels and patterns of crime and disorder and substance misuse in the Tendring.
- the matters which the responsible authorities should prioritise when each are exercising their functions to reduce crime and disorder and to combat substance misuse in the Tendring.

As part of this process, the Strategy Group should hold one or more public meeting during the year, to be attended by those in a senior position within each of the responsible authority.

### 1.2. Data Parameters

Unless otherwise stated all data will be from 01 October 2023 to 30 September 2024.

Data sources are referenced at the start of each section.

For brevity, where 'Greater Essex' is used this refers to the Southend, Essex & Thurrock areas (as covered by Essex Police) where 'Essex' is used this refers to the Essex County Council area only.

### 1.3. Key Findings

From analysis of the partnership data contained within this assessment, the following should also be considered when reviewing the CSP priorities for Tendring:

1. Vehicle Crime
2. Shoplifting
3. Arson and Criminal Damage

#### **1.4. Strategic Priorities**

The findings of this assessment have informed the decision to select the CSP Priorities for Tending which will be:

1. Tackling ASB and the root causes of ASB
2. High Harm Violence (with a focus on VAWG and Domestic Abuse)
3. Drug and knife enabled Serious Violence (Gangs and County Lines)
4. Emerging threats and Trends (ie: Shoplifting, Vehicle Crime, Arson & Criminal Damage)

#### **1.5. Matters for the Attention of Safer Essex**

Through the analysis contained within this assessment the Tending partnership do not have any matters to draw to the attention of Safer Essex.

PUBLIC VERSION

## 2. BACKGROUND INFORMATION

### 2.1. The Partnership

In addition to the statutory partners of Tendring District Council, Essex Police, Essex County Fire and Rescue Service, the National Probation Service and North Essex Integrated Care Board, the Partnership also includes the following agencies:

Salvation Army Housing Association	UTurn4Support	Essex County Council Family Solutions	Inclusion Ventures	Eastlight Homes
Restorative Justice Hub	Department Work and Pensions	Essex County Council Youth Service	Openroad Drug and Alcohol Service	Emotional Wellbeing and Mental Health Services
RSPCA	CARA (Center for Action for Rape and Abuse)	Essex County Council Youth Offending Service	Phoenix Futures	CHP (Chelmer Housing Partnership)
Tendring Neighbourhood Watch	Guinness Housing Trust	Peabody	Teen talk	Tendring Schools and Colleges
Crimestoppers	Next Chapter	Victim Support	Essex County Council – Social Care – Adults and Children	E-Safety Training
Circle Housing and Support CIC	African Families in the UK	Active Essex Foundation	Age Well East (formerly Age Concern)	Sage Housing Association
Essex Council Voluntary Youth Service	Youth Unity	Street Elite		

## 2.2. Horizon Scan

The partnership should be aware of the following policy activity at a national or local level:

- Community Safety Partnership (CSP) Review:** It had been expected that elements to enact recommendations from Phase 1 of the review would be included in the Victims & Prisoners Act 2024, but they were not. It is not yet known how these will progress. The recommendations included creating a requirement for CSPs to include in their strategic assessments how it has had due regard to the police and crime objectives set out in the police and crime plan and a requirement for CSPs to publish the executive summary of their strategic assessment and to send a copy of its strategic assessment to the PCC. It also included a duty for PCCs to promote awareness of ASB Case Reviews and to provide a route for victims to query the outcome made by the relevant agency following the ASB Case Review and for relevant bodies to report to the PCC on various outcome measures in relation to ASB Case Reviews. Details on Phase 2 of the review are also not yet known.
- Crime and Policing Bill:** This Bill will introduce new offences and powers in areas such as shoplifting, drink spiking, weapons, child exploitation. It will introduce Respect Orders for adults committing ASB. It will also create a duty for local partners to co-operate to tackle antisocial behaviour, with an antisocial behaviour lead in every local authority area. Details on this new duty are not known but are likely to fall to CSPs.
- Victims, Courts and Public Protection Bill:** This Bill will look to strengthen powers for the Victims' Commissioner to ensure that they are empowered to hold the system to account for the needs of victims not being met. The requirements for the Victims Code introduced in the Victims & Prisoners Act 2024 were not placed on CSPs, however they are placed on some of the responsible agencies within them.
- Terrorism (Protection of Premises) Bill:** This Bill will bring forward Martyn's Law, requiring those responsible for certain premises and events to take steps to mitigate the impact of a terrorist attack and reduce harm in the event of a terrorist attack occurring. Previous drafting did not have a direct role for CSPs, but CSPs may wish to have a role in co-ordinating efforts at a local level and supporting VCS/businesses in the Tending.
- Domestic Abuse:** New Southend, Essex & Thurrock jointly commissioned services for domestic abuse will be in place from April 2024 onwards and the new SETDAB Strategy will be issued during 2025. We are awaiting the outcome of the recent Home Office consultation on Domestic Homicide Review (DHR) processes; if unchanged this will add additional responsibilities/work for CSPs. The National Domestic Abuse commissioner will announce the results of the DHR pilot their office has been running in the early part of 2025 (looking at the work CSPs and partners will need to do on implementing recommendations and learning from DHRs). SETDAB are part of the pilot project which will run throughout 2024.
- Elections:** On 01 May 2025 there will be local elections held. This will include full elections for Essex County Council and Thurrock Council which will be electing all of its councillors instead of the previous "by thirds" pattern.
- Devolution:** The Government has written to all upper tier authorities that are not currently covered by a devolution deal to submit expressions of interest (EOI). Leaders from Essex County Council, Southend-on-Sea City Council, and Thurrock Council with support from 10 leaders from districts from across Greater Essex and the PFCC submitted an EOI on the 27th September but was clear that more information would be required on what will be covered in the Government's English Devolution Bill announced in the Kings Speech in July. The new English Devolution Bill or underpinning policy frameworks have not yet been published and as such it is not yet possible to ascertain what additional powers or duties related to community safety might be included.

### 2.3. Police & Crime Plan 2024-28

The priorities set out in the Police & Crime Plan 2024-2028 are as follows:

- More local, visible and accessible policing
- Drive down anti-social behaviour and crime
- Beat knife crime and drug gangs and protect young people
- Tackle violence against women and girls and domestic abuse
- Ensure vulnerable people are protected
- Improve road safety and reduce road deaths in Essex to zero

### 2.4. Essex Police Crime Prevention Strategy 2021-25

The Crime Prevention Strategy 2021-2025 has five strategic aims (or “assets”):

- i. We will promote safer communities
- ii. We will cut crime and criminality
- iii. We will evolve our workforce, culture and infrastructure
- iv. We will support Safer Essex to realise partnership capabilities and capacity
- v. We will support ECVS to unlock community potential, develop and deliver community led solutions.

Across the five strategic aims, the Crime Prevention Strategy covers 14 priority areas organised into four categories:

- Serious Violence
  - Knife crime
  - Rape
  - Night-time economy
- Organised Crime
  - County lines / exploitation
  - Serious organised crime
  - Cybercrime and fraud
- Complex Needs
  - Child abuse / child sexual exploitation
  - Domestic abuse
  - Drugs and alcohol
  - Mental health
- Vulnerabilities
  - Places
  - Dwelling burglary and street robbery
  - Prevent
  - Hate crime

### 2.5. Essex Fire & Rescue Plan 2024-28

The Fire & Rescue Plan 2024-2028 sets out the following priorities:

- Protect vulnerable people
- Improve road safety and reduce road death in Essex to zero
- Make buildings safer
- Adapt to our changing environment
- Promote a positive culture and develop the workforce
- Improve efficiency and effectiveness

## 2.6. Safer Essex

Safer Essex has the strategic lead for co-ordinating the partnership response to community safety issues and initiatives across Essex, Southend and Thurrock. Safer Essex acts as the county-wide Strategy Group for community safety.

Safer Essex brings together key partner organisations / stakeholders to work jointly and effectively to facilitate a collaborative approach between agencies and partnerships in delivering the following community safety outcomes:

- i. Prevent crime and anti-social behaviour
- ii. Prevent fires from happening
- iii. Understand and tackle hate crime
- iv. Understand and tackle violence, including violence against women and girls
- v. Improve community confidence in the multi-agency response to community safety issues
- vi. Continue to deliver effective Community Safety Hubs across Greater Essex.

## 2.7. Tendring District Council

Tendring District Council has the following draft priorities within its Corporate Plan that are relevant to the Community Safety Partnership:

- Championing our Local Environment
- Working with partners to improve quality of life
- Pride in our area and services to residents

### TENDRING CORPORATE PLAN



### LISTENING TO AND DELIVERING FOR OUR RESIDENTS AND BUSINESSES!

Other Policies and Strategies that impact on the Community Safety Partnership include PREVENT, Modern Slavery and Safeguarding. Tendring District Council are required to have due regard to these Policies / Duties.

### 3. POPULATION

#### 3.1. Tendring Profile

Data Source: Tendring District Council

Tendring forms part of the North Local Policing Area (LPA). This area also includes Maldon, Braintree, Uttlesford, Colchester and Chelmsford.

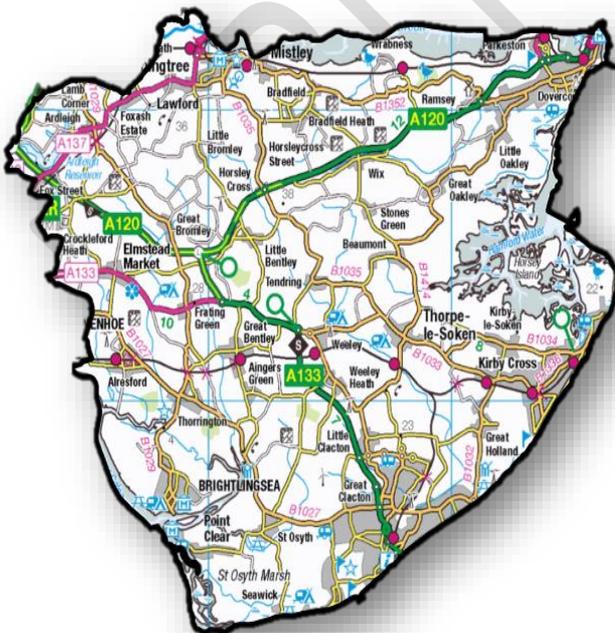
The Tendring District has many geographic, demographic and economic characteristics that make it distinctive from other areas.

Tendring enjoys over 36 miles of coastline, award-winning sandy beaches, numerous coastal towns providing anything from the traditional pleasures of the seaside to maritime heritage, a variety of beautiful and picturesque villages and one of the busiest harbours in Europe. Our coastal geography is our greatest asset but also presents us with difficult and expensive management issues.

A large majority of people living in Tendring consider it a good place to live, which is reflected in the number of individuals who have decided to retire to the area. A very high proportion of our residents are over the age of 65. The population is growing rapidly and is predicted to grow from 146,000 in 2009 to 170,000 by 2026.

The Tendring District has the highest percentage of residents aged 65 and over in Essex (29.5%), 9% higher than the Essex average (20.5%). The proportion of Children and Young People aged 0-15 (16.5%) and 16 to 64 years olds (53.9%) are lower than the Essex average (18.9%, and 60.6%). This is also the lowest percentage of 16 to 64-year olds (working age) in the county.

Over the next 15 years the percentage of older people in the Tendring District will continue to rise (to 32.3%), higher than the predicted average for Essex (22.6%) by 2034. Over the same period, the percentage of young people (15.2%) and residents aged 18 to 64 (52.5%) will continue to decrease below the county average (17.9% and 59.4%) to the lowest levels in Essex.



The population count at the 2021 Census was 148,300.

The largest town in the Tendring district is Clacton-on-Sea, with a population of over 53,000.

### 3.2. Population Profile

Data Source: Essex County Council:

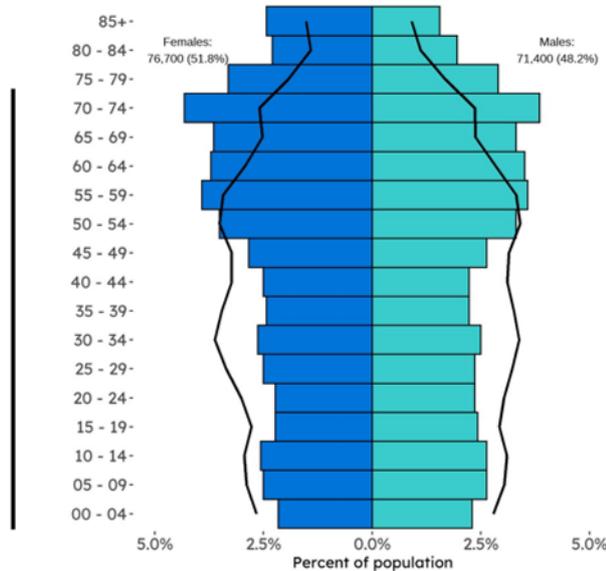
#### Tendring

The chart opposite shows the district population by 5-year age groups and sex

The black line shows the age profile of the population of England as a whole, allowing comparisons to be made between the structure of the local and national population

Age band	Number of residents
Aged 0-15	23,401
Aged 16 – 64	81,017
Aged 65+	43,869
Total	148,287

**Tendring population demographics - 2021 census**  
Black line is England



Note: Male + Female numbers not sum to population total due to rounding  
12/12/2023 | 28

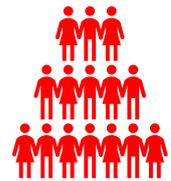
Produced by Essex County Council Chief Exec's Office, Research and Citizen Insight

### 3.3. Health Profile

Data Source: Essex County Council: <https://data.essex.gov.uk/dataset/exwyd/essex-jsna-and-district-profile-reports-2019>

#### Population and Demographics

- According to the Office of National Statistics in 2017, the total population of the Tendring District was an estimated 145,803 people making it the fifth largest local authority area in Essex in terms of population size. This is an estimated increase of 3205 people since the 2011 census (a rise of 2.25%).
- The Tendring District has the highest percentage of residents aged 65 and over in Essex (29.5%), 9% higher than the Essex average (20.5%). The proportion of Children and Young People aged 0-15 (16.5%) and 16 to 64 years olds (53.9%) are lower than the Essex average (18.9%, and 60.6%).
- The Tendring District had an estimated Old Age Dependency Ratio of 544 people aged 65+ to every 1000 working age. This is equivalent to 1.8 working age people to every person aged 65 and over and is significantly above than the average for Essex (335.6) and England (286.8).



#### Access to Services

- Covering an area of approximately 338 square kilometres, the Tendring District is the fifth largest local authority in Essex in terms of area.
- With an estimated 428 residents per square kilometre, the Tendring District is the eighth (out of 12) most densely populated area in Essex, well roughly in line with the county average (424 people per sq. km).



- Tendring residents have the third highest travel times to local services compared to the Essex average (19.4 minutes), with an average of 21.5 minutes by walking or public transport to 8 key services. Looking at times to health services, average times to GP surgeries were estimated at 10.2 minutes just below the Essex average (11.6 minutes); whilst the average time to hospital was 64.3 minutes, 19 minutes higher than the county average.

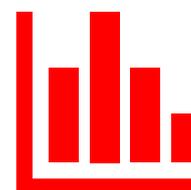
### Wider Determinants of Health

- The average weekly income for a Tendring resident working full time in 2018 was £543.90, £74.70 (-13.7%) below than the average for Essex and £31 (-5.7%) less than the average for England. This was the second lowest average income out of 12 Districts.
- In 2018, 47.2% of pupils achieved grade 9-4 in English and Maths (a good pass) and 26.5% achieved grade 9-5 (a strong pass) at GCSE. This is significantly lower than the averages for England (59.1%, 39.9%) and Essex (63.3%, 40.7%), and are the lowest levels in the county in 2018.
- The amount of residents claiming out of work benefits has increased to its highest level in 5 years from 2.6% in April 2015 to 4% in April 2019. This is higher than the averages for Essex (2.1%) and England (2.6%), is the highest claimant rate in Essex overall.



### Life Expectancy & Mortality

- The average life expectancy at birth for a child born in Tendring (2020 - 202) was 80.9 years for females and 77.5 years for males. This lower than the average for England for (Females =83.1 years, Males 79.6 years), and is the lowest life expectancy for both sexes in Essex.



During the same period, life expectancy at age 65 (the number of additional years a person could expect to live) was 20.6 years for females and 18.2 years for males; again this is lower than the England average (Females =21.1 years, Males = 18.8 years), and is the (joint) lowest life expectancy at 65 in the county for females, and the lowest for males.

### Mental Health

- The prevalence of reporting a long-term mental health condition among persons aged over 18 years in the NHS North East Essex CCG of Essex, according to the GPPS, was 9.63% in 2017/18. This was slightly higher than the prevalence across Essex (8.23%) and was ranked as being the highest prevalence compared across the CCGs of Essex.
- Severe mental health conditions include schizophrenia, bipolar affective disorder and other psychoses. The prevalence of these as recorded on general practise disease registers in the Tendring District in 2017/18 was 1.00. This was the highest prevalence compared across the other Districts in Essex and was also significantly higher than the prevalence across Essex as a whole (0.80) and for England (0.94).
- The age-standardised mortality rate per 100,000 population from suicide and injury of undetermined intent among persons aged over 10 years in Tendring was 20.7 in 2020/22, which was ranked as being the highest rate across the Districts in Essex. This was significantly higher than the rate across Essex as a whole (10.88) and England (9.57).

### Crime and Community Safety

- Nationally and locally the number of crimes recorded by the police force in England and Wales is on the increase. Over a four year period the number of crimes recorded in the Tendring area has risen by 41.3% from 9,919 incidents or 71 crimes per 1000 residents in 2015/16 to 14,013 crimes or 97 crimes per 1000 in 2018/19. The overall crime rate for Tendring is higher than the average for England (89 per 1000), and the whole Essex Police area (87 per 1000) and is the 5th (out of 14) highest local authority in Essex (including Southend and Thurrock).

- The largest category of crime in the area in the last year was Violent Crime which accounted for 5,762 offences (41.1%) or a rate of 40 crimes per 1000; higher than the average rate for Essex police (32 per 1000) or for England (28 per 1000) and the second highest rate in Essex overall. Theft makes up the second largest category with 4,059 crimes (29%) or a rate of 28 per 1000; lower than the Essex Police (32 per 1000) average and in line with the rate for England (28 per 1000). The proportion of Violent Crime is just above the average for Essex Police whilst theft is slightly lower (Violent Crime = 36.2%, Theft = 35.3%).
- The most significant four year change in the number of crimes recorded in the Tendring area is the increase in the levels of Violent Crime, which has seen an additional 2,641 offences in 2018/19 (an increase of 84.6%) compared to the same period in 2015/16. The increase in the rate of violent Crime locally reflects a national trend which includes an increase in the number of crimes recorded as stalking or harassment. Nationally the Crown Prosecution Service (CPS) reports that there was a 69% increase in prosecutions started for stalking offences from 2016–17 to 2017–18 because of improvements in awareness following a police and CPS inspection and the implementation of Violence Against Women Strategies. This development is reflected locally with 2,156 crimes recorded as stalking or harassment in 2018/19 up from 1,137 in 2017/18.

#### **ALCOHOL AND DRUG RELATED HOSPITAL ADMISSIONS**

- Alcohol-related hospital admissions are defined as admissions where the primary and any secondary diagnoses are an alcohol-attributable code. According to Public Health England, the directly age standardised rate of alcohol-related hospital admissions in the Tendring District in 2017/18 was 2237.58 per 100,000 population. Compared to other areas, this was the second highest rate compared across the other Districts in Essex, and higher than the rate across Essex as a whole (1935.65) and England (2223.80).
- The directly age standardised rate per 100,000 population of alcohol-related mortality was estimated to be 61.49 in Tendring in 2017. This was the highest rate compared to the other Districts in Essex, and higher compared to that across the whole of Essex (41.90) and England (46.15).
- According to the Office for National Statistics, the age-standardised mortality rate from drug misuse per 100,000 population in the Tendring District was 7.6 over the period of 2015 - 2017. This was the highest rate compared across that of the other Districts in Essex with data available, and higher than the rate across the whole of Essex (3.63) and England (4.33).

## 4. ASSESSMENT OF PARTNERSHIP PLAN 2024/25

### 4.1. 2024/25 Community Safety Plan Priorities

Tendring partnership set the following priorities within its 2024/25 Community Safety Plan:

- **Tackling ASB and The Root Causes including Hate Crime:**
- **Preventing High Harm Violence:**
- **Emerging Threats and Trends**

### 4.2. Implementation of 2024/25 Community Safety Plan

Tendring partnership has assessed the extent to which the 2024/25 Community Safety Plan has been implemented and found that:

Op Esplanade - Between 1st July 2024 and 5th September 2024 there have been 60 ASB incidents reported in Clacton Town Centre, compared to 72 incidents in the same period last year.

This is a 20% reduction in ASB in the Town Centre during the summer, compared to last year.

In 2024 there were over 200 hours of dedicated foot patrol in Clacton Town Centre at peak times every Friday/Saturday and Sunday.

Powers under the PSPO have been used over 44 times during this period. This involved dispersing street drinkers, removing alcohol and dealing with low level ASB incidents. 10 arrests were made in relation to public disorder and shoplifting.

**Next Chapter** – The CSP funded a Children & Family Practitioner to co-locate within Clacton Police Station for 1 day a week for 12 months to accompany Police Officers responding to post-incident reports of domestic abuse incidents. They attend appointments in the appointment car with Officers and can provide advice and guidance to the victim of domestic abuse at the incident, they also provided office-based advice and support to Officers who are investigating domestic abuse incidents involving children. – the victim will be given the appropriate ongoing support, reducing the risk of any further harm for the whole family. This project is bespoke to Tendring.

**BoxSmart 'On the Ropes'** - in a referral-based youth intervention project aimed at young people 11-16 years in Jaywick. The project operates over 12-weeks with further opportunity for young people to have access to local sporting activities, volunteering and qualifications to continue their engagement and support post course.

## 5. PUBLIC PERCEPTION

### 5.1. Safer Essex Community Safety Survey 2024

Data Source: Essex County Council. Data for 2024 survey.

Across Greater Essex, the crime type that most respondents were concerned about was Burglary (84.2%), followed by Theft of or from your car/motorbike (82.8%) and Fraud and/or scams (online or offline) (81.9%).

In Tendring the crime type that most respondents were concerned about was Fraud and Scams (48.6%), followed by Burglary (21.6%) and Criminal Damage (18.9%).

Across Greater Essex, the crime type that most respondents said they had been a victim of was Fraud and/or scams (online or offline) (25.3%), followed by Criminal damage to your home or property (16.8%) and Hate Crime (9.6%).

In Tendring the crime type that most respondents said they had been a victim of was Sexual Harassment / Assault (13.9%), followed by Burglary and Hate Crime (4.8%).

Across Greater Essex, the ASB type that most respondents said they had seen & reported in their area was Inconsiderate Parking (71.1%), followed by Speeding (67.0%) and Fly Tipping (65.0%). (Please note that there was an error in the survey which meant the question did not give people the option to say they had seen an ASB type but did not report it).

In Tendring the ASB type that most respondents were concerned about was Using / Dealing drugs (5.5%), followed by Groups Hanging Around (5.4%) and Flytipping (5.2%).

Across Greater Essex, when asked to prioritise certain crime and ASB types for action by CSPs, People Using or Dealing Drugs was ranked highest (47.4%), followed by Knife Crime (44.1%), Gangs/County Lines (41.7%), Burglary (36.0%) and Fly Tipping (32.7%). (Note that respondents were asked to pick 5, but because of the technical limitations on the survey they were able to pick more than 5).

In Tendring, Gangs and County Lines was ranked highest (9.1%), followed by Burglary (8.1%), Knife Crime (7.6%), People Using or Dealing Drugs (7.6%) and Flytipping (5.6%). (Note that respondents were asked to pick 5, but because of the technical limitations on the survey they were able to pick more than 5).

Priority	Greater Essex				Tendring			
	#	%	2024 Rank	2023 Rank	#	%	2024 Rank	2023 Rank
Aggressive Begging	92	11.2%	18	22	0	0.0%	32	23
Burglary	295	36.0%	4	4	16	8.1%	2	6
Criminal Damage	164	20.0%	11	8	10	5.1%	8	4
Domestic Abuse	122	14.9%	15	13	8	4.0%	10	15
Drunken Behaviour	101	12.3%	17	14	4	2.0%	20	9
Fly Tipping	268	32.7%	5	6	11	5.6%	6	3
Fraud and/or Scams	136	16.6%	14	11	7	3.5%	12	15
Gangs/County Lines	342	41.7%	3	3	18	9.1%	1	5
Graffiti	30	3.7%	32	23	1	0.5%	29	22
Groups Hanging Around and Being a Nuisance	250	30.5%	6	9	10	5.1%	8	8
Hate Crime	75	9.1%	20	15	5	2.5%	16	13
Inconsiderate Parking*	155	18.9%	12	N/A	5	2.5%	16	N/A
Knife Crime	362	44.1%	2	2	15	7.6%	4	2
Modern Slavery	50	6.1%	26	20	5	2.5%	16	17
Nuisance Neighbours	72	8.8%	21	21	5	2.5%	16	18
Off Road Motorbike Nuisance	75	9.1%	20	19	1	0.5%	29	21

OFFICIAL SENSITIVE

Online Exploitation*	54	6.6%	25	N/A	3	1.5%	23	N/A
People Using or Dealing Drugs	389	47.4%	1	1	15	7.6%	4	1
Physical Assault or Robbery	181	22.1%	8	7	5	2.5%	16	7
Preventing Terrorism	61	7.4%	23	16	4	2.0%	20	21
Road Safety*	138	16.8%	13	N/A	11	5.6%	6	N/A
Shoplifting*	104	12.7%	16	N/A	3	1.5%	23	N/A
Speeding*	164	20.0%	11	N/A	9	4.5%	9	N/A
Street Racing / Car Cruising	66	8.0%	22	12	3	1.5%	23	12
Theft of personal belongings (pick pocketing)	41	5.0%	29	18	1	0.5%	29	17
Theft of Bicycles or Scooters	168	20.5%	9	17	4	2.0%	20	10
Theft Of or From Cars/Motorbikes	45	5.5%	27	6	2	1.0%	26	19
Underage drinking*	36	4.4%	31	N/A	1	0.5%	29	N/A
Underage smoking/vaping*	55	6.7%	24	N/A	2	1.0%	26	N/A
Violence Against Women & Girls**	192	23.4%	7	10	7	3.5%	12	11
Water Safety*	39	4.8%	30	N/A	6	3.0%	13	N/A
Other	43	5.2%	28	24	1	0.5%	29	24

\* New priority option for 2024 survey.

\*\* Priority option was 'Sexual Harassment or Assault' in 2023 survey.

Across Greater Essex, when asked about how safe or unsafe they felt on the roads, people were more likely to feel safe when riding a motorcycle (83%), travelling by bus (81%) or driving a car (79%). They were least likely to feel safe when riding a horse (18%) or using a wheelchair (24%) or mobility scooter (26%). 65% felt safe when walking and 40% when cycling.

This compares to Tendring where people were more likely to feel safe when riding a motorcycle (100%), travelling by bus (75%) or driving a car (75%). They were least likely to feel safe when using a wheelchair (100%) or mobility scooter (100%). 65% felt safe when walking and 44% when cycling.

Across Greater Essex, when asked to prioritise certain actions to improve road safety, Police Enforcement was ranked highest (38.2%), followed by Speed Enforcement (37.1%) and Road Design (26.2%). (Note that respondents were asked to pick 3, but because of the technical limitations on the survey they were able to pick more than 3).

In Tendring, Police Enforcement was ranked highest (13.7%), followed by Speed Enforcement (12.2%) and Safer Spaces for Pedestrians (8.6%).

Priority	Greater Essex			Tendring		
	#	%	Rank	#	%	Rank
Managing speeds through speed enforcement (e.g. through police stops and safety cameras)	304	37.1%	2	17	12.2%	2
Managing speeds through speed limit reductions	163	19.9%	8	11	7.9%	6
Separate facilities for pedestrians and cyclists	180	22.0%	7	4	2.9%	15
Supporting communities to encourage safe speeds (eg. Community Speed watch)	100	12.2%	14	7	5.0%	11
Designing roads so all road users are clear as to how they should be used	215	26.2%	3	12	8.6%	4
Using police enforcement to make sure that all road users comply with traffic laws	313	38.2%	1	19	13.7%	1
Improving street lighting	207	25.2%	4	11	7.9%	6
Providing more safe places for pedestrians to cross	203	24.8%	5	12	8.6%	4

OFFICIAL SENSITIVE

Improving access for disabled people (e.g. dropped kerbs)	157	19.1%	10	8	5.8%	8
Creating more pedestrianised zones	87	10.6%	15	4	2.9%	15
Creating more cycling lanes	118	14.4%	13	8	5.8%	8
Making drivers more aware of the consequences of driving over the speed limit	144	17.6%	11	6	4.3%	12
Working with schools/parents to help children/young people learn how to stay safe on the roads	198	24.1%	6	8	5.8%	8
Working with schools/parents to help teach young drivers how to stay safe on the roads	160	19.5%	9	5	3.6%	13
Other	119	14.5%	12	7	5.0%	11

## 5.2. Essex County Council Resident's Survey

Data Source: Essex County Council. 2024 Resident's Survey.

In the 2024 survey, 87% of all Essex residents responded that they felt very or fairly safe in their local area during the day, compared to 87% of residents in Tendring.

In the 2024 survey, 55% of all Essex residents responded that they felt very or fairly safe in their local area after dark, compared to 55% of residents in Tendring.

Felt very or fairly safe in their local Tendring	Essex			Tendring		
	2022	2023	2024	2022	2023	2024
During the day	91%	87%	87%	91%	87%	87%
At night	55%	51%	55%	53%	43%	55%

## 5.3. Essex Police Public Perception Survey

Data Source: Essex Police. Quarter 1 2024/25 Survey.

In the 12 months ending June 2024, 77% of respondents thought that Essex Police were doing a good/excellent job compared to 72% in the previous 12 months. This compares to 81% in Tendring.

74% of respondents believe they would be treated fairly if they made a complaint about an officer or staff member, compared to 66% in the previous 12 months. This compares to 70% in Tendring.

65% said that they were confident that the Police use their stop and search powers respectfully, compared to 59% in the previous 12 months. This compares to 73% in Tendring.

67% agreed that they have confidence in the police in this area, an increase from last year (63%). This compares to 70% in Tendring.

48% of respondents thought that Essex Police were dealing with crime and anti-social behaviour in their Tendring, an increase from in the previous 12 months. (45%). This compares to 56% in Tendring.

District / Borough	Essex Police are doing a good/excellent job	Essex Police are dealing with crime and anti-social behaviour
Basildon	79%	49%
Braintree	73%	44%
Brentwood	75%	45%
Castle Point	76%	42%
Chelmsford	76%	50%

OFFICIAL SENSITIVE

Colchester	81%	55%
Epping Forest	70%	36%
Harlow	77%	51%
Maldon	73%	49%
Rochford	78%	50%
Southend-on-Sea	78%	56%
Tendring	81%	56%
Thurrock	75%	42%
Uttlesford	76%	44%
<b>Total</b>	<b>77%</b>	<b>48%</b>

#### 5.4. Feedback from Tendring Annual Public Meeting

Data Source: Annual Public Meeting

At the time of writing the draft we have not had our Annual meeting; this section will be updated once the meeting has been held in January 2025.

#### 5.5. Other Local Consultation & Engagement

Data Source: Community Safety Team

Tendring Council Community Ambassadors reported that the top 5 things they dealt with when engaging with the public during the time frame were:

1. Fraud and Scams – giving guidance and advice especially when out with Police Officers on Street Meets.
2. Pot Holes – our Ambassadors gave advice and contact details of how to report to ECC
3. Parking enquiries and issues especially in Frinton regarding Camper Vans parked overnight.
4. Homelessness people sleeping in tents and shelters dealing with concerns raised by the public.
5. General information around Council Services like Waste/Flytipping.

The Community Safety / ASB Officers informed that during their days and nights of action various themes were reported to them.

1. Homeless people sleeping rough along the seafront – people who were concerned about their welfare, advised that we were aware of the individuals and what support we were providing.
2. Street Drinkers, Clacton Town centre, who were concerned that people within the town aren't moved on when they are drinking in the town – this was a matter of explaining the PSPO in place and that it's not a dry zone and explained when we would take enforcement action and the powers, we can use to tackle this.
3. Speeding – complaints about cars speeding around the district, this is across the board not just a single town, we advise members of the public to report their concerns to Essex Police via the non-emergency routes, this is to help the police to identify areas of concern so they can consider them for speed enforcement.
4. While handing out safety devices and other materials, would receive on a regular basis comment around how good it is to see the measures that are being taken by the council and always a big thank you for the work we are undertaking.
5. Kids throwing stones off the roof of the beach patrol building at Clacton seafront, we included this area within our patrols and the police are aware of this issue.

## 6. CRIME DATA

### 6.1. Factors Impacting On Crime Data

The following factors should be taken into consideration when reviewing the data on Crime:

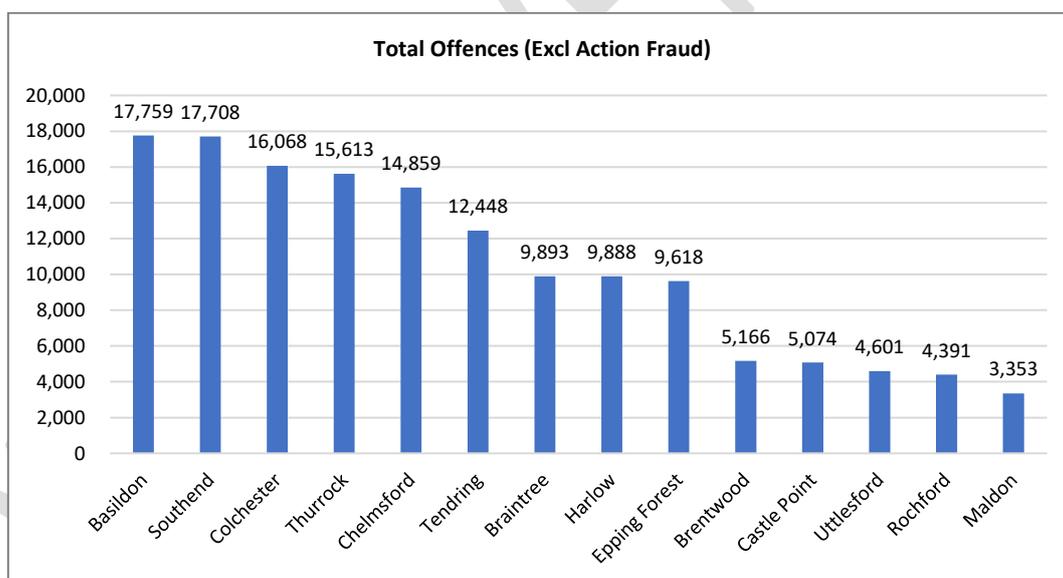
- Essex Police transitioned from using the DASH model to the DARA model for assessing Domestic Abuse risk on 1st August 2023. Alongside the introduction of the DARA model Essex Police also launched the Domestic Abuse Review Team (DART). DART are now responsible for the completion of secondary risk assessments for all domestic crimes graded as high or medium risk. These changes were made to improve the identification of offences such as stalking and controlling & coercive behaviour plus ensure a more appropriate assessment of risk which leads to a specialist investigator being allocated on more occasions. It was anticipated that with these changes there would be an increased number of medium risk DA investigations and that has proven to be the case.

### 6.2. Crime Data

Data Source: Essex Police. NB Totals exclude Stanstead. Data is for October 2023 to September 2024.

In Greater Essex, a total of 146,964 offences were recorded by Essex Police during the 12 months to September 2024, of which 12,448 (8.5%) were recorded in Tendring. This equates to 78.4 offences per 1,000 population across Greater Essex, 84.0 per 1,000 population in Tendring.

Across Greater Essex, there was a decrease in offences of 9,425 (6.0%), compared to Tendring where there was a decrease in offences of -357 (-2.89%).



Victim Based Offences	Oct22 to Sept23	Oct23 to Sept24	% of Greater Essex Total 23/24	# diff.	% diff.	Offences Per 1,000 Population Oct23 to Sept24
<b>Violence Against the Person</b>	5,813	5,744	9.9%	-69	-1.2%	38.78
Homicide	2	1	10.0%	-1	-50%	0.01
Violence With Injury	1419	1567	10.8%	+148	+10.4%	10.58
Death Or Serious Injury Caused By Unlawful Driving	3	0	0%	-3	-100%	0
Violence Without Injury	2247	2480	9.3%	+33	+1.3%	16.75

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Victim Based Offences	Oct22 to Sept23	Oct23 to Sept24	% of Greater Essex Total 23/24	# diff.	% diff.	Offences Per 1,000 Population Oct23 to Sept24
Stalking & Harassment	1942	1696	10%	-246	-12.7%	11.45
<b>Sexual Offences</b>			<b>11.2%</b>		<b>+6.69%</b>	<b>4.02</b>
Rape	235	223	10.7%	-12	-5.1%	1.51
Other Sexual Offences	324	373	11.5%	+49	+15.1%	2.52
<b>Robbery</b>			<b>6.5%</b>		<b>7.1%</b>	<b>0.61</b>
Robbery - Business	8	13	7.6%	+5	+62.5%	0.09
Robbery - Personal	76	77	6.3%	+1	+1.3%	0.52
<b>Theft Offences</b>			<b>7.2%</b>		<b>-2.4%</b>	
Burglary - Residential	344	321	6.5%	-23	-6.7%	2.54
Burglary - Business & Community	159	17	8.8%	+11	+6.9%	1.15
Theft From A Motor Vehicle	334	189	3.3%	-145	-43.4%	1.28
Theft Of A Motor Vehicle	278	273	4.7%	-5	-1.8%	1.84
Vehicle Interference	97	48	2.89%	-49	-50.5%	0.32
Theft From The Person	62	49	4.5%	-13	-21%	0.33
Bicycle Theft	74	84	6.5%	+10	+13.5%	0.57
Shoplifting	669	783	6.2%	+14	+17%	5.29
Other Theft	1014	903	7.9%	-111	-10.9%	6.10
<b>Criminal Damage/Arson</b>			<b>9.6%</b>		<b>-1.5%</b>	<b>6.88</b>
Criminal Damage	1162	1125	9.3%	-37	-3.2%	7.25
Arson	100	118	13.2%	+18	+18%	0.80

Flagged Offences	Oct22 to Sept23	Oct23 to Sept24	% of Greater Essex Total 23/24	# diff.	% diff.	Offences Per 1,000 Population Oct23 to Sept24
Domestic Abuse	2449	2648	11.2%	+199	+8.1%	17.88
Hate Crime	297	267	7.6%	-30	-10.1%	1.80

Note there are no separate offences for Domestic Abuse and Hate Crime. Instead, offences (as listed in table above) are flagged as such. These are therefore separated from the table above to avoid double counting.

State Based Offences	Oct22 to Sept23	Oct23 to Sept24	% of Greater Essex Total 23/24	# diff.	% diff.	Offences Per 1,000 Population Oct23 to Sept24
Trafficking Of Drugs	123	114	6.7%	-9	-7.3%	0.77
Possession Of Drugs	268	232	6.3%	-36	-13.4%	1.57
Possession Of Weapons Offences	132	160	9.6%	+28	+21.2%	1.08
Public Order Offences	1210	1136	9.6%	-74	-6.1%	7.67

### 6.3. Rural Crime

Data Source: Essex Police. Data is for August 2023 to July 2024.

Across Greater Essex, there were 20,996 rural crime offences in the 12 months to July 2024, a decrease of 4.2% on the 21,906 offences the previous 12 months. In Tendring, there were 3,202 rural crime offences in the 12 months to July 2024, a decrease of 9.8% on the 3549 offences the previous 12 months.

Tendring	12m to Jul 2023	12m to Jul 2024	Trend
Basildon	197	184	-6.6%
Braintree	2,482	2,613	+5.3%
Brentwood	1,202	1,164	-3.2%
Castle Point	0	2	+100%
Chelmsford	2,011	1,953	-2.9%
Colchester	2,262	1,941	-14.2%
Epping Forest	2,688	2,470	-8.1%
Harlow	28	13	-53.6%
Maldon	1,702	1,696	-0.4%
Rochford	631	673	+6.7%
Southend-on-Sea	2	2	0.0%
Tendring	3,549	3,202	-9.8%
Thurrock	1,630	1,822	+11.8%
Uttlesford	3,520	3,259	-7.4%
Undefined	2	2	0.0%
<b>Total</b>	<b>21,906</b>	<b>20,996</b>	<b>-4.2%</b>

Across Greater Essex, the rural crime types that saw the greatest increases were Unauthorised Encampment (+29.3%) and Fly-tipping (+16.8%). The rural crime types that saw the greatest decreases were Dog Theft (-23.4%) and Stalking & Harassment (-16.9%).

In Tendring, the rural crime types that saw the greatest increases were Dog Theft (+100%) and Unauthorised Encampment (+14.29%). The rural crime types that saw the greatest decreases were Hare Coursing (-33.3%) and Agricultural & Construction Equipment Theft (-29.5%).

Rural Crime Type	Greater Essex			Tendring		
	12m to Jul 2023	12m to Jul 2024	Trend	12m to Jul 2023	12m to Jul 2024	Trend
Acquisition Offences	6,642	6,715	+1.1%	798	678	-15%
Domestic Abuse	3,896	3,660	-6.1%	707	741	+4.8%
Rural: Agricultural & Construction Equipment Theft	278	265	-4.6%	44	31	-29.5%
Dog Theft	47	36	-23.4%	2	4	+100%
Wildlife	1,842	1,896	+2.9%	111	105	-5.4%
Hare Coursing	118	129	+9.3%	3	2	-33.3%
Unauthorised Encampment	58	75	+29.3%	7	8	+14.29%
Fly-tipping	196	229	+16.8%	7	6	-14.3%

## 6.4. Fraud Offences

Data Source: National Fraud Intelligence Bureau. Data is for October 2023 to September 2024.

In Greater Essex in the 12 months to September 2024 there were 9,604 fraud offences recorded by Action Fraud with a total payment amount of £68,526,443. This was an increase of 6.1% on the 9,052 recorded in the previous 12 months.

In the 12 months to September 2024 there were 702 offences recorded in Tendring, with a total payment amount of £5,006,182.00 This is a decrease of 1.3% on the 711 recorded in the previous 12 months. In 2023/24 Tendring showed the 7<sup>th</sup> highest level of offences of all 14 areas.

Tendring	Offences 12m to Sept 2023	Offences 12m to Sept 2024	Difference	Rank 12m to Sept 2024	Payment 12m to Sept 2024
Basildon	869	956	+10.0%	4	£3,742,665
Braintree	684	660	-3.5%	8	£1,662,481
Brentwood	414	419	+1.2%	11	£1,692,949
Castle Point	344	419	+21.8%	12	£3,490,174
Chelmsford	881	939	+6.6%	5	£5,235,083
Colchester	1,012	1,095	+8.2%	1	£3,669,081
Epping Forest	670	741	+10.6%	6	£14,070,203
Harlow	493	524	+6.3%	9	£2,134,332
Maldon	275	312	+13.5%	14	£2,562,000
Rochford	354	393	+11.0%	13	£869,536
Southend-on-Sea	1,002	1,031	+2.9%	2	£9,208,429
Tendring	711	702	-1.3%	7	£5,006,182
Thurrock	916	974	+6.3%	3	£3,651,327
Uttlesford	427	439	+2.8%	10	£11,532,001
<b>Total</b>	<b>9,052</b>	<b>9,604</b>	<b>+6.1%</b>		<b>£68,526,443</b>

In Tendring in 2023/24 the Top 5 fraud types were:

1. Online Shopping and Auctions
2. Hacking Social Media and Email
3. Advance fee fraud
4. Non Investment Fraud
5. Other

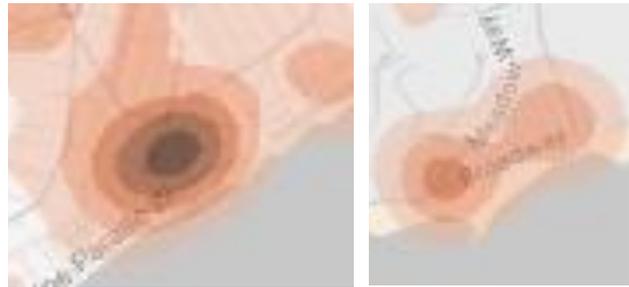
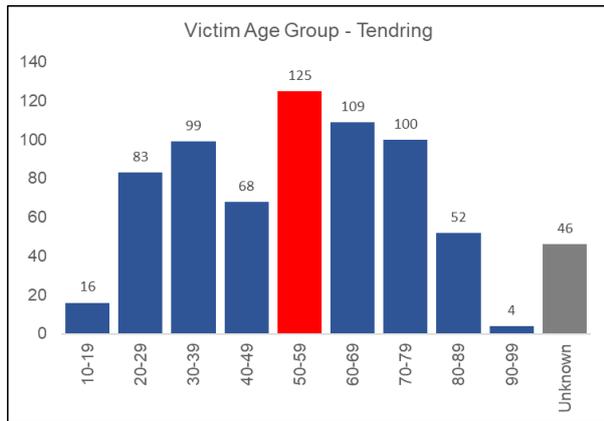
In Tendring in 2023/24, 659 (45.7%) of the offences were against individuals, 43 (23.3%) against organisations and the remainder recorded as unknown.

## District Breakdown– Tending (01/10/2023 – 30/09/2024)

<b>Total offences</b>	702
<b>Total paid by victims</b>	£5,006,182
<b>Average per offence</b>	£9,305

Victim Type	Total	Victim Support Requested	% Support Requested
Individual	659	301	45.7%
Organisation	43	10	23.3%
<b>Total</b>	<b>702</b>	<b>311</b>	<b>44.3%</b>

Top 5 Fraud Types	#	% of Total	Average Value
NFIB90 - None of the Above	181	25.8%	£10,998
NFIB3A - Online Shopping and Auctions	122	17.4%	£613
NFIB52C - Hacking - Social Media and Email	75	10.7%	£386
NFIB1H - Other Advance Fee Frauds	70	10.0%	£9,807
NFIB3D - Other Consumer Non Investment Fraud	53	7.5%	£6,814



The three areas in Tending with the most Fraud Offences in the last 12 months were Pier (35 offences, 5.0% of Tending total), St Osyth / Point Clear (32, 5.6%) and Brightlingsea (31, 4.4%). 24 Offences could not be assigned to an area.

PUBLIC

## 7. ANTI SOCIAL BEHAVIOUR & ENVIRONMENTAL CRIME DATA

### 7.1. Factors Impacting On Anti-Social Behaviour & Environmental Crime Data

The following factors should be taken into consideration when reviewing the data on ASB:

- There were no changes to counting rules or other analytical issues that would cause significant changes or in/decreases to any ASB types.

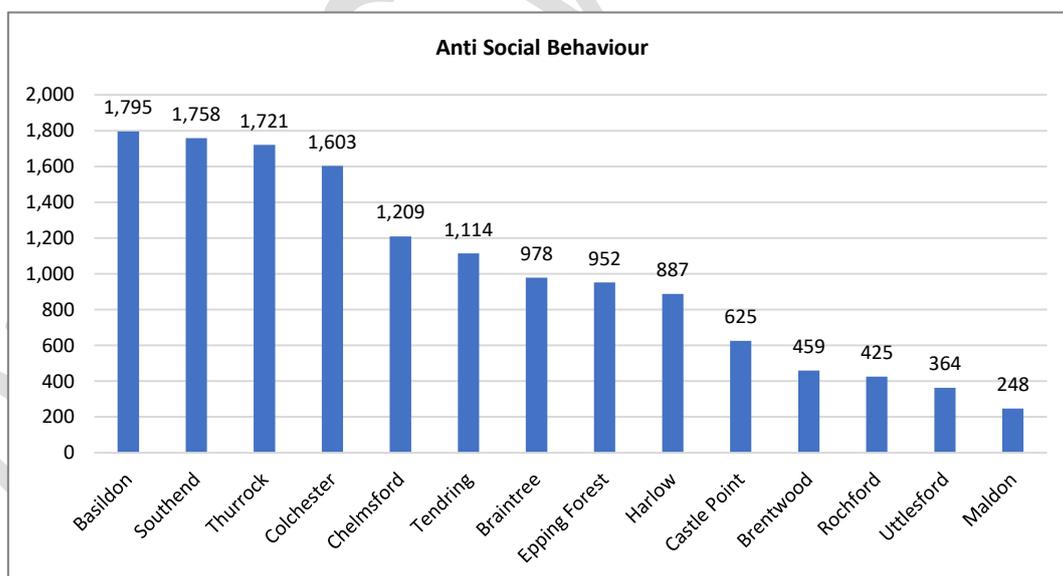
### 7.2. Anti-Social Behaviour Data – Essex Police

Data Source: Essex Police. NB Essex totals exclude Stanstead. Data is for October 2023 to September 2024.

In Greater Essex a total of 14,138 Anti-Social Behaviour (ASB) incidents were recorded by Essex Police during the 12 months to September 2024, of which 1114 (7.9%) were recorded in Tendring. This equates to 7.60 incidents per 1,000 population across Greater Essex, 5.94 per 1,000 population in Tendring.

Across Greater Essex, there was an increase in incidents of 54 (+0.4%), compared to Tendring where there was a decrease in incidents of 169 (-5.1%).

Flagged Type	Oct22 to Sept23	Oct23 to Sept24	% of Greater Essex Total 23/24	# diff.	% diff.	Incidents Per 1,000 Pop Oct23 to Sept24
Environment	55	71	7.7	+16	+29.1	7.52
Nuisance	717	687	7.6	-30	-4.2	4.62
Personal	511	356	8.2	-155	-30.0	2.40
<b>Total</b>	<b>1283</b>	<b>1114</b>		<b>-169</b>	<b>-5.1%</b>	



### 7.3. Anti Social Behaviour Data – Tendring Council

Data Source: Community Safety / ASB Team

#### ASB Complaints Received from 1<sup>st</sup> October 2023 – 30<sup>th</sup> September 2024

Total cases – 32

Nuisance Anti-Social Behaviour – 27

Personal Anti-Social Behaviour – 5

Notifications received that weren't progressed into cases; - 32

### 7.4. Housing (Tenancy Management) ASB Data – Tendring Council

Data Source: Tendring district Council Tenancy Management Team

ASB TYPES	1st October 2023 to 30th September 2024
Abandoned Vehicle	10
Alcohol related nuisance	2
Communal Areas	179
Communal cleaning	5
Criminal behaviour/Crime	44
Domestic Abuse	14
Drug substance misuse/Dealing	30
Garden nuisance	160
Hate crime	4
Noise	104
Non occupancy/Tenancy Fraud	66
Pet and Animal nuisance	24
Physical violence	3
Prostitution	1
Rubbish	148
Vandalism and Damage to property	96
Vehicle Nuisance	45
Verbal Abuse	20
Total	955

### 7.5 Environmental Crime Data – Tendring Council

MONTH	Reported*	Actual Flytips
October 2023	284	39
November 2023	249	47
December 2023	162	24
January 2024	318	68

<b>February 2024</b>	299	68
<b>March 2024</b>	263	47
<b>April 2024</b>	293	42
<b>May 2024</b>	320	42
<b>June 2024</b>	266	50
<b>July 2024</b>	348	61
<b>August 2024</b>	376	59
<b>September 2024</b>	267	44

\* Flytipping reports are often varied in actual content, and many are either misclassified or constitute an area of private land which would be for the landholder to clear. We also receive duplicate complaints, reports that are actually from legitimate community litterpicks, items presented for genuine waste collection and so on. All of these reports are filtered and investigated to establish areas of responsibility. Furthermore, there are a number of reports that fall within TDC stock (predominantly Housing) which are recorded separately as these fall within the areas of responsibility for those teams.

## 8. FIRE, ROAD & WATER SAFETY

### 8.1. Incidents Attended by Essex County Fire & Rescue Service

Data Source: Essex County Fire & Rescue. Data is for October 2023 to September 2024.

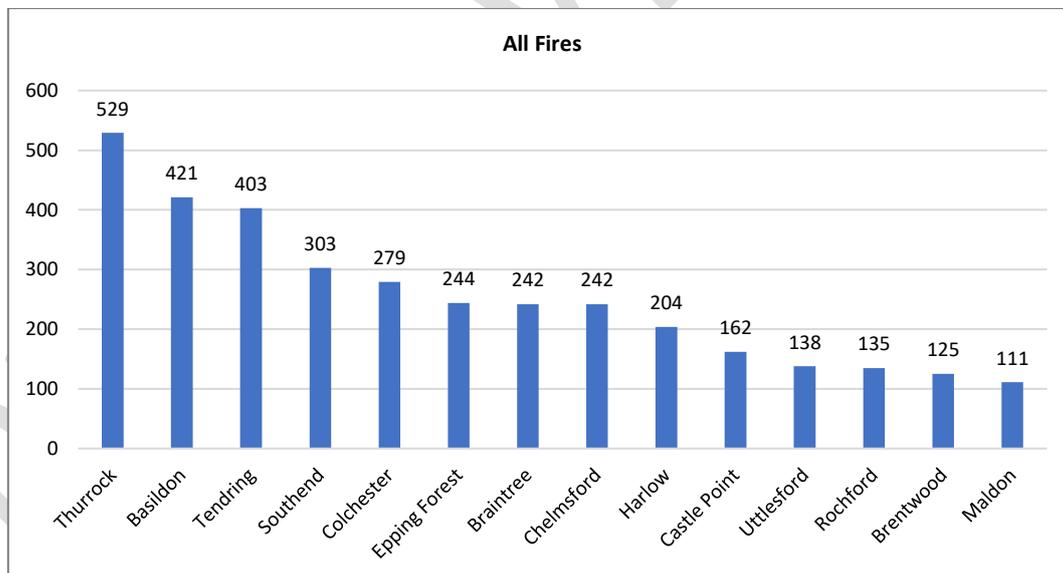
Essex County Fire & Rescue attended a total of 16,403 incidents in the 12 months to September 2024, 1604 (9.78%) were in Tendring.

Incident Type	Greater Essex			Tendring		
	Oct 22 to Sept 23	Oct 23 to Sept 24	Difference	Oct 22 to Sept 23	Oct 23 to Sept 24	Difference
False Alarms	7,029	7,235	+2%	675	701	+26
Fires	5,177	3,618	-7.4%	367	403	+36
Road Traffic Collisions	1,196	1,293	-0.2%	103	93	10
Special Service	4,006	4,257	+3.5%	396	407	+11
<b>Total</b>	<b>17,408</b>	<b>16,403</b>	<b>-5.8%</b>	<b>1541</b>	<b>1604</b>	<b>+63</b>

### 8.2. Fire Data

Data Source: Essex County Fire & Rescue. Data is for October 2023 to September 2024.

In the 12 months to September 2024, Essex County Fire & Rescue attended a total of 3,618 fire incidents, 403 (11.1%) were in Tendring (the 3rd highest of all 14 areas.). This is a decrease of 291 (-7.4%) on the previous 12 months, compared to an increase of 9.8% in Tendring. This equates to 1.95 incidents per 1,000 population across Greater Essex, 2.72 per 1,000 population in Tendring.



In the 12 months to September 2024, there were a total of 714 Accidental Dwelling Fires in Greater Essex, 82 in Tendring. This is a decrease of -56 (-7.3%) on the previous 12 months, compared to a decrease of 6 (6.8%) in Tendring. This equates to 0.38 incidents per 1,000 population across Greater Essex, 0.44 per 1,000 population in Tendring.

In the 12 months to September 2024, there were a total of 4 fatalities in Greater Essex from Accidental Dwelling Fires (0 of which were in Tendring), a decrease from 5 the previous 12 months. There were 76 injuries (14 of which were in Tendring), an increase from 63 the previous year.

When looking at all Accidental Dwelling Fires attended by ECFRS, 53% of all started in the kitchen. 55% were in single occupancy houses.

In the 12 months to September 2024, there were a total of 998 Deliberate Fires in Greater Essex, 98 in Tendring. This is a decrease of -104 (-9.4%) on the previous 12 months, compared to an increase of 1 (1.08%) in Tendring. This equates to 0.54 incidents per 1,000 population across Greater Essex, 0.52 per 1,000 population in Tendring.

When looking at all Deliberate Fires attended by ECFRS, the most common property types were loose refuse (15%) and grasslands, pastures and grazing grounds (6%).

### 8.3. False Alarms, Special Service Incidents and Road Traffic Collisions Attended by Essex County Fire & Rescue Service

Data Source: Essex County Fire & Rescue. Data is for October 2023 to September 2024.

In the 12 months to September 2024, Essex County Fire & Rescue attended a total of 7,235 false alarms, 701 (9.7%) were in Tendring. This is an increase of 143 (2%) on the previous 12 months, compared to an increase of 3.9% in Tendring. This equates to 3.89 incidents per 1,000 population across Greater Essex, 4.73 per 1,000 population in Tendring.

In the 12 months to September 2024, Essex County Fire & Rescue attended a total of 4,257 Special Service incidents, 407 (9.6%) were in Tendring. This is an increase of 145 (3.5%) on the previous 12 months, compared to an increase of 9.6% in Tendring. This equates to 2.29 incidents per 1,000 population across Greater Essex, 2.17 per 1,000 population in Tendring.

In the 12 months to September 2024, Essex County Fire & Rescue attended a total of 1,293 Road Traffic Collisions, 93 (7.2%) were in Tendring. This is a decrease of 2 (-0.2%) on the previous 12 months, compared to a decrease of 9.7% in Tendring. This equates to 0.70 incidents per 1,000 population across Greater Essex, 0.50 per 1,000 population in Tendring.

### 8.4. Prevention Activity Carried out by Essex County Fire & Rescue Service

Data Source: Essex County Fire & Rescue. Data is for October 2023 to September 2024.

In the 12 months to September 2024, Essex County Fire & Rescue carried out a total of 4,104 Home Safety Visits.

In the 12 months to September 2024, Essex County Fire & Rescue made 6,933 visits to those over 65 (compared to 6,685 the previous year) and 5,086 to people with a disability (compared to 3,340 the previous year).

Activity	2022/23	2023/24	Change	% Change
Home Safety Visits	3,863	4,104	+241	+6.2%
Safe & Well Visits	4,663	5,534	+871	+18.7%
Standard Smoke Alarms fitted	10,724	12,537	+1,813	+16.9%
Sensory Smoke Alarms Fitted	909	1,833	+924	+101.7%

### 8.5. Water Safety

Data Source: Essex County Fire & Rescue. Data is for April 2023 to March 2024.

In the 12 months to September 2024, Essex County Fire & Rescue attended a total of 47 water incidents, 7 (14.9%) were in Tendring. There were 38 victims of water incidents, of which 26 were rescued without injury, 8 rescued with injury and 4 were fatal.

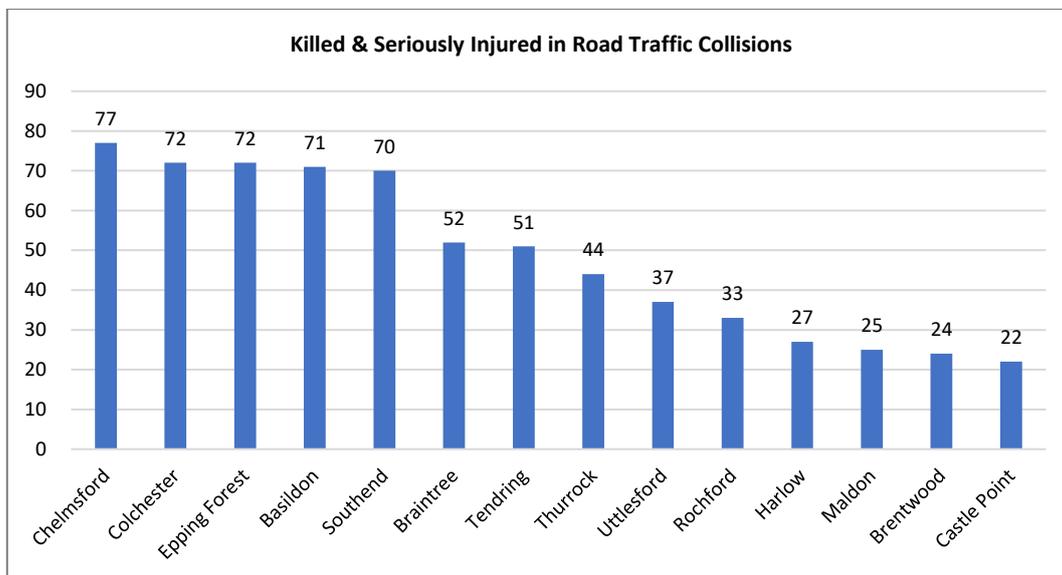
Where there were victims of water incidents, 18 were found in a river/canal, 15 at a beach, 3 at sea and 2 in a lake/pond/reservoir.

Activity	2022/23	2023/24	Change	% Change
Water Incidents	42	47	+5	+11.9%
Victims of Water Incidents	19	38	+19	+100%

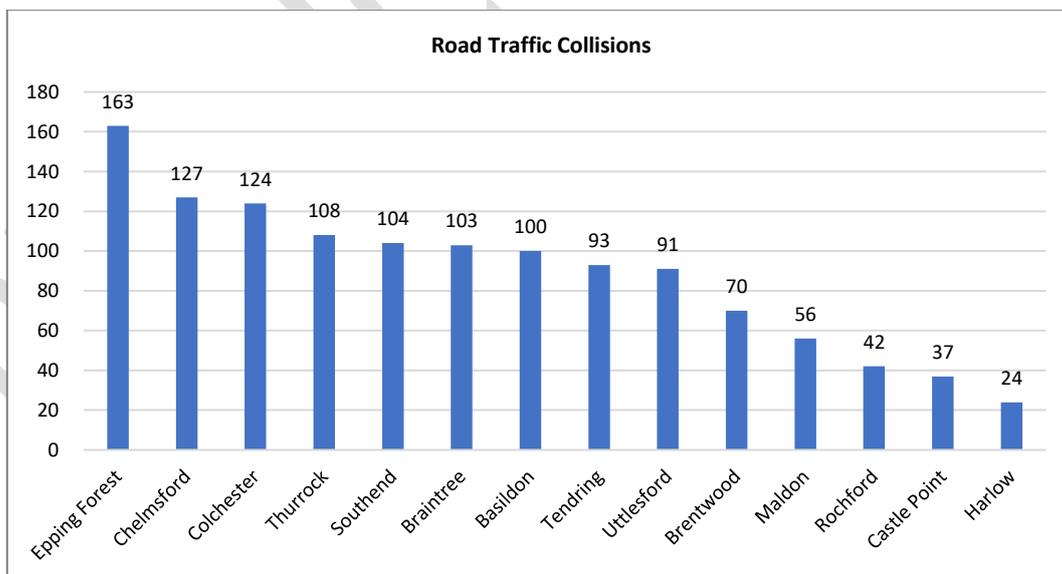
## 8.6. Road Traffic Collisions

Data Source: Essex County Fire & Rescue, Essex Police and Safer Essex Roads Partnership. All data is for October 2023 to September 2024

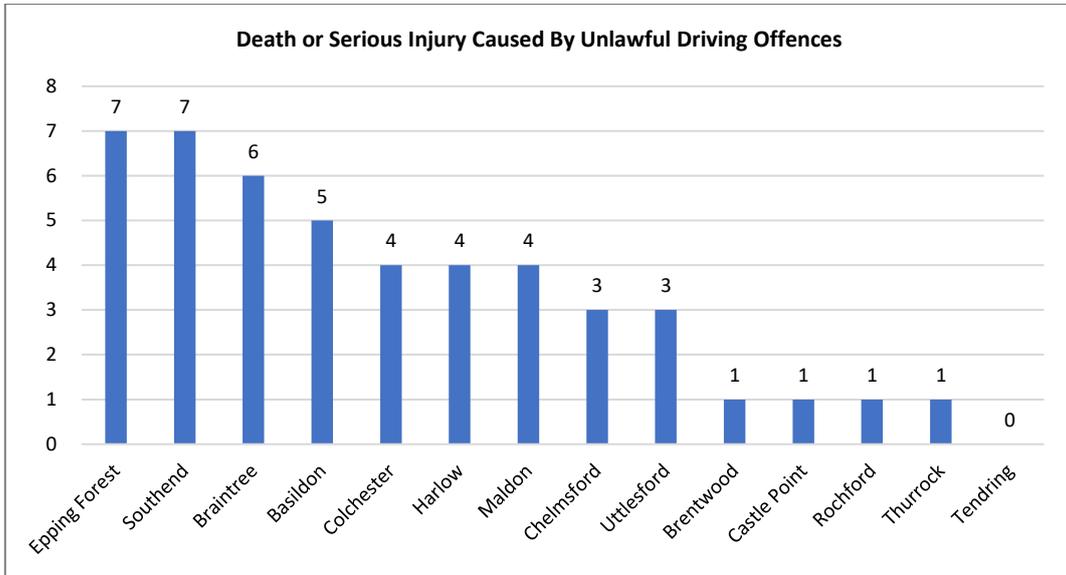
In the 12 months to September 2024, there was a total of 677 people killed or seriously injured on the roads in Greater Essex, 76 (7.5%) were in Tendring. This is a decrease of 183 (-21.3%) on the previous 12 months, compared to a decrease of 3.29% in Tendring. This equates to 0.36 per 1,000 population across Greater Essex, 0.34 per 1,000 population in Tendring.



In the 12 months to September 2024, Essex County Fire & Rescue attended a total of 1,293 Road Traffic Collisions, 93 (7.2%) were in Tendring. This is a decrease of 2 (-0.2%) on the previous 12 months, compared to a decrease of 9.7% in Tendring. This equates to 0.70 incidents per 1,000 population across Greater Essex, 0.50 per 1,000 population in Tendring.



In the 12 months to September 2024, Essex Police recorded a total of 11 Death or Serious Injury Caused by Unlawful Driving Offences, None of which were in Tendring. This is an increase of 11 (+30.6%) on the previous 12 months. This equates to 0.03 incidents per 1,000 population across Greater Essex.



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## 9. HIDDEN HARMS

### 9.1. Domestic Abuse

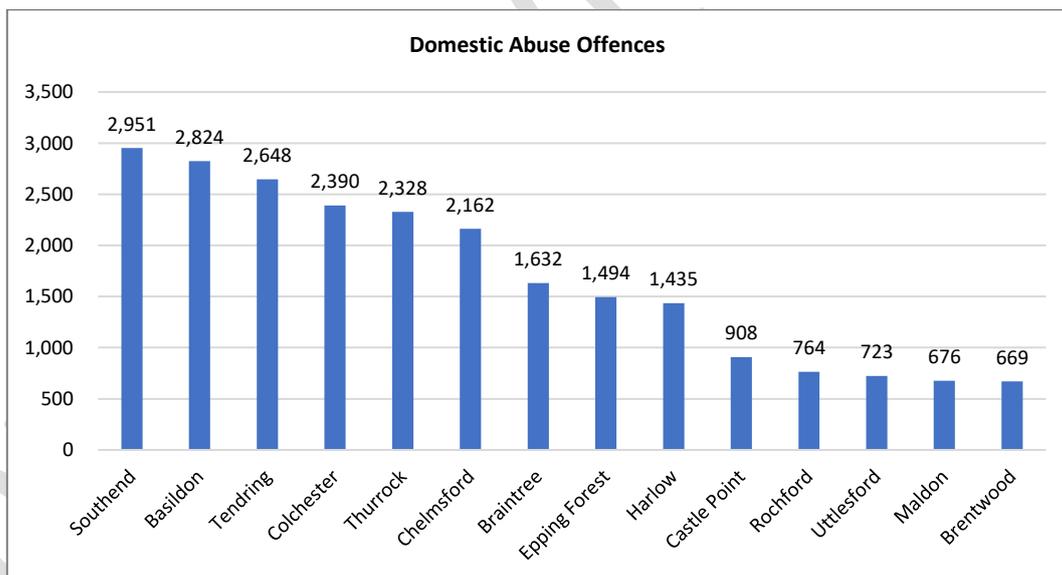
Data Source: Essex Police. Data is for October 2023 to September 2024.

Data Source: SET Integrated Domestic Abuse Services. Data is for Apr – Jun 2024.

In Greater Essex a total of 23,604 Domestic Abuse Offences were recorded by Essex Police during the 12 months to September 2024, of which 2648 (11.2%) were recorded in Tendring. This equates to 12.69 offences per 1,000 population across Greater Essex, 17.9 per 1,000 population in Tendring.

Across Greater Essex, there was a decrease in incidents of -1,644 (-6.5%), compared to Tendring where there was an increase in incidents of +199 (+8.1%).

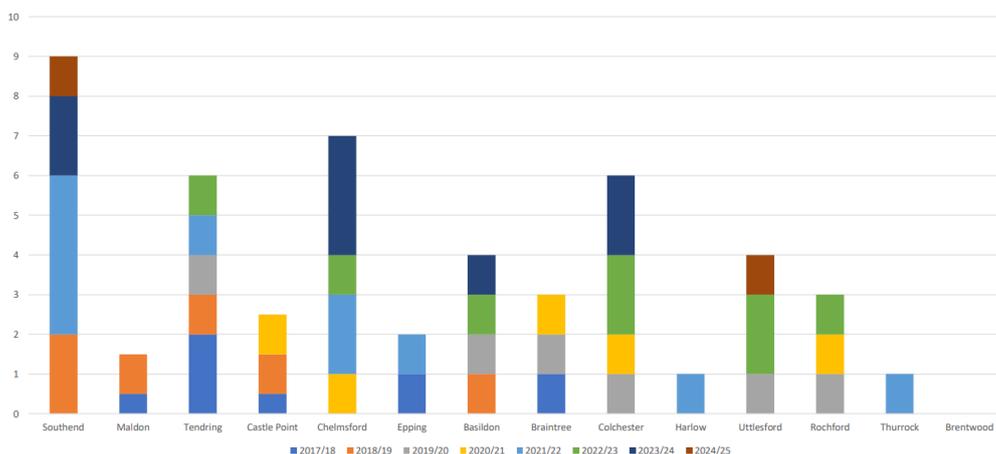
Domestic Abuse Risk Level	Oct22 to Sept23	Oct23 to Sept24	% of Greater Essex Total 23/24	# diff.	% diff.	Incidents Per 1,000 Pop Oct23 to Sept24
High Risk	218	259	12%	+41	+18.8	1.75
Medium Risk	281	501	10.8%	+220	+78%	3.38
Standard Risk	1805	1794	11.4	-11	-0.6%	12.11
No Risk Assessment	145	94		-51	-35.2%	
<b>Total</b>	<b>2449</b>	<b>2648</b>	<b>25.8%</b>	<b>+250</b>	<b>32.07</b>	<b>5.75</b>



Across Greater Essex, in the quarter April-June 2024, there were a total of 1,911 contacts made to the SET Integrated Domestic Abuse Services, an increase of 1.81% from the 1,877 contacts the previous quarter.

In Tendring, in the quarter April-June 2024, there were a total of 195 contacts made to the SET Integrated Domestic Abuse Services (7.69% of the total).

Across Greater Essex, from April 2017 to July 2024, there have been 50 Domestic Homicide Review notifications, of which six have been from Tendring.



## 9.2. Violence Against Women & Girls

Data Source: Essex Police. Data is for October 2023 to September 2024.

Across Greater Essex, in the 12 months to September 2024, 30,581 of the 58,136 Violence Against the Person Offences recorded had a female victim (52.6%). This is compared to 33,798 of the 62,877 offences the previous 12 months (53.8%).

Across Greater Essex, in the 12 months to September 2024, 4,088 of the 5,326 Sexual Offences recorded had a female victim (76.8%). This is compared to 4,377 of the 5,570 offences the previous 12 months (78.6%).

Through Project Minerva, Tendring CSP has been able to identify areas of focus for VAWG. This includes not just areas of high volume, but those where VAWG offences are disproportionately high compared to other offences in the Tendring, and areas where offences are lower than may be expected for the type of Tendring and could indicate under reporting. In Tendring, the following areas have been targeted for action: Clacton Town Centre and peripheral areas.

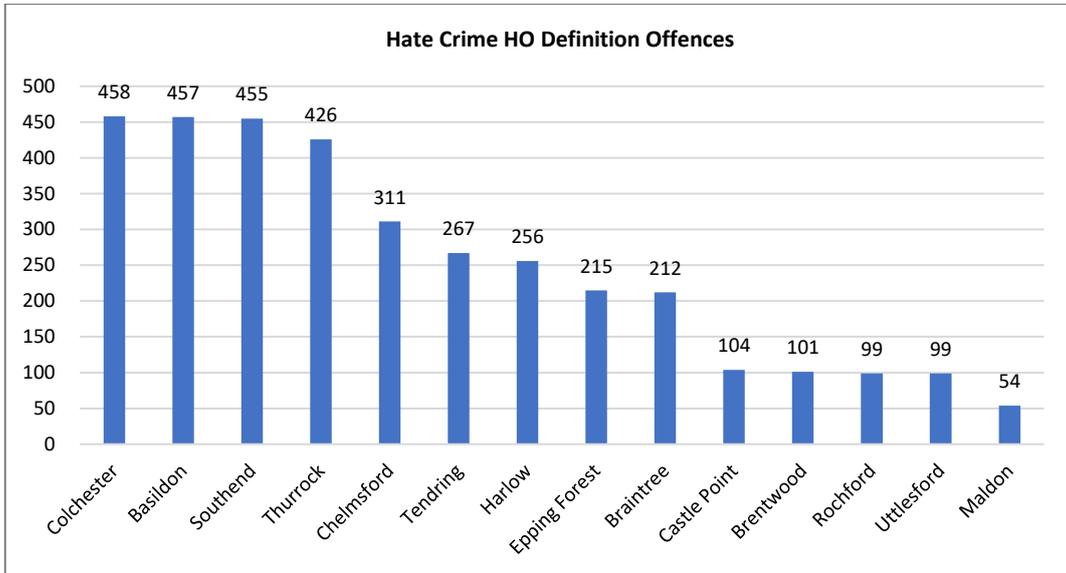
## 9.3. Hate Crime

Data Source: Essex Police. Data is for October 2023 to September 2024.

In Greater Essex a total of 3,514 Hate Crime Offences were recorded by Essex Police during the 12 months to September 2024, of which 267 (7.6%) were recorded in Tendring. This equates to 1.89 offences per 1,000 population across Greater Essex, 1.8 per 1,000 population in Tendring.

Across Greater Essex, there was a decrease in incidents of -322 (-8.6%), compared to Tendring where there was a decrease in incidents of 30 (-10.1%).

Across Greater Essex, there was a solved rate of 15.9%, similar to the rate of 15.8% in the previous 12 months. In Tendring, the solved rate was 16.9%, an increase from the rate of 7.4% in the previous twelve months.



Across Greater Essex, in the 12 months to September 2024, a total of 16 Hate Crime reports were made to Hate Crime Referral Centres. The centres engaged with a total of 496 people, 42 in Tendring. An additional 1,847 reports were made by the Hate Crime Ambassadors across Greater Essex.

Tendring	Reports	Engagement
Basildon	0	0
Braintree	5	67
Brentwood	0	0
Castle Point	0	0
Chelmsford	1	8
Colchester	7	78
Epping Forest	1	9
Harlow	2	52
Maldon	0	0
Rochford	0	9
Southend-on-Sea	0	0
Tendring	0	42
Thurrock	0	228
Uttlesford	0	3
<b>Total</b>	<b>16</b>	<b>496</b>

## 9.4. Missing Persons

Data Source: Essex Police. Data is for October 2023 to September 2024.

In Greater Essex during the year there were 2,295 Missing Person Reports for Adults (18+) involving 2,096 people (a person may be reported missing more than once), of which 286 reports involving 236 people were from Tendring.

Across Greater Essex, there was a decrease in reports of 307 (-11.8%), compared to Tendring where there was a decrease in reports of 17 (6.3%).

In Greater Essex during the year there were 5,866 Missing Person Reports for Children (under 18) involving 3,327 people (a person may be reported missing more than once), of which 494 reports involving 291 people were from Tendring.

Across Greater Essex, there was a decrease in reports of 497 (-7.8%), compared to Tendring where there was an increase in reports of 85 (20.8%).

Tendring	Adult 18+			Child Under 18		
	Oct22 to Sept23	Oct23 to Sept24	% Difference	Oct22 to Sept23	Oct23 to Sept24	% Difference
Basildon	144	131	-9.0%	691	431	-37.6%
Braintree	200	153	-23.5%	338	359	6.2%
Brentwood	74	69	-6.8%	92	40	-56.5%
Castle Point	63	47	-25.4%	64	89	39.1%
Chelmsford	268	203	-24.3%	476	510	7.1%
Colchester	250	228	-8.8%	1,120	971	-13.3%
Epping Forest	128	120	-6.3%	198	393	98.5%
Harlow	160	119	-25.6%	399	457	14.5%
Maldon	70	53	-24.3%	62	90	45.2%
Rochford	43	57	32.6%	117	76	-35.0%
Southend-on-Sea	253	224	-11.5%	737	556	-24.6%
Tendring	269	286	6.3%	409	494	20.8%
Thurrock	185	205	10.8%	392	426	8.7%
Uttlesford	80	52	-35.0%	130	127	-2.3%
Unknown/Stanstead	415	348	-16.1%	1,138	847	-25.6%
<b>Total</b>	<b>2,602</b>	<b>2,295</b>	<b>-11.8%</b>	<b>6,363</b>	<b>5,866</b>	<b>-7.8%</b>

## 9.5. Prevent (Counter Extremism) & Community Tensions

Data Source: Eastern Region Counter Terrorism Local Profile and Essex Situational Risk Assessment

Across Essex in 2023/24, there were 136 Prevent referrals made to CT Police, of which 15 were in Tendring. Most referrals were made by Education (64) followed by Policing (38).

The Counter Terrorism Local Profile currently assesses the threat priorities in the Eastern Region as:

- Extreme Right Wing Terrorism
- Self Initiated Terrorism
- Terrorism in Prison
- Online (as an enabler)

The Essex Prevent Delivery Group has identified the following areas of risk within its Situational Risk Assessment:

- Risk of further activity from Far-Right groups, with focus on Home Office accommodation and areas of local community tensions.
- Risk of the continued conflict in the Middle East increasing exposure to harmful online content and radicalisation by Islamist Extremist groups.
- Need for improved and consistent understanding of risk both by frontline staff (to support them in 'spotting the signs') and senior leaders (to ensure that Prevent is understood and prioritised).
- Need for improved understanding of requirements for local authorities in 'Reducing Permissive Environments', more joined up approaches and supporting staff in understanding the risk and undertaking due diligence checks.
- Need for consistent and continuous communication with residents to help them understand the risk, particularly to young people, whilst engaging with faith and community groups to support and embed this work.

The current priorities for the Essex Prevent Delivery Group are:

- Strengthening Our Partnership & Improving Our Understanding of Risk in Essex
- Raising Awareness of Prevent Amongst Frontline Staff & Improving Referral Quality
- Reducing Permissive Environments
- Communicating & Engaging with Local Communities

Across Essex, there has been sporadic activity by far-right groups (Patriotic Alternative and Britain First) at some of the Home Office contingency accommodation locations. This has included leafleting of local areas and small scale 'protests'. There has been significant national attention on the site of Wethersfield. Similarly with most other areas in the UK, the activity had dwindled (most likely as a result of in-fighting within the groups and a lack of focus) and the sporadic nature means that they failed to gain traction within local communities. Local protest groups against the Wethersfield site have continued to distance themselves from these far-right groups. There was no increase in activity in the build-up to the local and general elections.

There have been regular small scale peaceful pro-Palestine protests held in towns across Essex, none of which have seen any counter protests. There have been a small number of incidents across most areas of hate graffiti and stickering, including those that are Pro-Hamas, antisemitic or involving Nazi symbols. By their nature, there is a lack of evidence in most cases as to who has placed them and if they are linked to any extremist groups. Whilst some have obvious connections to the conflict in Gaza/Israel this is not always the case and there has been sporadic activity of this nature before the conflict.

During the national disorder in August, there were no incidents in Essex. However, there were heightened levels of concern amongst some communities. Whilst some of this was in relation to mis/disinformation about 'planned' protests which have now passed, there continues to be high levels of concern particularly amongst our Jewish and Muslim communities.

## 10. SERIOUS & ORGANISED CRIME

### 10.1. Modern Slavery & Human Trafficking

Data Source: Essex Police. Data is for October 2023 to September 2024.

There was a total of 438 Modern Slavery & Human Trafficking Offences in Greater Essex in the year, 20 (4.56%) of which were in Tendring.

Across Greater Essex, there was an increase in offences of 7 (1.6%), compared to Tendring where there was a decrease of 4 incidents.

### 10.2. Serious Violence (Violence & Vulnerability Unit)

Data Source: Violence & Vulnerability Unit. Data for October 2023 to September 2024.

In Greater Essex there were a total of 1,085 Serious Violence Offences recorded in the 12 months to September 2024, 106 (9.8%) of which were in Tendring.

### 10.3. Trading Standards

Data Source: Essex County Council. Data for October 2023 to March 2024.

In Essex, there were a total of 156 intelligence reports received for Underage Sales (22 for alcohol, 8 for cigarettes, 126 for vapes). As a result, a total of 117 test purchases were made (23 for alcohol, 2 for cigarettes, 92 for vapes) with a total of 14 successful purchases (3 for alcohol, 0 for cigarettes, 11 for vapes).

In Tendring, there were a total of 30 intelligence reports received for Underage Sales (5 for alcohol, 2 for cigarettes, 23 for vapes). As a result, a total of 23 test purchases were made (4 for alcohol, 0 for cigarettes, 19 for vapes) with a total of 4 successful purchases (1 for alcohol, 0 for cigarettes, 3 for vapes).

Areas	Alcohol			Cigarettes			Vapes		
	Complai nts	Test Purchas es	Sales	Complai nts	Test Purchas es	Sales	Complai nts	Test Purchas es	Sales
Basildon	2	2	0	0	0	0	7	6	0
Braintree	1	1	0	1	0	0	18	13	2
Brentwood	3	1	0	0	0	0	9	6	2
Castle Point	1	1	0	0	0	0	2	1	0
Chelmsford	4	3	0	2	0	0	10	10	2
Colchester	2	7	2	1	1	0	23	16	0
Epping Forest	1	0	0	1	0	0	15	10	1
Harlow	0	0	0	1	1	0	8	1	0
Maldon	0	0	0	0	0	0	6	5	1
Rochford	3	4	0	0	0	0	4	4	0
Tendring	5	4	1	2	0	0	23	19	3
Uttlesford	0	0	0	0	0	0	1	1	0
<b>Total</b>	<b>22</b>	<b>23</b>	<b>3</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>126</b>	<b>92</b>	<b>11</b>

In Essex there were a total of 6 seizure visits carried out: 1 in Basildon, 2 in Chelmsford, 3 in Tendring. This resulted in the seizure of 81,662 cigarettes (4,600 in Basildon, 8,860 in Chelmsford and 68,202 in Tendring) and 15.21kg of rolling tobacco (0kg in Basildon, 1.15kg in Chelmsford and 15,21kg in Tendring).

## 11. OFFENDER MANAGEMENT & CRIMINAL JUSTICE

### 11.1. Youth Justice Service

Data Source: Essex Youth Justice Service. Data is for October 2023 to September 2024.

Between 1st October 2023 and 30th September 2024, 746 young people were active on Youth Justice Service (YJS) programmes in Essex.

### 11.2. Probation

Data Source: National Probation Service. Data is snapshot of case loads taken October 2024.

There was a total of 5,762 people on Probation in Essex, of which 496 were in Tendring.

People on Probation		
Tendring	People	% of County
Basildon	683	11.85%
Braintree	337	5.85%
Brentwood	180	3.12%
Castle Point	204	3.54%
Chelmsford	421	7.31%
Colchester	505	8.76%
Epping Forest	322	5.59%
Harlow	376	6.53%
Maldon	125	2.17%
Rochford	139	2.41%
Southend-on-Sea	688	11.94%
Tendring	496	8.61%
Thurrock	549	9.53%
Uttlesford	126	2.19%
Homeless at Sentencing	428	7.43%
Unpaid Work Only	183	3.18%
<b>Total</b>	<b>5,762</b>	

When looking at risk of reoffending of those on the caseload:

- Across Greater Essex, 8.90% of people were assessed as being of Very High risk of reoffending, this compares to 7.8% in Tendring.
- Across Greater Essex, 20.86% of people were assessed as being of High risk of reoffending, this compares to 19% in Tendring.
- Across Greater Essex, 25.72% of people were assessed as being of Medium risk of reoffending, this compares to 27.6% in Tendring.
- Across Greater Essex, 44.52% of people were assessed as being of Low risk of reoffending, this compares to 45.6% in Tendring.

Assessed Risk Levels Of Reoffending								
Tendring	Very High		High		Medium		Low	
	#	% of Tendring	#	% of Tendring	#	% of Tendring	#	% of Tendring
Basildon	49	7.17%	163	23.87%	184	26.94%	287	42.02%
Braintree	26	7.72%	62	18.40%	95	28.19%	154	45.70%
Brentwood	10	5.56%	29	16.11%	48	26.67%	93	51.67%
Castle Point	17	8.33%	37	18.14%	49	24.02%	101	49.51%
Chelmsford	31	7.36%	72	17.10%	113	26.84%	205	48.69%
Colchester	44	8.71%	114	22.57%	124	24.55%	223	44.16%
Epping Forest	19	5.90%	73	22.67%	81	25.16%	149	46.27%
Harlow	42	11.17%	73	19.41%	101	26.86%	160	42.55%
Maldon	06	4.80%	21	16.80%	34	27.20%	64	51.20%
Rochford	09	6.47%	31	22.30%	30	21.58%	69	49.64%
Southend-on-Sea	69	10.03%	150	21.80%	166	24.13%	303	44.04%
Tendring	39	7.86%	94	18.95%	137	27.62%	226	45.56%
Thurrock	52	9.47%	117	21.31%	143	26.05%	237	43.17%
Uttlesford	07	5.56%	21	16.67%	32	25.40%	66	52.38%
Homeless at Sentencing	90	21.03%	117	27.34%	91	21.26%	130	30.37%
Unpaid Work Only	03	1.64%	28	15.30%	54	29.51%	98	53.55%
<b>Total</b>	<b>513</b>	<b>8.90%</b>	<b>1,202</b>	<b>20.86%</b>	<b>1,482</b>	<b>25.72%</b>	<b>2,565</b>	<b>44.52%</b>

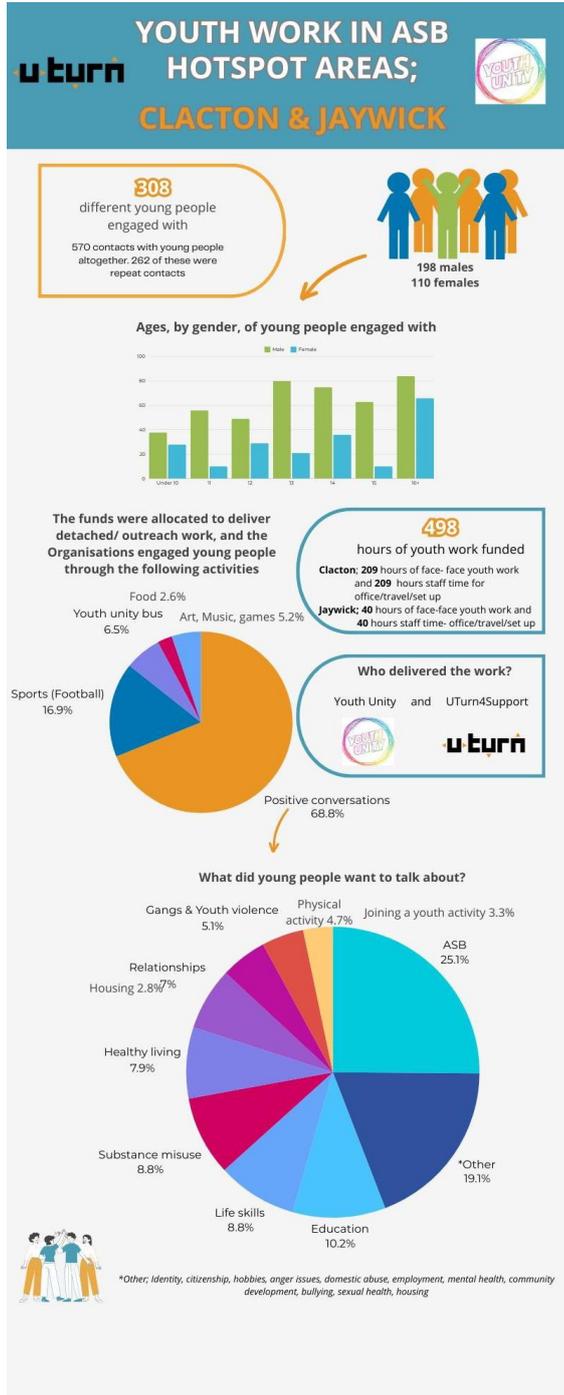
When looking at risk of serious harm of those on the caseload (excluding those not yet assessed):

- Across Greater Essex, 1.11% of people were assessed as being of Very High risk of serious harm, this compares to 0.6% in Tendring.
- Across Greater Essex, 28.35% of people were assessed as being of High risk of serious harm, this compares to 32.1% in Tendring.
- Across Greater Essex, 58.45% of people were assessed as being of Medium risk of serious harm, this compares to 57.0% in Tendring.
- Across Greater Essex, 12.09% of people were assessed as being of Low risk of serious harm, this compares to 10.2% in Tendring.

Assessed Risk of Serious Harm								
Tendring	Very High		High		Medium		Low	
	#	%	#	%	#	%	#	%
Basildon	09	1.34%	180	26.83%	412	61.40%	70	10.43%
Braintree	01	0.30%	80	23.88%	204	60.90%	50	14.93%
Brentwood	00	0.00%	42	23.46%	103	57.54%	34	18.99%
Castle Point	03	1.48%	52	25.62%	125	61.58%	23	11.33%
Chelmsford	03	0.72%	96	23.13%	260	62.65%	56	13.49%
Colchester	05	1.00%	145	29.06%	303	60.72%	46	9.22%
Epping Forest	02	0.63%	53	16.72%	207	65.30%	55	17.35%
Harlow	03	0.80%	117	31.37%	211	56.57%	42	11.26%
Maldon	01	0.80%	30	24.00%	79	63.20%	15	12.00%
Rochford	00	0.00%	40	28.99%	82	59.42%	16	11.59%
Southend-on-Sea	07	1.03%	220	32.26%	405	59.38%	50	7.33%
Tendring	03	0.61%	157	32.11%	279	57.06%	50	10.22%
Thurrock	08	1.47%	165	30.28%	309	56.70%	63	11.56%
Uttlesford	00	0.00%	25	19.84%	82	65.08%	19	15.08%
Homeless at Sentencing	18	4.42%	207	50.86%	152	37.35%	30	7.37%
Unpaid Work Only	00	0.00%	0	0.00%	104	60.82%	67	39.18%
<b>Total</b>	<b>63</b>	<b>1.11%</b>	<b>1,609</b>	<b>28.35%</b>	<b>3,317</b>	<b>58.45%</b>	<b>686</b>	<b>12.09%</b>

12. OTHER DATA FOR TENDRING

12.1. ECVYS ASB Report 23-24



VERSION

## 12.2. Essex Youth Service - Make Your Mark Ballot Results Report 2024

### Tendring Results

2,507 young people voted in Tendring with **Culture, Media and Sport** being voted their top issue with **462 votes. Tendring Total votes**

Topics	No. votes	% of votes
Culture, Media and Sport	462	18.43%
Health and Wellbeing	451	17.99%
Crime and Safety	424	16.91%
Jobs, the Economy and Benefits	355	14.16%
Education and Learning	291	11.61%
Climate Change and the Environment	126	5.03%
Transport	120	4.79%
Rights, Equalities and Democracy	109	4.35%
Youth Work and Young People's Services	98	3.91%
International Relations	58	2.31%
Spoilt	13	0.52%
<b>Total</b>		<b>2,507</b>

PUBLIC VERSION

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## CABINET

11 APRIL 2025

### REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND COMMUNITY SAFETY

#### A.2 FREEHOLD DISPOSAL OF REDUNDANT OFFICE SITE AT WEELEY

##### PART 1 – KEY INFORMATION

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

To evaluate whether, given the extended negotiations, the Council should continue with negotiating an Option Agreement for the disposal of the redundant Council Office at Weeley. This is in line with Cabinet's decision on 17 December 2021 to dispose of the Weeley Office site, based on the Heads of Terms finalised by the then Leader following consultation, with the then Portfolio Holder for Housing along with the Corporate Director (Operations and Delivery), the Section 151 Officer, and the Monitoring Officer on 25 April 2023.

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

Cabinet agreed transformation proposals on the 16 December 2016 which included disposing of a number of Council facilities, Weeley Offices being one of them. On the 17 December 2021 following an invitation of bids from two special purchasers, Cabinet agreed to enter into an option agreement with the successful bidder, delegating authority to agree Heads of Terms on the principles set out in the report. Heads of Terms were agreed on 25 April 2023.

Since the Heads of Terms were agreed, negotiations in respect of the full text of the Options Agreement, the legally binding document that needs to be completed in order for planning consent to be submitted, have been ongoing. This has still not been finalised.

Negotiations between the successful bidder and the Council in respect of the Options Agreement have reached a stalemate with each party's legal advice being on opposing sides of the opinion on a key issue, the extent and effect of highway rights adjoining the site.

This report looks at whether, based on the ongoing costs and liabilities of a currently vacant site, the Council should continue with negotiations to try and finalise the Option Agreement, or choose to withdraw from further negotiations in order to consider alternative routes to dispose of the site.

Ongoing costs for the Weeley site are in the region of £65,000.00 p/a. Given the issues highlighted above, the risks of not being able to satisfactorily move beyond the current stalemate / stalled position are now significant. Planning Consent, which will take a minimum of 12 weeks, possibly longer because of the size and complexity of the development, hasn't yet been submitted and won't be until the Option Agreement has been resolved.

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

**It is recommended that Cabinet:**

- (a) in the light of ongoing delays and costs, as well as the significant risk of failing to conclude the disposal Option Agreement for the former Weeley Council Offices site, agrees to no longer pursue further negotiations with the current bidder, based on the existing Heads of Terms agreed in April 2023; and**
- (b) requests Officers explore alternative disposal options and report these back to Cabinet for consideration and further decisions.**

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

Due to the complex and multilayered considerations of the transaction, it took 16 months to agree heads of terms for the Option Agreement and has taken a further 2 years in negotiations over the legally binding agreement. These negotiations have not currently been concluded and despite significant time and effort by the legal and property teams on both sides, are considered to be at a stalemate. Each party's legal advice sits on opposing sides of the opinion on a key issue: the extent and effect of highway rights adjoining the site. Due to the time and cost that has already been expended and there being no confidence that matters can be resolved quickly, if at all, withdrawing from the agreement in order to consider alternative disposal routes is recommended in order to mitigate further expense.

If Cabinet agrees to no longer pursue current negotiations, alternative options can be explored and brought forward in a future Cabinet Report for decision. Along with the approach adopted previously, these could also include:

- (a) To go through an open market tender process – robust parameters would need to be put in place around timeframes for completion, but this would provide other interested parties who have made enquiries over the last 3 years to put their offers forward. There is however the risk that negotiations with a winning bidder could become lengthy or the bidder may withdraw prior to the offer becoming legally binding.
- (b) To demolish the buildings on site in order to mitigate the NNDR costs – this would likely cost the Council a minimum of £200,000.00 (estimated on previous demolition costs) and negate the potential of any future planning consent including vacant buildings credit, or the option that any future purchaser could choose to convert or repurpose any of the buildings on site.
- (c) To dispose of the property by auction – this would provide a definitive end date for the completion of the sale of the property, but the guide and reserve prices are likely to be lower than would be achieved in the open market. Whilst it is possible that bidding on the day would achieve the value aspired to, there is a risk it may only achieve the reserve price.
- (d) To redevelop the site – this would provide additional social housing to the Council, however would be resource heavy and with design, planning and build likely to be a 5 year project.

Although this report responds in the immediacy to the issues arising to date, the further report planned to be presented to Cabinet as mentioned above, will enable a timely opportunity to address or supersede the specific recommendations made by Cabinet on 17 December 2021 mentioned earlier as necessary.

## ALTERNATIVE OPTIONS CONSIDERED

To continue progressing the previously negotiated disposal – whilst the heads of terms have been signed, an impasse has now been reached in respect of the Options Agreement with differing legal opinions between the parties on the extent and effect of highway rights adjoining the site. It is not anticipated that this matter can be easily resolved and even if it is, the handover of the site is still dependent on planning permission being achieved.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The current Vision includes the following that are relevant to this decision:

Pride in our area and services to residents – vacant sites attract anti-social behaviour as well as generally deteriorating bringing the area down. This lets down neighbouring properties and residents and makes them less likely to look after and take pride in their own property and surrounding area.

Raising aspirations and creating opportunities – moving this site forward in order for it to be redeveloped/repurposed should provide opportunities for employment and benefit local supply chains in carrying out the necessary work.

Financial Sustainability and openness – achieving best value is important in order for capital receipts to be maximised for use supporting the Council's priorities. Decisions should be taken with all the information and weighing ongoing costs with potential receipts.

**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)

Generally, a resolution is sought that concludes the disposal within a definable time period and incurs the least further cost to the Council.

### 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)	24 December 2024

Section 123(1) Local Government Act 1972 (1972 Act) indicates that, a local authority may dispose of land held by it in any way it wishes so long as (section 123 (2)) the land is disposed for a consideration not less than the best that can reasonably be obtained.

In coming to decisions in relation to management of assets, the Council must act in accordance with its statutory duties and responsibilities. Under case law following Section 120 of Local Government Act 1972, the Council is obliged to ensure that the management of its assets are for the benefit of the District.

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

At the point the Options Appraisal is presented back to Cabinet, if necessary, previous decisions will require revisiting with respect to the legal powers for the use of the site and Heads of Terms, as these decisions remain current until which time they are reversed.

The Council outsourced, to a degree, its legal support in this matter, with the costs to be recovered through completion of the disposal via the Heads of Terms, the ability to recover these costs is now at risk.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

The Council is currently spending in the region of £65,000.00 per year in NNDR, utility standing charges and security for the Weeley site. The current negotiations over the Option Agreement have reached a stalemate and either needs the successful bidder to go against their legal advice and take a chance on the project, or the Council to go against their legal advice and indemnify or underwrite the other party's project. With neither party able to move through this impasse, there is a risk further cost, both in respect of ongoing costs at the property, as well as legal fees will continue to be incurred with no progress made.

**Yes The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

Although there are no significant comments over and above those set out elsewhere within the report, taking pragmatic steps to move beyond the currently 'stalled' position would support the Council in limiting wherever possible the ongoing costs / liabilities associated with the site.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>Whilst the previously negotiated heads of terms provided a good return by way of properties to the Council, this has to be weighed against the ongoing costs of the site and the unknown timeline for actual realisation of those properties.</p>
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<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including and</p>	<p>Weeley site is no longer used for delivering services and disposal has previously been agreed. The manner of disposal now has to be considered in order to make sure best use is made of resource weighed against timeframes, ongoing costs and best value.</p>
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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.	Consideration has been given to the risk and outcomes of continuing with the negotiations, in order to recommend a course of action that has the least impact on service delivery.
<b>MILESTONES AND DELIVERY</b>	
If Cabinet decides to withdraw the agreement and terminate negotiations with the successful bidder, a further report will be presented to Cabinet within 3 months, outlining alternative disposal options and providing full details for Cabinet's consideration	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
<p>Ongoing costs of the retained site – the Council are already paying all ongoing costs on the site with no clear indication of when or if the current negotiations will come to a successful conclusion. Any future decisions or negotiations in respect of disposal should include robust timeframes in order to mitigate ongoing costs.</p> <p>That the property becomes listed as a heritage asset – an application has been submitted with a request that the former Weeley Council office building is listed. Whilst there is a process that this request will have to go through before determination, should the application be successful then any future plans for the site will have to retain the building. Due to the additional costs this will entail for any developer, the financial offer for the site to the Council will be reduced.</p>	
<b>EQUALITY IMPLICATIONS</b>	
Not specifically relevant to this decision	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
Not specifically relevant to this decision	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050</b>	
There are ongoing standing charges and minimal energy usage at the site.	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b>	
<b>Crime and Disorder</b>	Vacant properties continue to deteriorate impacting the surrounding area. This type of vacant property tends to attract fly-tipping and has the potential to attract anti-social behaviour the longer it remains vacant.
<b>Health Inequalities</b>	Not directly relevant to this decision
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related</b>	N/A

<b>Statutory Guidance)</b>	
<b>Ward affected</b>	Weeley and Tendring

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

#### **BACKGROUND**

Cabinet agreed transformation proposals on the 16 December 2016 which included disposing of a number of Council facilities, Weeley Offices being one of them.

On the 17 December 2021 following an invitation of bids from two special purchasers, Cabinet agreed a disposal to the successful bidder, delegating authority to agree Heads of Terms on the principles set out in the report.

Heads of Terms were agreed by the then Leader, the then Portfolio Holder for Housing and the Corporate Director (Operations and Delivery), Section 151 Officer and Monitoring Officer on 25 April 2023 as delegated by Cabinet.

Following agreement of the Heads of Terms, which are not legally binding, negotiations have been ongoing in order to finalise the Option Agreement to legally bind Tendring District Council and the successful bidder to the deal, in order for them to start investing money on designing their scheme and applying for planning consent. The negotiations have now hit a stalemate due to differing legal opinions between the parties.

#### **PREVIOUS RELEVANT DECISIONS**

- Decision by the then Leader of the Council 25 April 2023 – to agree formal Heads of Terms for the sale
- Cabinet decision 17 December 2021 – to proceed with the sale of the Weeley site
- Cabinet decision 16 December 2016 – to sell the Weeley site as part of the transformation project

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

None

#### **APPENDICES**

None

#### **REPORT CONTACT OFFICER(S)**

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## CABINET

11 APRIL 2025

### **A.3 ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2025/26 (INCLUDING PRUDENTIAL AND TREASURY INDICATORS)**

#### **PART 1 – KEY INFORMATION**

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

To agree the Annual Capital and Treasury Strategy for 2025/26 (including Prudential and Treasury Indicators) for submission to Council on 20 May 2025.

##### **EXECUTIVE SUMMARY**

- The Local Government Act 2003 and supporting regulations require the Council to set out its treasury strategy for borrowing, and to prepare an Annual Investment Strategy (as required by Investment Guidance subsequent to the Act) that sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments, "having regard" to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code and the CIPFA Treasury Management Code of Practice. Revised editions of both documents came into force in 2023/24.
- The Capital Strategy continues to be combined with the Treasury Strategy into one document, which is required to be updated / approved annually.
- The proposed Annual Capital and Treasury Strategy for 2025/26 is set out in **Appendix A** and it continues to reflect the various changes set out in the latest Codes mentioned above.
- The Capital Strategy element of the combined document covers the various elements surrounding capital investment decisions and the key criteria that investment decisions should be considered against.
- The Treasury Strategy element of the combined document covers the various elements that satisfy the requirements of the various codes that govern the borrowing and investment activities of the Council and has been prepared in the light of advice received from the Council's Treasury advisors and reflects the latest codes and guidance.
- Prudential and Treasury indicators are included as an Annexe to the combined strategy and are therefore included within **Appendix A**.
- Under the Prudential Code the Council has freedom over capital expenditure as long as it is prudent, affordable and sustainable. The Prudential Indicators either measure the expected activity or introduce limits upon the activity and reflect the underlying capital appraisal systems and enable the Council to demonstrate that it is complying with the requirements of the Prudential Code.
- The Council's investments will be undertaken in accordance with its Treasury Management Practices (TMPs). These include the use of non-specified investment in

property to yield both rental income and capital gains. The Codes referred to above require clear separation of commercial investments from treasury investments. As the Council only has one such investment, which is clearly identified within the Strategy and the TMPs, in continuing the approach adopted last year, it is not proposed to produce a separate suite of Investment Management Practices for this purpose.

- As is always the case, other 'quality' investment opportunities will always be explored during the year in consultation with the Council's external advisors to maximise returns on investments within a continuing and overall risk-averse approach.
- In terms of the reporting process associated with the attached strategy, this would ordinarily be based on obtaining agreement of the Portfolio Holder for Finance and Governance for consultation with the Resources and Services Overview and Scrutiny Committee, following which it would be submitted to Cabinet and then onto Full Council.
- However, due to the timetable of meetings and the continuing work pressures, including those associated with clearing the backlog of outstanding Statement of Accounts that were due to external audit delays, a revised timescale is proposed.
- It is therefore now proposed to seek Cabinet's agreement to the strategy via this report along with a recommendation for it to be presented to Full Council later in May for approval and adoption.
- In terms of consulting with the Resources and Overview and Scrutiny Committee, it is proposed to undertake this as early as possible in 2025/26, subject to this being included within the Committee's Work Programme.
- The above reflects a pragmatic approach to ensure that the strategy can be approved ahead of the financial year it relates to or as soon as possible thereafter. However, it also recognises that if the Resources and Overview and Scrutiny Committee have any comments, which could also require further exploration / investigation, then they can be considered and reported back to Full Council at a later date, where potential in-year revisions to the Strategy could be considered.
- Although at a limited level at the current time, the strategy now acknowledges the potential impact from local government reforms, which includes the requirement to take such matters into consideration as necessary, which also complements the wider decision making proposals agreed by Full Council at its meeting on 25 March 2025 and highlight priorities agreed by Cabinet on 17 March 2025.

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

**That Cabinet agrees that the Annual Capital and Treasury Strategy for 2025/26 (including Prudential and Treasury Indicators) as attached be recommended to Full Council for approval, acknowledging that consultation with the Resources and Services Overview and Scrutiny Committee will be undertaken during 2025/26, subject to inclusion within that Committee's Work Programme.**

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

To support the process of ensuring that a Capital and Treasury Strategy for 2025/26 is

approved by Full Council before 1 April 2025 or as soon as possible thereafter.

**ALTERNATIVE OPTIONS CONSIDERED**  
 Not applicable given the requirements set out elsewhere in this report.

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**  
 The adoption of the Capital and Annual Treasury Strategy for 2025/26 will ensure that the Council’s Investment and Treasury Management activities are carried out and managed in accordance with best practice, thereby safeguarding money held by the Council and making an appropriate contribution to the Council’s overall financial position and priorities.

**OUTCOME OF CONSULTATION AND ENGAGEMENT**  
 It is currently planned to consult the Resources and Services Overview and Scrutiny Committee as early as possible in 2025/26 as highlighted earlier.

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

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

The Local Authorities (Capital Financing and Accounting) (England) Regulations 2003 include the requirement for local authorities to have regard to CIPFA guidance. By adopting / approving an Annual Treasury Strategy and a Capital Strategy based on the requirements of the relevant and updated codes, the Council is complying with the regulations.

Section 78 of the Levelling Up and Regeneration Act 2023 inserted new sections 12A to 12D into the Local Government Act 2003, which came into force on 31<sup>st</sup> January 2024. These new sections cover capital finance risk management and include risk mitigation directions, risk thresholds, restrictions of power to give risk-mitigation directions and a duty to cooperate with independent expert. These changes essentially seek to respond to the financial crisis that some local Authorities have found themselves in over recent years, with a brief summary of each section as follows:

**Risk Mitigation Directions (Section 12A)** - The Secretary of State may give one or more risk-mitigation directions to a local authority in England, for the purpose of reducing or mitigating the financial risk to the authority, if a trigger event has occurred in relation to the local authority, and

the Secretary of State is satisfied that the direction is appropriate and proportionate to the level of that financial risk.

A “trigger event” occurs if a risk threshold is breached by the local authority, a report is made by the Chief Finance Officer of the local authority under section 114(3) of the Local Government Finance Act 1988, where the Secretary of State gives a direction in response to a request for expenditure to be, or not be, treated as capital by a local authority, or the Secretary of State makes a grant to the local authority under an enactment for the purpose of preventing circumstances arising that would require such a report to be made.

The following are “risk-mitigation directions:

- (a) a direction that sets limits in relation to the borrowing of money by the local authority;
- (b) a direction that requires the local authority to take action specified in the direction. This could include a requirement for a local authority to take action to divest itself of a specified asset.

The Secretary of State may not give a risk-mitigation direction unless they have given the local authority notice of the proposed direction, and of the right of the local authority to make written representations to the Secretary of State about it within the period specified in the notice, and has considered any representations made by the local authority to the Secretary of State within that period.

References to financial risk means the risk that the expenditure of the local authority (including expenditure it proposes to incur) in the current or any future financial year is likely to exceed, or further exceed, the resources (including sums borrowed) available to it to meet that expenditure.

**Risk Thresholds (Section 12B)** – A risk threshold is breached by a local authority in England if (and when) a capital risk metric for the local authority breaches the specified threshold for the following metrics:

- the total of a local authority’s debt (including credit arrangements) as compared to the financial resources at the disposal of the authority;
- the proportion of the total of a local authority’s capital assets which is investments made, or held, wholly or mainly in order to generate financial return;
- the proportion of the total of a local authority’s debt (including credit arrangements) in relation to which the counterparty is not central government or a local authority;
- the amount of minimum revenue provision charged by a local authority to a revenue account for a financial year;
- any other metric specified by regulations made by the Secretary of State.

The Secretary of State may, by regulations, make further provision including specifying whether the specified threshold for a particular metric is breached by a failure to reach that threshold or by that threshold being exceeded and about how the metrics specified are to be calculated for the purpose of determining whether the specified threshold for that metric has been breached. Before making such regulations the Secretary of State must consult all local authorities in England.

If such regulations / provisions are received, then work will be undertaken to set out the Council’s position against them as necessary. Although such ‘trigger’ events would be managed via the Council’s existing financial governance and control arrangements, based on the Council’s current position, there is effectively minimal risk of breaching any of the new metrics

at the present time.

**Restriction of power to give risk-mitigation directions (Section 12C)** – The Secretary of State is required to give a cessation notice where at least 12 months have elapsed since the they last became aware of a trigger event having occurred in relation to the authority, any risk-mitigation direction given to the authority has been complied with or revoked, and the Secretary of State is satisfied no further risk-mitigation direction is likely to be required in the foreseeable future for the purpose of reducing or mitigating the financial risk to the authority,

**Duty to cooperate with independent expert (Section 12D)** – Where a trigger event has occurred and the Secretary of State has appointed an independent expert to review the level of the financial risk to the local authority, the local authority must, so far as reasonably practicable, co-operate with the independent expert in any way that the independent expert considers necessary or expedient for the purposes of the conduct of the review.

As reflected within the Executive Summary and recommendations above, an alternative timetable / approach is proposed to the usual approach set out within para 4.3 Part 3.37 of the Constitution, where the Portfolio Holder for Finance and Governance has delegated authority to agree the Capital and Treasury Strategy for consultation with the Resources and Services Overview and Scrutiny Committee.

Yes	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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The capital and treasury proposals of local authorities which for Tendring District Council are encapsulated within the Annual Capital and Treasury Strategy and Treasury Management Practices, are of significant importance. These documents set out the governance framework in which capital spend, borrowing and investments are made. Clear roles and responsibilities are set out in the strategy, and it is important to highlight that there is no delegation to any single officer, such as the Section 151 Officer to undertake any investments outside of the more 'traditional' money market activities such as lending to other Local Authorities and depositing money in banks and building societies. In terms of these latter investments, the parameters in which the Section 151 Officer can make such investments are set out within the documents referred to above and include a number of criteria such as overall lending / borrowing limits and minimal credit ratings etc.

Treasury performance is reported during the year by way of an outturn report for the preceding year along with quarterly updates during the year, which includes a more detailed half yearly update in September / October.

Any decision to invest in 'non-traditional' money market activities or to undertake any borrowing activities would be subject to separate reports to Cabinet / Council as necessary, which would set out various issues such as risks and resource implications including the level of skill and **expertise to manage any associated investments.**

The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 to "make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness". Best Value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management. Failure to deliver best value can occur within any aspect of governance, delivery of services or financial management. Unlawful or

excessively risky borrowing and investment practices with no adequate risk management strategy in place for financial losses is an indicator of potential failure under the Use of Resources theme for a Best Value authority, within the Government’s statutory guidance on Best Value Standards and Intervention, issued in May 2024.

Members need to be satisfied with the governance arrangements set out within the strategy, which can be supported via training etc. as necessary.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

Treasury and Capital Management Strategies and procedures will ensure that the Council’s investments and borrowing will be undertaken in such a way as to minimise the Council’s exposure to risk. At the same time, they will seek to maximise income from investments and minimise the costs of borrowing within the Council’s accepted level of risk.

As highlighted within the strategy, various elements supporting good decision making would need to be set out as part of separate / individual spending and investment decisions where necessary, which would include the various financial and non-financial elements associated with it.

YES	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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The Section 151 Officer is the co-author of this report.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	This is addressed in the body of the report and appendices where relevant.
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**

This has been highlighted elsewhere within this report.

**ASSOCIATED RISKS AND MITIGATION**

The placing of investments involves a number of risks. These risks and how the Council will manage them are set out in the Council’s Treasury Management Practices.

As highlighted elsewhere in this report and appendices, investments are undertaken within an overall risk-averse approach, which is reflected in Treasury Management Practices. With this in mind, a significant level of investment is undertaken with other Local Authorities and with the Government.

As with recent examples, money lent to other Local Authorities is not at risk of not being repaid, as ultimately the Government would take the necessary steps to ensure liabilities are met as

part of any intervention. The risk of lending money to another Local Authority is therefore not the same as lending money to a commercial / private organisation, which is one of the reasons why Councils lending to other Councils is common practice nationally. As highlighted earlier in the year, all money that was previously lent to Local Authorities who had issued S114 'notices' was fully repaid to the Council in-line with the associated lending agreements.

When undertaking lending to other Local Authorities, the Council continues to apply as much 'market intelligence' as possible, which would include any adverse reporting in the markets, the media, the risk of S114 reports being issued along with information from our own External Treasury Advisors. The new measures and metrics that were introduced via the Levelling Up and Regeneration Act 2023 as set out earlier along with any other associated indicators will be additional 'tools' that can be used to complement information already applied in managing the Council's day to day treasury management activities. This will be considered as part of developing the strategy in future years.

As reported previously, the investment property in Clacton is performing satisfactorily against the financial target set out within the original decision to purchase the property, with budgeted investment income continuing to be achieved each year. It is important to highlight that the rental payments can continue to be seen as paying back the original investment made in purchasing the property. The long-term forecast from 2025/26 that has been considered by members as part of developing the budgets for 2025/26, continues to include an adjustment to reflect the potential for rental income to reduce once the current lease held by the existing tenant expires.

Within the above context, the overall performance of the investment therefore needs to take into account such considerations over the life of the Council's ownership of the property rather any shorter-term position in isolation. It is also important to highlight that the latest valuation of the property set out in **Appendix A**, is an 'accounting' valuation and not a direct value that would be achieved on the market if it was sold.

It is also worth highlighting that the Council's Commercial Property Investment Policy is underpinned by robust risk management actions, which will respond to any changes to the situation. With the latter point in mind and as set out within the Commercial Property Investment Policy, the Council's wider treasury management activities are designed to ensure that the Council is not faced with a position of having to sell the property for cash flow purposes. This in turn ensures that the Council remains in control of when the property is ever exposed to the market rather than potentially having to sell the property during a period where there may be a downturn in commercial property prices.

<b>EQUALITY IMPLICATIONS</b>
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There are no direct implications.
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<b>SOCIAL VALUE CONSIDERATIONS</b>
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There are no direct implications.
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<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050</b>
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There are no direct implications.
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<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>
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<b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b>
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<b>Crime and Disorder</b>	Please see comments above
<b>Health Inequalities</b>	
<b>Area or Ward affected</b>	

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

#### **BACKGROUND AND CURRENT POSITION**

The Annual Capital and Treasury Strategy for 2025/26 is set out in **Appendix A** and is based on the most up to date Treasury Management Code of Practice and the revised Prudential Code, both of which were published by CIPFA in December 2021 and came into force in 2023/24.

Last year, the Annual Capital and Treasury Strategy was subject to a number of changes to reflect the latest codes mentioned above. It was highlighted at the time that the changes to the Codes did not require the Council to take any direct action / remedial activities in terms of its investment / treasury processes.

In terms of 2025/26, there have been no major changes required, although the Strategy has been further updated to recognise the introduction of new technical accounting adjustments relating to assets that the Council leases in, that were introduced last year. The changes made to the Strategy as part of this year's review are shaded in grey and are in italic font within **Appendix A**.

In terms of the technical adjustments mentioned above, these relate to IFRS (International Financial Reporting Standard) 16 which requires lessees to recognise leases on their balance sheet, effectively reflecting the right to use an asset for a period of time and the associated liability for payments. In order to fully comply with IFRS 16 and ensure the Council's 2024/25 Accounts are prepared in accordance with the standard, all leases (including service contracts) where the Council is the lessee (i.e. leasing an asset from a third party) will require to be identified and measured, both in order to establish an initial starting point and on an ongoing basis. As leases are included as 'long term financial liabilities', they have now been included within the Prudential Indicators set out in the appendices. Work remains in progress to finalise the figures for inclusion in the Statement of Accounts for 2024/25 that are due to be published at the end of June 2025.

In terms of the financial impact, the new standard will impact the Council's balance sheet, as leased assets will now need to be recognised along with their associated liability, which will effectively appear as loan financing. It will also impact on the Council's expenditure and income statements, as lease payments will be replaced by associated notional depreciation and interest expenses. However, there should be no overall impact on the Council's net budgetary position.

By approving the Annual Capital and Treasury Strategy for 2025/26, the Council will be adopting the latest CIPFA Code of Practice for Treasury Management in the Public Services. (the '2021 code').

The need to borrow money may arise in future years to reflect the Council's current commitments, corporate priorities and strategies. If the need / option to borrow money was identified, then it would form part of associated and separate decision-making process and would be considered within the overall Treasury Strategy framework.

The Council maintains a very low risk appetite approach to its treasury activities. However, set against this context, officers will still continue to explore opportunities to maximise investment returns in 2025/26.

In terms of sources of funding, the Government introduced a significant new constraint in terms of borrowing from the Public Works Loan Board (PWLB) in 2020/21, which is worth highlighting as part of these subsequent annual reviews. If a local authority purchases assets or plans to purchase assets over a future three-year period to generate investment income, then they will no longer be able to borrow money from the PWLB. This applies to all such purchases regardless of how they are funded. Although no such purchases are currently planned, this constraint may need to be considered in the future, as the Council could lose access to the preferential rates available from the PWLB.

Draft Prudential Indicators are set out in **Annex 1 to Part 2** of the Capital and Treasury Strategy. **Annex 2 to Part 2** of the Treasury Strategy sets out the specified and Non-Specified investments the Council may use in 2025/26.

In accordance with the relevant codes, the Capital and Treasury Strategy is subject to consultation with the Resources and Services Overview and Scrutiny Committee, which has highlighted above, along with a proposed change to the usual timing of associated events.

#### PREVIOUS RELEVANT DECISIONS

The previous Capital and Treasury Strategy for 2024/25 was agreed by Full Council at its meeting on 19 March 2024.

Treasury Management Performance 2023/24 was reported to Cabinet at its 26 July 2024 meeting.

A mid-year Treasury Performance review was presented to Cabinet at its 15 November 2024 meeting.

#### BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

#### APPENDICES

**Appendix A** - Annual Capital and Treasury Strategy 2025/26 (*including Prudential and Treasury Indicators*)

#### REPORT CONTACT OFFICER(S)

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<b>Job Title</b>	<b>Corporate Director (Finance and IT)</b>
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***Tendring***  
***District Council***



**ANNUAL CAPITAL AND  
TREASURY STRATEGY  
2025/26**

**PART 1 – CAPITAL STRATEGY 2025/26 to 2027/28**

## 1. Introduction

**SECTION A - Achieving Outcomes / Delivering Against Priorities**

2. Corporate Priorities and Links to Other Key Strategies
3. Roles and Responsibilities in Respect of the Capital Strategy and the Formulation and Monitoring of the Capital Programme

**SECTION B - Capital Investment and Sources of Funding**

4. Capital Investment Considerations
5. Sources of Funding

*Part 1 Annex 1 – Quick Reference Guide – Information Expected to be Included in Capital Investment Decisions Where Relevant*

*Part 1 Annex 2 – General Fund and Housing Revenue Account Capital Programmes 2025/26 to 2027/28*

**PART 2 – TREASURY STRATEGY FOR 2025/26**

1. Introduction
2. Treasury Limits for 2025/26 to 2027/28
3. Prudential and Treasury Indicators for 2025/26 to 2027/28
4. Current Portfolio Position
5. Borrowing Requirement
6. Economic Position
7. Interest Rates
8. Borrowing strategy
  - 8.1 External v internal borrowing
  - 8.2 Gross and Net Debt Positions
  - 8.3 Policy on borrowing in advance of need
9. Debt Rescheduling
10. Annual Investment Strategy
  - 10.1 Investment Policy
  - 10.2 Creditworthiness Policy
  - 10.3 Credit Limits
  - 10.4 Country Limits
  - 10.5 Investment Strategy
  - 10.6 Allocation of Investment returns between General Fund and the Housing Revenue Account.
  - 10.7 End of year investment report

*Part 2 Annex 1 – Proposed Prudential Indicators 2024/25 revised, 2025/26 and forecasts for 2026/27 to 2027/28*

*Part 2 Annex 2 – Specified and non-specified investments*

## PART 1 – CAPITAL STRATEGY

### INTRODUCTION

The Capital Strategy is an overarching document that sets out the Council's approach to Capital Investment and how it seeks to deliver value for money against the following underlying key principles, which are subject to review by the Council's External Auditor each year:

1. **Financial Sustainability** - *How the Council manages its resources to ensure it can continue to deliver its services.*
2. **Governance** - *How the Council ensures that it makes informed decisions and properly manages its risks.*
3. **Improving economy, efficiency and effectiveness** - *How the Council uses information about its costs and performance to improve the way it manages and delivers its services*

Against this backdrop, the Capital Strategy is divided into two sections:

**Section A** provides an introduction and sets out the context for the Capital Strategy. It sets out how the plan links to corporate priorities and shows how they link to other key resource strategies and the related roles and responsibilities of members and officers.

**Section B** covers the framework within which capital financing decisions are considered and provides background to the funding sources available to meet the costs of capital projects that are included within the Capital Programme.

*The Council's cost pressure and investment plans* along with the Capital Programme form the basis of the Council's rolling plan of investment in assets. The Capital Programme spans a number of years and contains a mix of individual schemes.

Investment can include expenditure on:

- Infrastructure such as open spaces, coast protection
- New build
- Enhancement of buildings through renovation or remodelling;
- Major plant, equipment and vehicles;
- Capital contributions to other organisations enabling them to invest in assets that contributes to the delivery of the Council's priorities.

The Capital Programme is distinct from the Council's revenue budget which funds day-to-day services, but they are both linked and are managed together.

There is a strong link with the Treasury Management Strategy set out in PART 2 that provides a framework for the borrowing and lending activity of the Council.

The Council has set a de-minimus level of £10,000, below which expenditure is not classed as capital expenditure, but is charged instead to the revenue account.

## SECTION A - ACHIEVING OUTCOMES/DELIVERING AGAINST PRIORITIES

### CORPORATE PRIORITIES

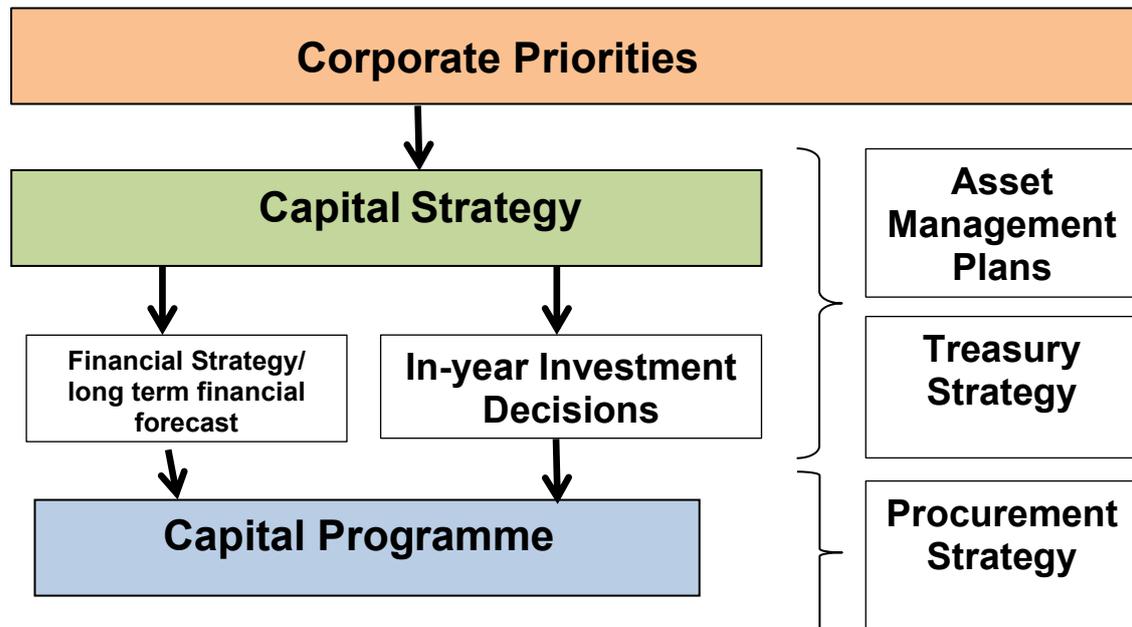
The Capital Strategy is subject to ongoing review and has a key role in supporting the delivery of the Council's Corporate Priorities.

The Capital Strategy aims to set out the arrangements and processes in place to manage capital resources, the relationship with the Council's other key resource strategies and the practical/sustainable outcomes of those arrangements and processes by:

1. Setting out how schemes are evaluated and prioritised within the resources available.
2. Ensuring that any investment decision is prudent, sustainable and affordable in accordance with the prudential code and therefore represents value for money.
3. Setting out the performance processes in place to ensure that projects are delivered on time and within budget.
4. Ensuring that expected outcomes are delivered and lessons learnt from previous investment decisions.

### LINKS TO OTHER KEY STRATEGIES

The ability of the Council to undertake capital investment to deliver its corporate objectives will be influenced or have direct links to a number of strategies, with the key 'links' set out below:



The above sets out the strategies/processes that are more closely aligned to the capital investment decision but are by no means exhaustive. Although subject to changes over the life of this Strategy, other key strategies and

policies may also need to be reflected in the investment decision such as those associated with workforce/staff capacity and ICT delivery. Decision-making must therefore reflect these requirements where relevant/necessary.

**In respect of ICT within the Council, associated strategies or requirements set out how the Council** intends to use technology to support service delivery and transform the way it delivers its services. ICT is therefore recognised as a key enabler in supporting capital investment and delivering sustainable outcomes.

The **long-term financial forecast** plays a pivotal role in developing and delivering capital investment. The long-term financial forecast not only determines the financial resources available to fund capital investment, both in terms of the initial investment and any revenue consequences of the capital investment itself, it also provides a key element within the framework for considering and prioritising capital projects. It is however recognised that to remain flexible to take advantage of investment opportunities that may arise during the year, decisions may be required in line with the Council's Financial Procedure Rules. The long-term financial forecast is reported to Cabinet each quarter, which allows this flexibility. To ensure consistency, such decisions should also follow the same requirements set out within the Capital Strategy.

The Council's cost pressure and investment plans also form a key element within the framework above as it forms a further link between the Corporate Priorities and the Financial Strategy and complements the development of the long-term forecast and prioritised projects that are included within the Capital Programme.

The Treasury Strategy is also highlighted above as a key influence as it sets out the Council's overall approach to debt and borrowing. This approach along with affordability, form part of the investment decisions that are brought together via the long-term financial forecast process on a rolling basis through the year.

Other significant influences include the Local Development Framework (LDF) which sets out the Council's vision for change and new growth in the Tendring District in the long term which could present the Council with investment opportunities for consideration alongside other investment options.

## **ROLES AND RESPONSIBILITIES IN RESPECT OF THE CAPITAL STRATEGY AND THE FORMULATION AND MONITORING OF THE CAPITAL PROGRAMME**

**Management Team** – As the most senior officer team of the Council the Management Team approves the Capital /Treasury Strategy for submission to Cabinet and having regard to the Council's priorities, recommends projects for inclusion in the Capital Programme in consultation with Portfolio Holders/ Cabinet (via the long-term financial forecast process). Management Team also considers all significant investment decisions via a project initiation /

development process prior to formal reporting to Members, especially those associated with in-year investment decisions.

Departments support Management Team in the above process through the development and investigation of investments opportunities and submitting reports / project initiation and development documentation in support of the associated capital projects.

**Cabinet (including Portfolio Holders acting within approved delegations)**

– The Cabinet recommends a minimum 4-year capital programme to Council. The Cabinet and the Finance and Governance Portfolio Holder can, within the limits set by the Council’s Financial Procedure Rules, approve supplementary estimates or approve virements between schemes during the year as part of separate investment decisions. The Cabinet is required to approve the Capital / Treasury Strategy each year.

**Council** – Approves a multi-year Capital Programme as part of the budget setting process in February each year and approves the Capital / Treasury Strategy in March each year or as soon as possible thereafter.

Subject to the limits set out in the Council’s Financial Procedure rules, Council may be required to approve supplementary estimates to increase the costs of approved schemes or add new schemes over and above amounts that individually or on aggregation are over and above those amounts ordinarily agreed by Cabinet as part of in-year investment decisions.

## **CONSULTATION**

The views of the local community and stakeholders are an important element in developing the priorities for the Council and identifying capital investment opportunities. This can be achieved in a number of ways depending on the specific investment that is considered, which should be complemented by wider consultation exercises such as those associated with the development of corporate priorities and the long-term forecast/corporate investment plans where necessary.

In addition to the above, Departments are expected to review the need to undertake consultation and the scale of that consultation, as appropriate, as part of the investment decision-making process.

## **MONITORING OF THE CAPITAL INVESTMENT/CAPITAL PROGRAMME**

In terms of performance and monitoring the delivery of capital investment, this is primarily achieved through the existing and comprehensive financial processes such as the long-term financial forecast and budget setting process, outturn review and the quarterly financial performance reporting. In respect of the quarterly financial performance reports, an update on the delivery of projects and the position against the budget is included, which is *made available* to both Cabinet and the relevant Overview and Scrutiny Committee during the year. Some capital projects may also form part of the

Council's separate Performance Monitoring process that is also reported to Members during the year.

Where capital investment is material, the scheme or project may be subject to review by internal audit which would be at the discretion of the Internal Audit Manager as part of the annual Internal Audit Plan or if required by other key stakeholders.

*The above would also be supported where relevant by separate Member 'boards' or equivalent, which form an important element of the monitoring process for schemes such as the Levelling Up Fund and Community Regeneration Partnership projects.*

## **SECTION B – CAPITAL INVESTMENT AND SOURCES OF FUNDING**

### **CAPITAL INVESTMENT CONSIDERATIONS**

The Council's capital investments are made in accordance with the Prudential Code, which aims to ensure that the capital investment plans of local authorities are affordable, prudent and sustainable, which should also include where necessary a prioritisation and appraisal process. Under the Code the Council is free to determine the amount it borrows to finance capital investment.

All of the Council's capital investment is managed in accordance with the requirements of the Prudential Code. The prioritisation of capital investment is directly linked to the long-term financial forecast and/or in-year budget amendment processes as previously explained, which is complemented by the Council's cost pressure and investment plans, all of which will be undertaken in an open and transparent manner.

Schemes that are agreed but not funded as part of the long-term financial forecast process will be considered as part of a prioritised list within wider cost pressure and investment plans and be a 'live' schedule of investment opportunities against which further investment opportunities should be considered during the year.

The Council faces ongoing significant financial challenges over the period of this Capital Strategy due *to changes in Government Funding, inflationary pressures, service demand pressures and potential uncertainty introduced by local government reforms*. The latest long-term financial forecast for 2025/26 to 2033/34 reflects deficits over the remaining period of plan, which is supported by the Forecast Risk Fund. To deliver the level of efficiencies and transformation that will in turn support the delivery of the long-term forecast, the following key principles should continue to be a key consideration of capital investment decisions:

Design schemes/projects to limit as far as possible any negative impact on the Council's on-going revenue budget.
Promote capital investment which allows either invest to save outcomes or generates a revenue and/or capital return and/or generates additional external grant (e.g., new homes bonus) or core funding (e.g. Business Rates) whilst clearly setting out how it contributes to the Council's Corporate Priorities.
Foster effective working relationships with potential funders/partners.
Carefully consider value for money and efficiency of projects and associated outcomes.
Project risk is fully explored, and mitigating actions identified and taken as necessary.
Ensure appropriate project management tools and documentation are used and that project timescales are adequately matched to the capacity to deliver the project, both internally and externally (where internal, this needs to include services such as Legal, Finance and HR).
Responsibility for the delivery of the project is clearly defined and understood.
How the proposed investment contributes to the Council's commitment to be carbon neutral by 2050.

*In addition to the above, it will also be important to consider the impact of local government reforms through devolution and local government reorganisation as necessary.*

Although not always necessarily subject to formal reporting, as part of the Council's project management processes, Departments are expected to evidence the outcome from any investment undertaken against the key criteria set out within this Capital Strategy to inform future investment decisions with high level information being available within the usual performance/budget monitoring reports.

To promote consistency, a quick reference guide for detailed information that is expected to form part of any investment decisions is set out as **Annex 1**.

As highlighted above, the Council's *cost pressure and investment plans* form part of the overall governance framework in terms of linking corporate priorities and strategies to investment priorities. This framework takes into account a number of key priority 'drivers' such as financial viability / sustainability, non-

financial consequences such as reputation / health and safety, the outcome from external assessment / regulatory reviews along with being outcome driven.

### **Impact Assessments**

Impact assessments may be required depending on the specific capital investment decisions being considered. Therefore, as part of the Council's project management processes, Departments are expected to consider whether it is necessary to complete an impact assessment based on the Council's usual processes and documentation at the time a decision is made.

### **SOURCES OF FUNDING**

Capital investment will have to be undertaken within the Council's limited resources and challenging financial environment.

In limited cases the cost of capital investment is supported by external grants/contributions. Any other capital investment the Council wishes to make has to be funded from its own resources or by borrowing (the revenue cost being met entirely by the Council). The Council's Financial Strategy/long term financial forecast includes consideration of a ten-year forecast, taking into account the revenue implications of capital investment plans and the resources available to fund capital investment. The level of capital investment will be constrained by the available resources identified via the long-term financial forecast process including revenue contributions or the ability to attract external funding and the generation of capital receipts. Any decision to invest in capital projects will need to match the available resources against criteria set out above, including how it meets corporate priorities within wider cost pressure and investment plans. The process also includes consideration of, where appropriate, whether to divest any commercial investments, in accordance with the requirements of the updated Prudential and Treasury Management Codes.

In planning any capital investment to contribute towards the achievement of the Council's priorities, the following resources are available:

- a) **Revenue Funding (Including Reserves)** – This continues to be limited each year given the challenging financial environment and on-going government grant reductions. This funding stream will need to be considered within the overall financial planning processes each year, including that for the HRA, which operates under a self-financing environment where changes in Government Policy have limited the revenue contributions available to support capital investment.
- b) **Capital grants/contributions** – These have contributed significantly to past and current capital projects and many aspects of the Council's and its partners' objectives can only be met if this funding source continues to be pursued. The delivery of the Council's priorities and commitments continue to be supported by successful grant applications. Section 106 money

flowing from the planning process is also a significant source of external funding.

- c) **General Fund Capital Receipts** – It is acknowledged that the Council's current property/land holdings are not of significant high value or volume. Nevertheless, the Council recognises this important funding source and continually reviews its assets as part of separate asset management / investment plans which provide the context to consider opportunities to dispose of any assets that are surplus to requirements and/or not contributing to the delivery of the Council's priorities or where they provide alternative investment opportunities.
- d) **Borrowing within the Prudential Framework (Prudential Borrowing)** – The Council has the freedom to borrow to finance its capital expenditure provided it can demonstrate the prudence of the investment and its affordability and sustainability. During 2020/21 the rules governing borrowing from the PWLB were amended such that from 25 November 2020 no borrowing from the PWLB is allowed if an authority has purchased assets for yield in its capital programme for the following three years. Neither the General Fund nor the Housing Revenue Account capital programmes for 2025/26 to 2027/28 involve any such schemes. This means the Council is still able to access PWLB funding at preferential rates if it is prudent, affordable and sustainable.

#### **CAPITAL STRATEGY CONCLUSIONS**

The Capital Strategy sets out the high-level arrangements and processes to ensure that capital investment is managed within the Council's overall financial framework. It aims to ensure that its limited resources are applied consistently and effectively towards delivering the priorities of the Council. It links together the capital expenditure implications of various plans and strategies.

**PART 1 - ANNEX 1****QUICK REFERENCE GUIDE – Information Expected to be Included in Capital Investment Decisions Where Relevant**

<b>Formal Investment Considerations/Decisions/Business Cases</b>
Link to priorities (including commitment to be carbon neutral by 2050) and/or 'safeguarding' of a Council Asset and what are the measurable benefits of the planned investment
Return on Investment/Net Present Value
Whole Life Costing/Revenue Consequences
Payback Periods
Key risks and how they will be managed
Alternative Options/Opportunity Costs
Sustainability
Financial Resources Available/Funding Options
Impact assessment where relevant
Capacity/Deliverability
<b>Other considerations/important information to discuss/share with relevant internal department(s) and/or for inclusion in the formal decision making process if significant</b>
Cash Flow Forecasts
VAT Arrangements/Implications
Insurance issues
Risk Management implications
Procurement processes
<i>Any potential impact / influence of devolution and local government reorganisation</i>

## PART 1 - ANNEX 2

## General Fund Capital Programme 2024/25 to 2027/28

<b>Capital Expenditure - General Fund £000s</b>	<b>2023/24 Actual</b>	<b>2024/25 Revised*</b>	<b>2025/26 Estimate</b>	<b>2026/27 Forecast</b>	<b>2027/28 Forecast</b>
<b>Total Capital Expenditure</b>	<b>3,804</b>	<b>17,320</b>	<b>827</b>	<b>827</b>	<b>827</b>
<b>Financing - General Fund</b>					
External contributions	(489)	(384)	-	-	-
Section 106	(240)	(6)	-	-	-
Government grants	(595)	(1,114)	-	-	-
Disabled Facilities Grant	(1,267)	(9,750)	(757)	(757)	(757)
Capital receipts	(106)	(815)	-	-	-
Direct revenue contributions	(275)	(4,029)	(70)	(70)	(70)
Earmarked reserves	(833)	(1,222)	-	-	-
<b>Total Capital Financing</b>	<b>(3,804)</b>	<b>(17,320)</b>	<b>(827)</b>	<b>(827)</b>	<b>(827)</b>
<b>Net Financing need (External Borrowing)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*Figures exclude additional LUF/CRP scheme adjustments which are funded by revenue/external grants not borrowing

## HRA Capital Programme 2024/25 to 2027/28

<b>Housing Revenue Account Capital Schemes £000</b>	<b>2023/24 Actual</b>	<b>2024/25 Revised*</b>	<b>2025/26 Estimate</b>	<b>2026/27 Forecast</b>	<b>2027/28 Forecast</b>
<b>Total Capital Expenditure</b>	<b>12,730</b>	<b>9,938</b>	<b>5,106</b>	<b>5,106</b>	<b>5,106</b>
<b>Financing - Housing Revenue Account</b>					
Major repairs reserve	(4,164)	(3,314)	(3,556)	(3,556)	(3,556)
Direct revenue contributions	(2,140)	(3,316)	(1,550)	(1,550)	(1,550)
Section 106	(308)	(474)	-	-	-
Capital receipts	(4,114)	(2,834)	-	-	-
External contributions	(1,964)	-	-	-	-
Government grant	(40)	-	-	-	-
<b>Total Capital Financing</b>	<b>(12,730)</b>	<b>(9,938)</b>	<b>(5,106)</b>	<b>(5,106)</b>	<b>(5,106)</b>
<b>Net Financing need (External Borrowing)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*As at Q3 24/25

## PART 2 – TREASURY STRATEGY

### 1. Introduction

The Local Government Act 2003 (the Act) and supporting regulations require the Council to 'have regard to' the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice to set Prudential and Treasury Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. Both CIPFA Codes were revised in December 2021 and adopted by the Council in 2023/24. The revised codes had the following implications:

- A requirement to adopt a new debt liability benchmark treasury indicator
- They clarify what CIPFA expects a local authority to borrow for and what they do not view as appropriate, however it is important to highlight that none of Tendring's borrowing falls within the inappropriate category
- A requirement to address environmental, social and governance (ESG) considerations in the Capital Strategy and in Treasury Management Practice 1 (TMP1).
- Implementation of a policy to review commercial property, with a view to divest where appropriate.
- Create new Investment Practices to manage risks associated with non-treasury investment (for Tendring this is the single Investment Property held so separate documents were not considered appropriate, instead the TMPs were expanded) that are similar to the current TMPs
- Expansion of the knowledge and skills register for individuals involved in treasury management, proportionate to the size and complexity of the work involved.
- All investments and investment income to be split between:
  - those held for treasury management arising from cash flows
  - those held for delivery of services such as housing, regeneration and local infrastructure – the Council has none in this category at present
  - those held for commercial return – i.e. investment property

The Act requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy (as required by Investment Guidance issued subsequent to the Act) which sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

The Council's risk appetite is low, and it takes a risk-averse approach to Treasury Management, with the security and liquidity of the investment the prime concern, and the budget for income from investments being formulated on this basis. The Annual Strategy for 2025/26 is based on this risk-averse approach continuing.

For a number of years, the Council has engaged the services of treasury advisors to provide its officers with advice on treasury management issues. The current advisors are Link Asset Services, Treasury solutions. However, the

final decision and responsibility for the actions taken sits with the Council's own officers after considering that advice.

The details of the delegations and responsibilities for treasury management are contained within the Council's Constitution as follows: -

- Part 3 – delegated powers – The Executive / Finance and Governance Portfolio Holder
- Part 5 – Financial Procedure Rules

## **2. Treasury Limits for 2025/26 to 2027/28**

It is a statutory duty under Section 3 of the Act and supporting regulations for the Council to determine and keep under review how much it can afford to borrow. The amount so determined is termed the "Affordable Borrowing Limit". In England and Wales, the Authorised Limit represents the legislative limit specified in the Act.

The Council must have regard to the Prudential Code when setting the Authorised Limit of external debt, which essentially requires it to ensure that total capital investment remains within sustainable limits and, in particular, that the impact upon its future council tax and council rent levels is 'acceptable'. Capital investment must be considered in the light of the overall strategy and resources available, with decisions made with sufficient regard to the long-term financing implications and potential risks.

Whilst termed an "Affordable Borrowing Limit", the capital plans to be considered for funding must include both external borrowing and other forms of liability, such as credit arrangements. The Authorised Limit is to be set, on a rolling basis, for the forthcoming financial year and two successive financial years. Details of the Authorised Limit can be found in Annex 1 of this part of the report.

The authorised limit reflects the additional borrowing requirement as part of the Housing Revenue Account (HRA) self-financing reforms. The Housing self-financing reforms also set an overall 'debt cap' for the HRA which in itself reflects an affordability level based on the Government's model of how much debt can be supported by the HRA after considering the forecast of income from rents and management and maintenance costs over a 30 year period. The HRA debt cap for Tendring was £60,285,000, but the Government announced the abolition of the HRA debt cap from 29 October 2018. The updated HRA Business Plan reported to Members in December 2024 and January 2025 as part of the HRA budget, reflected the financing of maturing loan debts via internal borrowing instead of external borrowing. More loan debt matures in future years and decisions to address these will need to be confirmed during the year.

*Due to a technical accounting change applicable from 1 April 2024, assets that the Council leases will now need to be recognised on the Council's balance sheet as right of use assets, matched by a corresponding lease liability. They will count as a type of borrowing and will be written down each year. Work is*

*ongoing to finalise the list of assets that these changes relate to as part of the Statement of Accounts process for 2024/25. At the present time they are all expected to be within the General Fund, be relatively short term with a maximum life of five years, so will be written down in line with the actual lease repayments made. This means that there will be no net direct impact on the Council's budget, with associated operational lease payments being replaced with effectively notional 'financing' transactions such as depreciation, MRP and interest costs.*

*The amount currently expected to be identified to bring onto the balance sheet for 2024/25 is approximately £0.300 million. The authorised limit and operational boundary already identified are considered sufficient to cover this increase. The overall Capital Financing Requirement (CFR) of the Council for the General Fund will increase, but the CFR associated with actual external debt, which is referred to in the remainder of this Strategy, will not change.*

### **3. Prudential and Treasury Indicators for 2024/25 to 2026/27**

Prudential and Treasury Indicators are relevant for the purposes of setting an integrated Treasury Management Strategy. The latest revisions to the CIPFA Code of Practice on Treasury Management and to the CIPFA Prudential Code are effectively adopted via the approval of this Strategy which reflects the most up to date codes and guidance.

### **4. Current Portfolio Position**

The Council's treasury position at the end of December 2024 comprised:

- *GF borrowing from The Public Works Loan Board (PWLB) of £0.123 million at fixed rates at an average rate of interest of 6.98%*
- *HRA borrowing from the PWLB of £30.701 million at fixed rates at an average rate of 3.59%*
- *Investments of cash flow surpluses, which include reserves and capital receipts, on a short-term basis (less than 1 year) totalling £99.888 million at an average rate of interest of 5.23%.*

### **5. Borrowing Requirement**

No new, alternative or replacement *external* borrowing is currently reflected in the budget for the General Fund or for the HRA.

### **6. Economic Position**

The Council's Treasury Advisors provide economic updates during the year with their latest update summarised as follows:

## UK economy

*The Bank of England Monetary Policy Committee (MPC) reduced interest rates from their peak of 5.25% in August 2024 and there have been 2 further rate cuts in 2024/25. Interest rates are currently at 4.5% following their meeting on 6 February 2025. This is in response to CPI inflation getting nearer to the MPC target of 2% throughout 2024, with a slight increase to 3% by January 2025. Due to the 'stickiness' of CPI inflation, rate reductions have been at a slow measured rate as the bank balances this against slow economic growth indicators, with GDP being at 0.1% in quarter 4 2024 (October to December).*

*Given the mixed picture the Council's external treasury advisors have suggested in their forecasts that interest rates will continue to reduce at a steadier rate than previous forecasts with the 'equilibrium' rate estimated to be at 3.50% in December 2026.*

## 7. Interest Rates

*The following table gives the Council's External Treasury Advisor's view on Bank Rate movements and their forecast for the PWLB new borrowing rate based on that view. The PWLB rates are based on the 'Certainty Rate' introduced by the Government for local authorities providing improved information and transparency on their locally determined long-term borrowing and associated capital spending plans. Investment returns were at an elevated level for most of 2024/25 with the main bank rate only dropping from August 2024. Returns are expected to drop with the lower rates expected going into 2025/26 however the rate of reduction is now expected to be slower than earlier forecasts.*

	Bank Rate	Average earnings rate projected by the Council's External Advisors			PWLB Borrowing Rate			
		3 month	6 month	12 month	5 yr.	10 yr.	25 yr.	50 yr.
Mar 2025	4.50	4.50	4.40	4.40	5.00	5.30	5.80	5.50
Jun 2025	4.25	4.30	4.20	4.20	4.90	5.20	5.70	5.40
Sep 2025	4.25	4.30	4.20	4.20	4.80	5.10	5.60	5.30
Dec 2025	4.00	4.00	3.90	3.90	4.70	5.00	5.50	5.20
Mar 2026	3.75	3.80	3.70	3.70	4.60	4.90	5.40	5.10
Jun 2026	3.75	3.80	3.70	3.70	4.60	4.80	5.30	5.00
Sep 2026	3.75	3.50	3.50	3.50	4.40	4.70	5.20	4.90
Dec 2026	3.50	3.50	3.50	3.50	4.40	4.70	5.10	4.80
Mar 2027	3.50	3.50	3.50	3.50	4.30	4.60	5.00	4.70
Jun 2027	3.50	3.50	3.50	3.50	4.20	4.50	5.00	4.70
Sep 2027	3.50	3.50	3.50	3.50	4.20	4.50	4.90	4.60
Dec 2027	3.50	3.50	3.50	3.60	4.10	4.40	4.90	4.60
Mar 2028	3.50	3.50	3.50	3.60	4.00	4.40	4.80	4.50

## 8. Borrowing Strategy

### 8.1 External v Internal Borrowing

The main Prudential Indicator relevant to capital investment is the Capital Financing Requirement (CFR). This 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. *From 2024/25 this figure also takes into account the assets and liabilities created by the impact of the new technical accounting arrangements for leasing.*

The borrowing to finance the capital expenditure can be either from external sources or the Council can use its own internal resources.

The planned external debt compared to the CFR over 5 years is shown in the following table, the difference between the two being the amount the Council has funded from internal resources. This is also set out separately for the GF and the HRA. This excludes other long-term liabilities such as long term creditors and pensions which form part of the separate Financial Strategy process of the Council.

**Total External Debt**

	Actual 2023/24	Revised 2024/25	Estimate 2025/26	Forecast 2026/27	Forecast 2027/28
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	34,699	33,277	30,653	28,232	25,811
Estimated repayment of debt	(1,422)	(2,624)	(2,421)	(2,421)	(1,089)
Estimated debt as at 31 March	33,277	30,653	28,232	25,811	24,722
<b>CFR as at 31 March</b>	<b>38,576</b>	<b>37,158</b>	<b>35,636</b>	<b>34,063</b>	<b>32,808</b>
Difference - internally financed	5,299	6,505	7,404	8,252	8,086

**General Fund External Debt**

	Actual 2023/24	Revised 2024/25	Estimate 2025/26	Forecast 2026/27	Forecast 2027/28
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	136	128	119	112	46
Estimated repayment of debt	(8)	(9)	(7)	(66)	(8)
Estimated debt as at 31 March	128	119	112	46	38
<b>CFR as at 31 March</b>	<b>4,627</b>	<b>4,623</b>	<b>4,515</b>	<b>4,356</b>	<b>4,182</b>
Forecast of internal financing	4,499	4,504	4,403	4,310	4,144

**HRA External Debt**

	Actual 2023/24	Revised 2024/25	Estimate 2025/26	Forecast 2026/27	Forecast 2027/28
	£000's	£000's	£000's	£000's	£000's
Debt as at 1 April	34,563	33,149	30,534	28,120	25,765
Estimated repayment of debt	(1,414)	(2,615)	(2,414)	(2,355)	(1,081)
Estimated debt as at 31 March	33,149	30,534	28,120	25,765	24,684

<b>CFR as at 31 March</b>	<b>33,949</b>	<b>32,535</b>	<b>31,121</b>	<b>29,707</b>	<b>28,626</b>
Forecast of internal financing	800	2,001	3,001	3,942	3,942

The Council is currently maintaining an under-borrowed position for both the General Fund and the HRA. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded with external loans, as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy remains prudent, as PWLB rates are currently elevated above what the Council's treasury management advisors consider to be a baseline level.

Further HRA maturity loans of £1.000 million end in 2025/26 and £0.941 million end in 2026/27, which are planned to be met from internal borrowing, although this position will remain under review as part of the on-going development of the HRA Business Plan.

*Given the continued elevated level in interest rates throughout 2024/25 and looking ahead to 2025/26, it is felt prudent to maintain the current level of internal borrowing as set out within the tables above. This will be kept under review in consultation with the Council's external advisors on an on-going basis.*

The use of internal resources is only a temporary solution as, in time, these reserves and capital receipts will be utilised to finance service initiatives and capital investment and at that point will not be available. This will need to be balanced against the replacement external borrowing which will be required at some point in the future which may attract higher rates of interest, so timing of such borrowing will need to consider forecasted rates of interest against the various types of borrowing structure to determine the most advantageous approach. Against this approach consideration may be required to borrow in advance of need, as set out in section 8.3 below, so as to reduce the need to borrow when interest rates may be higher.

## **8.2 Gross Debt v Investments**

A comparison between the Council's gross and net borrowing position helps to assess the credit risk that would apply if the Council has surplus resources invested at a low interest rate which could be used to repay existing debt or to negate the need for additional new debt if at higher interest rates than that being achieved on the investments.

The table below sets out the Council's probable position taking account of both the individual GF and HRA debt figures.

Comparison of gross and net debt positions at year end	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Probable out-turn	Estimate	Estimate	Estimate
	£'000	£'000	£'000	£'000	£'000
General Fund external debt (gross)	128	119	112	46	38
HRA external debt (gross)	33,149	30,534	28,120	25,765	24,684
Investments	72,509	75,000	61,400	51,200	43,600
<b>Net debt</b>	<b>(39,232)</b>	<b>(44,347)</b>	<b>(33,168)</b>	<b>(25,389)</b>	<b>(18,878)</b>

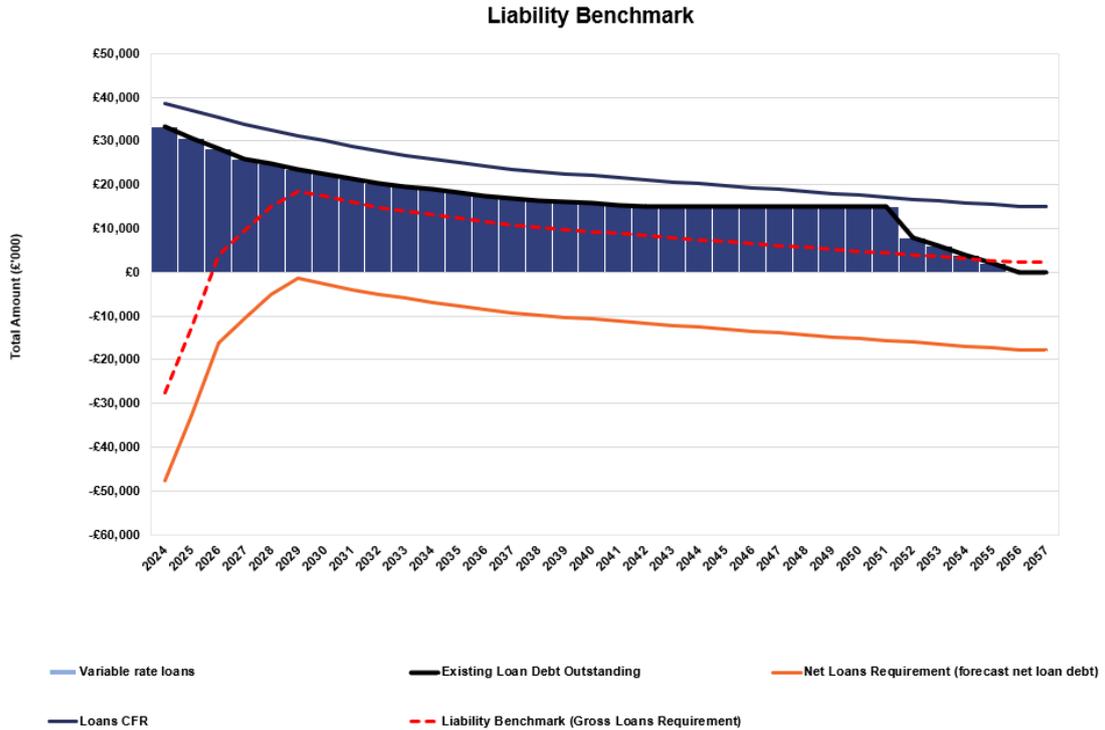
*The net debt positions show that the Council does not have underlying excess resources which could be used to repay long term debt. The surpluses and high current investment figures represent carry forwards and the current level of reserves / one-of budgets / external grant funding relating to specific capital projects].*

If opportunity arises, external debt will be repaid early, although this is difficult under current arrangements as set out in section 9. If borrowing is required then any requirement will be considered whilst balancing internal resources and forecasted interest rates within the parameters previously set out.

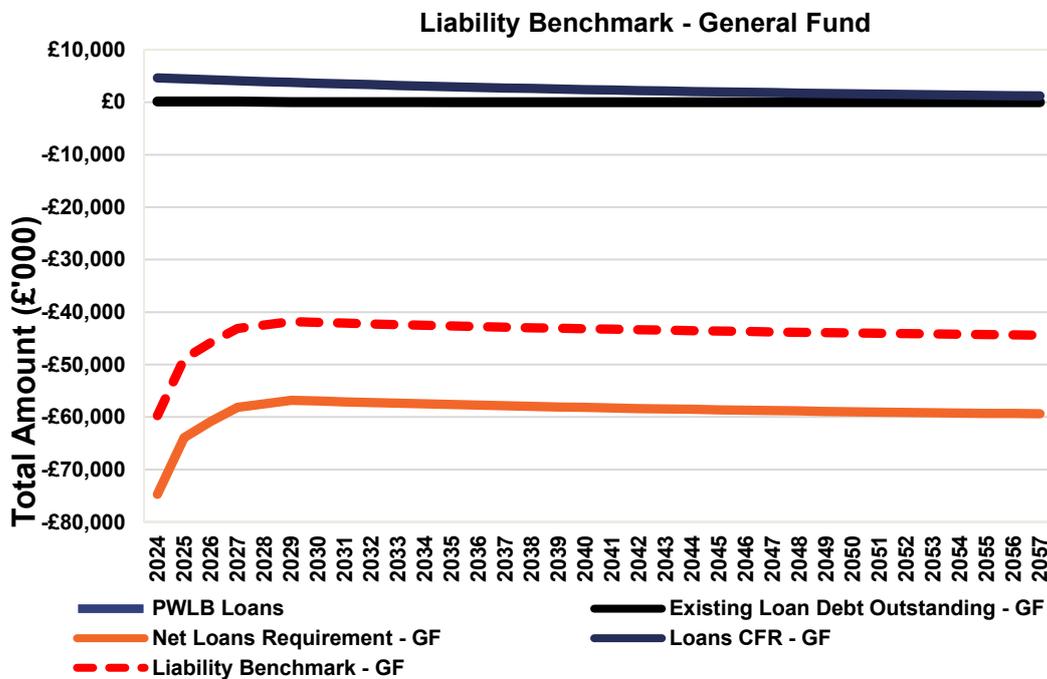
Against this background caution will be maintained within the 2025/26 treasury operations. Interest rates will be monitored and a pragmatic approach adopted to changing circumstances with appropriate action taken in accordance with the Council's Financial Procedure Rules.

### 8.3 Liability Index

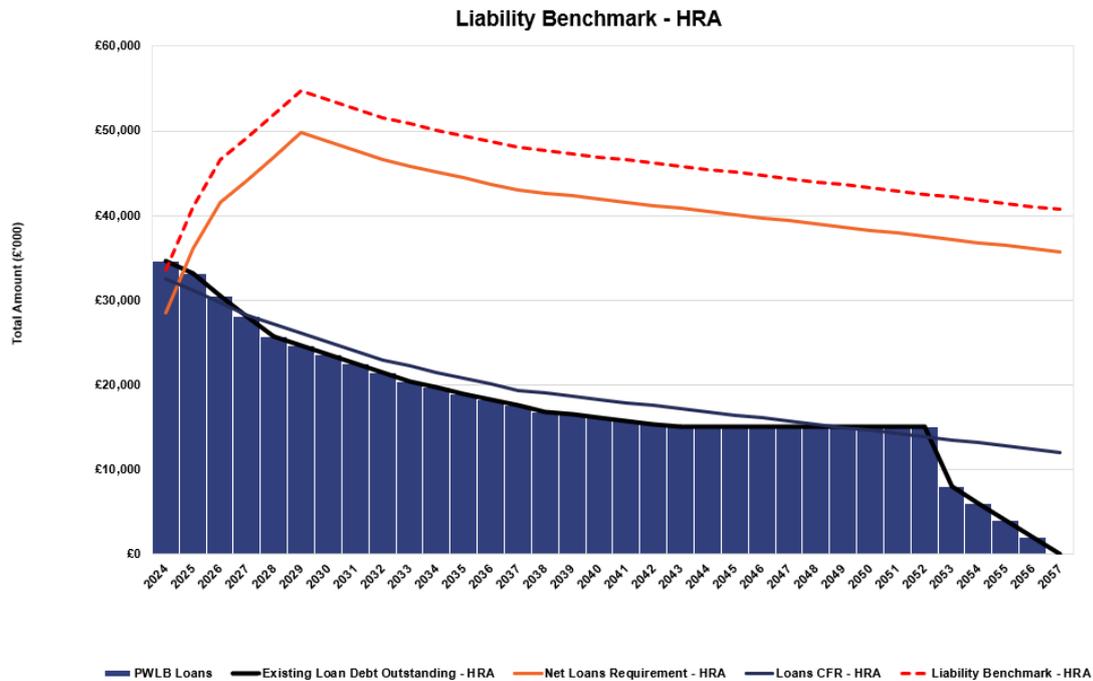
The tables in sections 8.1 and 8.2 are required to be shown graphically for a minimum of 10 years and ideally to maturity of loan debt under the 2021 Prudential Code. The charts below show the overall position for the Council and then split over General Fund and HRA.



The gap between the red dotted line and the PWLB loans shows the Council is under-borrowed. The net loans requirement line shows loans less anticipated investment balances. The Council needs to maintain some investment balances for liquidity purposes.



The low level of General Fund PWLB debt is demonstrated by this chart, with the bars falling below the blue PWLB loans line. This shows the level of General Fund under-borrowing as set out in the table in section 8.1 above.



The HRA chart shows that the HRA is also under-borrowed, at least until 2051, unless maturity loans that end over the next few years are re-financed.

#### 8.4 Policy on borrowing in advance of need

The Council cannot borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be considered carefully to ensure value for money can be demonstrated and that the Council can ensure the security of such funds.

In determining whether borrowing will be undertaken in advance of need the Council will;

- ensure that there is a clear link between the capital programme and maturity profile of the existing debt portfolio which supports the need to take funding in advance of need;
- ensure the ongoing revenue liabilities created, and the implications for the future plans and budgets have been considered;
- evaluate the economic and market factors that might influence the manner and timing of any decision to borrow;
- consider the merits and demerits of alternative forms of funding;
- consider the alternative interest rate bases available, the most appropriate periods to fund and repayment profiles to use;
- consider the impact of borrowing in advance on temporarily (until required to finance capital expenditure) increasing investment cash balances and the consequent increase in exposure to counterparty risk, and other risks, and the level of such risks given the controls in place to minimise them.

## **9. Debt Rescheduling**

Officers together with the treasury advisors examine on a regular basis the potential for undertaking early repayment of some external debt to the PWLB in order to maximise any potential financial advantages to the Council. However, the continuing and significant difference between new borrowing and repayment rates has meant that large premiums would be incurred by such action and cannot be justified on value for money grounds. This situation will be monitored in case the differential is narrowed by the PWLB or repayment rates change substantially.

As short-term borrowing rates will usually be cheaper than longer term rates there may be some potential for some residual opportunities to generate savings by switching from long term debt to short term debt. However, these savings will need to be considered in the light of the size of premiums incurred, their short-term nature, and the likely cost of refinancing these short term loans once they mature compared to the current rates of longer term debt in the existing portfolio.

Any opportunities for debt rescheduling will be considered if such action would be advantageous to the Council. The reasons for any rescheduling to take place will include:

- the generation of cash savings and/or discounted cash flow savings
- helping to fulfil the strategy outlined above
- enhance the balance of the portfolio

Consideration will also be given to identifying if there is any residual potential left for making savings by running down investment balances to repay debt prematurely as short-term rates on investments are likely to be lower than rates paid on current debt.

## **10. Investment Strategy**

### **10.1 Investment Policy**

The Council will have regard to the Government's Guidance on Local Government Investments, the latest CIPFA Treasury Management in Public Services Code of Practice and Guidance Notes (the Code) along with any relevant revisions or updates. The Council's investment priorities when investing are: -

- The security of capital and
- The liquidity of its investments.

The Council will also aim to achieve the optimum return on its investments commensurate with these main priorities. It is important to note that the borrowing of monies purely to invest or on-lend and make a return is unlawful.

Investment instruments identified for use in the financial year are listed in Annex 2 under the 'Specified' and 'Non-Specified' Investments categories. Counterparty limits will be as set through the Council's Treasury Management Practices – Schedules.

The majority of the Council's investments will be in Specified Investments although the Council has limited investments in Non-Specified investments.

During 2017/18 the Council purchased an investment property in Clacton, which is a Non-Specified investment (a commercial investment). The historic cost (including stamp duty) of this asset was £3.245 million, which was financed from revenue. The property was purchased with the aim of yielding rental income and with the potential for capital gains. This investment does not have a defined maturity date and it is an illiquid investment as the Council would need to sell the underlying asset to redeem the investment.

The property will be subject to annual revaluation to reflect current value under the requirements of the Accounting Code of Practice and this will be reported in the Statement of Accounts. *At 31 March 2024 the carrying value of the property was assessed by the Council's external Valuer at £2.284 million and at 30 September 2024 the carrying value was reduced to £2.212 million* The anticipated return on the property through rental income compared to the historic cost is forecast to remain in line with the figures included in the report to Cabinet where the decision to purchase was made. Regardless of whether or not the property is being used for trading, the terms of the lease require payment of the rent until the end of the lease term.

The Council has adopted a Commercial Property Investment Policy which will be maintained as a separate document within the wider Capital and Treasury Strategy framework.

The Council does not intend to use derivative instruments as part of its treasury activities during the year.

## **10.2 Creditworthiness Policy and changes to the credit rating methodology**

This Council uses credit ratings from all three rating agencies - Fitch, Moodys and Standard and Poors. In determining the appropriate credit rating the Council will use the lowest rating available to determine the investment limits both in terms of amount and period for a particular counterparty. This is in accordance with the recommendations of The Code. Counterparties rated by only one agency will not be used.

One of the credit rating agencies may be more aggressive in giving lower ratings than the other two agencies and this could result in the Council's

counterparty list becoming too restrictive. If this happens the position will be discussed with the Council's treasury advisors and the Treasury Management Practices may need to be revised in accordance with delegated powers set out in the Council's Constitution.

- All credit ratings will be monitored daily. The Council is alerted to changes to ratings of all three agencies through its use of the Creditworthiness Service provided by the Council's external advisors which is downloaded from Link Asset Services website each morning and uploaded to the Treasury Management system.
- If a downgrade results in the counterparty/investment scheme no longer meeting the Council's minimum criteria, its further use for a new investment will be withdrawn immediately.

The Code also recommends that credit ratings are not the sole determinant of creditworthiness and therefore the Council will also use available market information from a variety of sources including

1. The Creditworthiness Service utilises movements in Credit Default Swaps against the iTraxx benchmark and other market data on a weekly basis. This creditworthiness service information will be used to confirm the assessed creditworthiness derived from the three ratings agencies. Where the information from this service indicates a lower standing for a particular counterparty than that derived via the credit ratings then the investment limits and length of investments applicable to that counterparty will be adjusted accordingly or the counterparty removed from the list.
2. Market data and information,
3. Information on government support for banks and the credit ratings of that government support

### **10.3 Credit Limits**

Through its approved Treasury Management Practices the Council will set maximum limits for the amount that can be invested with any counterparty. This limit will be determined by reference to the counterparty's credit rating and other criteria. In addition the amount invested in building societies and Certificates of Deposit is also limited to 50% of the total investment portfolio.

100% of the Council's investments may be in Treasury Bills or Gilts or invested with the Government's Debt Management Office (DMO). Although these sums are very secure the rate of interest is usually lower than the market rate, however Treasury Bills are a valuable tool in providing security and liquidity whilst the DMO offers a variety of investment terms and is a valuable source of investment should credit ratings of other financial institutions result in a reduction in the number of counterparties that meet the Council's minimum credit rating criteria. There is no limit on the amount that can be invested with other local authorities in total, although there is a limit of £6 million with each individual local authority.

#### 10.4 Country Limits

The Council has determined that it will only use approved counterparties from the UK and additionally those countries with a minimum sovereign credit rating of AA or equivalent from the relevant rating agencies.

In a similar way that individual counterparties have a maximum investment limit, countries other than the UK will also have a limit.

#### 10.5 Investment Strategy

The Council's funds are managed in-house and are mainly cash flow based but there is a core balance that could be available for investment for longer periods (2-3 years). Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months) and in respect of commercial property investment, this will be limited to the amount included in the Capital Programme.

*The bank rate reduced from 5.25% in April 2024 to 4.5% in February 2025. The rate is forecast to gradually reduce over the course of 2025/26 to 3.75% by March 2026 (see Section 7). The Council will consider entering suitable low risk longer term deals before rates begin to fall without compromising the Council's priority of security of the investments.*

For 2025/26 the Council has budgeted for investment returns based on the principles set out in this strategy including the forecast position on interest rates.

For its cash flow generated balances the Council will seek to utilise its business reserve accounts, Money Market Funds and short dated deposits (overnight to three months) in order to benefit from the compounding of interest. At the present time these short dated deposits are paying lower rates, but they provide a good level of liquidity to help manage the Council's cash flow.

#### 10.6 Allocation of Investment returns between GF and HRA

As part of the introduction of HRA Self Financing a policy on the allocation of investments returns across the GF and HRA now forms part of the Annual Treasury Strategy.

The HRA holds balances and would benefit from cash flow advantages, which are amalgamated for the purposes of the overall investment activity of the Council. At the end of each year the transfer to the HRA of its share of the authority's overall investment returns will be agreed by the S151 Officer in consultation with the relevant officers based on the following principles:

- Equity
- Risk Sharing
- Minimising volatility between years

Returns from directly investing in commercial property will be allocated to the relevant fund where the Capital Programme / investment were made from.

### **10.7 End of year investment report**

At the end of the financial year the Cabinet will receive a report on its investment activity.

## GLOSSARY OF TERMS

**Affordable borrowing limit** – limit that the Council has to set under the CIPFA Prudential Code that shows how much the Council considers it can afford to borrow taking all its outgoings into consideration and how much income it considers it can generate.

**Alternative financing arrangements** – how the Council intends to finance its capital expenditure by other means besides borrowing.

**Authorised limit** – the amount the Council determines is the maximum that can be borrowed that is affordable and has been calculated in accordance with the legislation behind the CIPFA Prudential Code.

**Borrowing requirement** – how much the Council considers it needs to borrow to fund its spending plans.

**CFR – Capital Financing Requirement** – this calculation shows how much the Council needs to borrow or finance by some other measure to meet its planned capital spend.

**Counterparty** – the other party that participates when a loan or investment is placed.

**CPI – Consumer Price Index** – the Government's preferred measure of inflation, based on a set basket of goods and services. It excludes housing costs such as mortgage interest payments and council tax.

**Credit arrangement** – any quasi-loan, to ensure the legislation and Code pick up any unusual arrangements to provide funding other than from a straightforward loan

**Credit default swap** - A swap designed to transfer the credit exposure of fixed income products between parties. A credit default swap is also referred to as a credit derivative contract, where the purchaser of the swap makes payments up until the maturity date of a contract. Payments are made to the seller of the swap. In return, the seller agrees to pay off a third party debt if this party defaults on the loan. A CDS is considered insurance against non-payment. A buyer of a CDS might be speculating on the possibility that the third party will indeed default.

**Credit limit** – the maximum amount that can be lent to an individual organisation or group of organisations.

**Credit rating** – provided by one of the three credit rating agencies, an assessment of how likely the organisation is to repay any monies lent to it.

**Creditworthiness** - An assessment of the likelihood that a borrower will default on their debt obligations. It is based upon factors, such as their history of repayment and their credit score. Lending institutions also consider the availability of assets and extent of liabilities to determine the probability of default.

**Debt cap (HRA)** – the limit on the amount that can be borrowed by the HRA, set by central government.

**Earmarked reserves** – reserves that have been set aside for a specified purpose.

**GDP – Gross Domestic Product** – measures the output from the economy, if it rises then the economy is growing, if it falls the economy is in recession.

**iTraxx** - A group of international credit derivative indexes that are monitored by the International Index Company (IIC). The credit derivatives market that iTraxx provides allows parties to transfer the risk and return of underlying assets from one party to another without actually transferring the assets. iTraxx indexes cover credit derivatives markets in Europe, Asia and Australia.

**Illiquid investment** – An investment that cannot easily be sold or exchanged for cash without a substantial loss in value.

**Non-specified investment** – as defined in Annex 2.

**Prudential indicators** – a series of calculated figures specified in the CIPFA Prudential Code which are used to assess how affordable and realistic the Council's spending and financing plans are.

**PWLB – Public Works Loans Board** – central government lending to other public sector bodies, specifically local government.

**PWLB Certainty Rate** – The PWLB sets various rates for borrowing. From 1 November 2012 the Government reduced the interest rates on loans from PWLB to Councils who provide information as required on their planned long-term borrowing and capital spending by 0.20%. This reduced rate is called the Certainty Rate.

**Replacement borrowing** – borrowing taken out to replace other borrowing or other forms of credit that have been repaid.

**RPI – Retail Price Index** – another inflation index, this one includes the cost of housing.

**Specified investments** – as defined in Annex 2.

## Proposed Prudential Indicators 2024/25 revised, 2025/26 and forecasts for 2026/27 to 2027/28

## Indicators for Prudence

## CAPITAL EXPENDITURE

This is an estimate of the amount of investment planned over the period (as at Q3 2024/25). As can be seen, not all investment necessarily has an impact on the Council Tax, schemes funded by grants, capital receipts or external contributions mean that the effect on the Council Tax is greatly reduced.

Capital Expenditure - General Fund	2023/24	2024/25	2025/26	2026/27	2027/28
£000s	Actual	Revised	Estimate	Forecast	Forecast
<b>Total Capital Expenditure</b>	<b>3,804</b>	<b>17,320</b>	<b>827</b>	<b>827</b>	<b>827</b>
<b>Financing - General Fund</b>					
External contributions	(489)	(384)	-	-	-
Section 106	(240)	(6)	-	-	-
Government grants	(595)	(1,114)	-	-	-
Disabled Facilities Grant	(1,267)	(9,750)	(757)	(757)	(757)
Capital receipts	(106)	(815)	-	-	-
Direct revenue contributions	(275)	(4,029)	(70)	(70)	(70)
Earmarked reserves	(833)	(1,222)	-	-	-
<b>Total Capital Financing</b>	<b>(3,804)</b>	<b>(17,320)</b>	<b>(827)</b>	<b>(827)</b>	<b>(827)</b>
<b>Net Financing need (External Borrowing)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Housing Revenue Account Capital Schemes	2023/24	2024/25	2025/26	2026/27	2027/28
£000	Actual	Revised	Estimate	Forecast	Forecast
<b>Total Capital Expenditure</b>	<b>12,730</b>	<b>9,938</b>	<b>5,106</b>	<b>5,106</b>	<b>5,106</b>
<b>Financing - Housing Revenue Account</b>					
Major repairs reserve	(4,164)	(3,314)	(3,556)	(3,556)	(3,556)
Direct revenue contributions	(2,140)	(3,316)	(1,550)	(1,550)	(1,550)
Section 106	(308)	(474)	-	-	-
Capital receipts	(4,114)	(2,834)	-	-	-
External contributions	(1,964)	-	-	-	-
Government grant	(40)	-	-	-	-
<b>Total Capital Financing</b>	<b>(12,730)</b>	<b>(9,938)</b>	<b>(5,106)</b>	<b>(5,106)</b>	<b>(5,106)</b>
<b>Net Financing need (External Borrowing)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## CAPITAL FINANCING REQUIREMENT

Each year, the Council finances the capital programme by a number of means, one of which could be borrowing. The Capital Financing Requirement (CFR) represents the cumulative amount of borrowing that has been incurred to pay for the Council's capital assets, less amounts that have been set aside for the repayment of debt over the years. The Council is only allowed to borrow long term to support its capital programme. It is not allowed to borrow long term to support its revenue budget.

CAPITAL FINANCING REQUIREMENT	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
General Fund	4,627	4,623	4,515	4,356	4,182
Housing Revenue Account	33,949	32,535	31,121	29,707	28,626
<b>Total</b>	<b>38,576</b>	<b>37,158</b>	<b>35,636</b>	<b>34,063</b>	<b>32,808</b>

**GROSS DEBT AND THE CAPITAL FINANCING REQUIREMENT**

This indicator compares the Capital Financing Requirement to the level of external debt and shows how much of the capital programme is financed from internal resources. The capital programme is partially funded in the short to medium term by internal resources when investment interest rates are significantly lower than long term borrowing rates. Net interest payments are, therefore, optimised.

PRUDENTIAL INDICATOR	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Capital Financing Requirement	38,576	37,158	35,636	34,063	32,808
External debt	33,277	30,653	28,232	25,811	24,722
Internal borrowing	5,299	6,505	7,404	8,252	8,086

**OPERATIONAL BOUNDARY AND AUTHORISED LIMIT**

The Council must set an operational boundary and authorised limit for external debt. The operational boundary is based on the Council's estimate of most likely, i.e. prudent, but not worst case scenario for external debt. It reflects the decision on the amount of debt needed for the Capital Programme for the relevant year. It also takes account of other long term liabilities, which comprise finance leases, Private Finance Initiative and other liabilities that are not borrowing but form part of the Council's debt.

The authorised limit is the affordable borrowing limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the Council can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements.

PRUDENTIAL INDICATOR	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Operational boundary - borrowing	66,600	67,603	68,503	68,020	67,855
Authorised limit - borrowing	76,333	76,747	78,171	77,865	77,882

**Indicators for Affordability****RATIO OF FINANCING COSTS TO NET REVENUE STREAM**

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs. Investment income is no longer deductible from cost from 2022/23 revised onwards

ESTIMATE OF THE RATIO OF FINANCING COSTS TO NET REVENUE	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Revised	Estimate	Forecast	Forecast
	%	%	%	%	%
General Fund	2.06	1.39	1.10	0.91	0.87
Housing Revenue Account	44.39	43.35	41.81	38.68	37.61

**RATIO OF COMMERCIAL AND SERVICE INVESTMENTS TO NET REVENUE STREAM**

*This highlights how much of the Council's net revenue spend is financed by income from commercial and service investments. The Council has one commercial investment and no service investments*

ESTIMATE OF THE RATIO OF COMMERCIAL INVESTMENTS TO NET REVENUE	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Revised	Estimate	Forecast	Forecast
	%	%	%	%	%
General Fund	-1.62	-1.55	-1.35	-1.28	0.00

**INTEREST RATE EXPOSURE**

Tending District Council currently has all its borrowings at fixed rate and usually has a mixture of fixed and variable rate investments. This indicator is set to control the Council's exposure to interest rate risk.

PRUDENTIAL INDICATOR	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Upper limit for Fixed Interest Rates on debt	38,576	37,158	35,636	34,063	32,808
Upper limit for Variable Interest Rates on debt (based on 30% of the fixed rate limit)	11,573	11,147	10,691	10,218	9,842

**TOTAL PRINCIPAL SUMS INVESTED FOR PERIODS LONGER THAN 364 DAYS (excluding property)**

Interest rate risk is also affected by the proportion of the investments invested at fixed rates for longer periods, especially in a period when rates are expected to rise.

PRUDENTIAL INDICATOR	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Revised	Estimate	Forecast	Forecast
	£000	£000	£000	£000	£000
Limits on the total principal sum invested to final maturities longer than 364 days	3,500	3,500	3,500	3,500	3,500

**MATURITY STRUCTURE OF FIXED RATE BORROWING**

This indicator is set to control the Council's exposure to refinancing risk. The limits are set for each age range to ensure that the Council avoids too many fixed rate loans being matured at one time and spreads the maturity across several periods. The percentages for the upper and lower limits do not add up to 100% as they do not represent an actual allocation.

PRUDENTIAL INDICATOR	Upper limit	Lower limit	Estimated outstanding debt maturity % at			
	%	%	31/03/2025	31/03/2026	31/03/2027	31/03/2028
Under 12 months	25	0	7.90%	8.58%	4.22%	4.41%
12 months and within 24 months	30	0	7.90%	3.86%	4.22%	4.41%
24 months and within 5 years	60	0	10.67%	11.59%	12.67%	11.67%
5 years and within 10 years	75	0	14.02%	13.86%	13.68%	12.91%
10 years and above	95	25				
10-20 years			10.58%	8.98%	8.98%	5.92%
20-30 years			42.41%	53.13%	58.12%	60.68%
>30 years			6.52%	0.00%	0.00%	0.00%

**TREASURY INDICATOR - EXPOSURE TO CREDIT RISK**

The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) using the rating applicable when it is taken out and taking the arithmetic average, weighted by the size of each investment. Investments in government instruments such as DMO, treasury bills and in local authorities are scored as 1.

TREASURY INDICATOR	2023/24 Actual	2024/25 to 31/12/24	2025/26 Upper limit
Average credit score for investments	1.13	1.04	2.00



## SPECIFIED AND NON-SPECIFIED INVESTMENTS

This schedule sets out the specified and Non-Specified investments the Council may use in 2025/26.

Investments may be in the form of direct deposits, Certificates of Deposits (CDs), property (including property funds) or the purchase of financial instruments such as Treasury Bills, Bonds and Gilts.

### SPECIFIED INVESTMENTS:

An investment is a Specified Investment if all of the following apply

1. The investment is denominated in sterling and any payments or repayments in respect of the investment are payable only in sterling
2. The investment is not a long-term investment which is one that is due to be repaid within 12 months of the date on which the investment is made or one which the local authority may require to be repaid within that period.
3. The investment is not defined as capital expenditure by regulations
4. The investment is made with a body or in an investment scheme of high credit quality or the investment is made with the following public sector bodies.
  - a. UK Government
  - b. Local authority
  - c. Parish council or community council

Where an investment is being made with a UK nationalised or part nationalised bank this will be treated for the purposes of classification as a Specified or Non-specified investment as being invested with the UK Government.

### High credit quality

For a counterparty to meet the high credit quality criteria for specified investments, that counterparty must meet as a minimum the ratings of the three credit rating agencies listed below, and not be the subject of any adverse indications from the following sources.

- Credit Default Swap index
- The quality financial press
- Market data
- Information on government support for banks and
- The credit ratings of that government support

Ratings	Fitch	Moody's	Standard & Poors
Short term	F1	P-1	A-1
Long term	A-	A3	A

## NON SPECIFIED INVESTMENTS

A maximum of £3.5m may be held, in aggregate, in Non-Specified Investments

The only non-Specified investments that the Council will use in 2025/26 are investments for periods of longer than 12 months with any institution or investment instrument that would have been classed as a Specified Investment if the investment had been for less than 12 months or property. The Council currently holds an investment property in Clacton. The historic cost of this property (including stamp duty) is £3.245 million. *The most up to date valuation received by the Council's external valuer is £2.212 million.* The purchase of the property was financed from revenue resources.

## CABINET

11 APRIL 2025

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

#### A.4 SUNSPOT WORKSPACE, JAYWICK SANDS – POST PROJECT REVIEW

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To present the post project review of Sunspot, Jaywick Sands Workspace, community gardens, meeting rooms and event space on the former Sunspot Arcade site which opened in September 2023, including a requirement to allocate up to £100,000 to meet additional costs emerging from the final account processes / negotiations with the associated contractor.

###### EXECUTIVE SUMMARY

Since its opening in September 2023, the Sunspot has won multiple national awards and has been named one of the best five buildings in 2023 by the Guardian Architecture correspondent. The building has the following awards/nominations:

- **National Planning Awards**, the best use of brown field regeneration (Won)
- **Institute of Economic Development**, (IED) Social Value Champion of the Year (Won)
- **MJ Awards**, Delivering Sustainability and Social Value category (Highly commended)
- **Local Government Chronical** (LGC) awards for Future Places (Finalist, to be announced June 2025)
- **Royal Institute of Architects**, For HAT Projects for the Sunspot (Finalist, to be announced)

IED Director Bev Hurley CBE, who hosted the awards In November 2024, where TDC won Social Value Champion of the Year stated that:

*"The judges highlighted the positive impact of this impressive project on the local community, and noted it effectively met community needs, resulting in improved perceptions, high occupancy rates, and business expansions.*

*"The initiative is recognised for addressing deprivation through collaboration, fostering hope and aspiration, and the submission (which our judges said was written from the heart) demonstrated a pragmatic approach to overcoming local challenges, showcasing strong leadership. It has generated significant economic, social and environmental benefits, emphasising the close-knit community in the area."*

###### The Sunspot

It is a two-storey building offering 24 spaces to suit a range of small businesses: shops, offices, light-industrial units and a double-height market hall. It stands in the centre of Jaywick Sands, on a seafront site vacant since the demolition of the Sunspot Amusement Arcade 20 years ago. The building is designed to high environmental standards with a see-saw roofline to complement the new houses at the entrance of the car park and the street-facing gables of Jaywick Sand's pre-war chalet bungalows.

### **The development process**

In October 2018 the Council commissioned HAT Projects Ltd to support the preparation of a Place Plan for Jaywick Sands as a framework for development in the area. The draft Place Plan identified the need to attract and stimulate commercial and economic activity in Jaywick Sands and recommended the provision of affordable space for business use and social enterprise.

The objectives of the project were to provide an 'anchor' development to kick start wider regeneration in Jaywick Sands, support the local economy, increase opportunities for local entrepreneurship, and grow and retain economic activity and job creation in the local area by providing a managed workspace with targeted business support (information, advice and guidance).

In January 2020 HAT Projects were appointed via a competitive process to examine the feasibility of providing the new workspace and in August 2020, and subsequent to the completion of the Feasibility Study, Government launched its Getting Building Fund (GBF) – a £900 million fund to deliver jobs, skills and infrastructure across the country, targeted on areas facing the biggest economic challenges as a result of the COVID-19 pandemic.

In partnership with Essex County Council and HAT Projects and utilising the Feasibility Study, the Council led work to prepare and submit a detailed application for funding under the Government's GBF scheme. In the South East of England the scheme was managed and administered by the South East Local Enterprise Partnership (SELEP). The Council's GBF application sought funding in the value of £1.972 million and in November 2020 the Council were advised that its GBF application had been successful.

In December 2020 the Council moved to procure its Professional Team to lead on the technical design and cost planning of the proposed building and to manage the construction phase through to completion. The professional team included HAT Projects (architects), Potter Raper (cost consultants) and Daniel Connal Partnership (construction, design and management consultants). The Council also selected an Operating Partner Colchester Business Enterprise Agency (Colbea). Colbea assisted HAT Projects with the Building Design (space planning) during the pre-construction and construction phases of delivery.

At its meeting in May 2021 Cabinet formally approved the Jaywick Sands Covered Market and Managed Workspace project to be delivered through grant funding in the value of £1.97m to be received from the South East Local Enterprise Partnership (via the Government's GBF scheme), and via additional grant funding to be made available via Essex County Council, and funding set aside by the Council in support of Jaywick Sands, with a total initial capital budget of £2.328 million.

### **Project Objectives**

The project has the following objectives identified:

- **Objective 1:** Provide affordable space for start-up and grow-on businesses in the local community creating and retaining employment locally;
- **Objective 2:** Generate employment opportunities through supporting business growth and entrepreneurship;
- **Objective 3:** Provide access to affordable healthy fresh food and produce as well as affordable everyday household goods within easy walking distance of a large proportion of the community;
- **Objective 4:** Generate increased footfall to the Jaywick seafront benefitting local businesses in the area;

- **Objective 5:** Create better quality public realm including a safe pavement along the key seafront street, community garden and multi-purpose outdoor events/market 'square'; and
- **Objective 6:** Decreasing blight and stimulating a more positive identity for Jaywick Sands, increasing confidence amongst potential investors and raising aspirations for high quality regeneration and development going forward.

All of these objectives have been met in year one (Appendix A) with the building having 96% occupancy, some businesses already expanding their offer and employing staff, a number of free community events held, use of the meeting rooms is expanding with more organisations hiring the space and the community has supported the building from the start. Further details on how these objectives are being achieved is set out later in this report. The market has not focused on food to date although there is a strong offer in the café and in some of the retail units, and increasing confidence amongst potential investors is slow to emerge but there are now signs of regeneration through the Broadway, leading up to the Sunspot.

### **Sunspot – Operational**

At their meeting in May 2021, Cabinet approved the development of a Covered Market and Managed Workspace facility at Jaywick Sands. Cabinet subsequently determined in October 2021 to outsource management of the building, with a direct award to the Colbea by means of a service contract and licence with a value of £90,000 in year one.

After a change of management at Colbea, the organisation subsequently informed the Council they were no longer in a position to take on the licence agreement but did however remain content to enter into a service contract for a period of 7 months. In order to increase their capacity to deliver at pace however, Colbea partnered with HAT Projects for additional support.

As a result of this change in position, on the 17 February 2023 Cabinet approved bringing the operation of the building in-house, to be run by staff directly employed by the Council. Colbea currently hold the contract to provide the Council's Business Support Service and continue to support any future tenants in the Sunspot.

The council recruited an Operations and Facilities Manager to market and run the sunspot. The building was opened in September 2023, and by April 2024 was 80 per cent occupied, two years ahead of schedule.

### **Sunspot – Construction**

In January 2021 the Council appointed HAT Projects as its principal designer to work with the Council to refine and develop the outline proposals for the facility, and subsequently Officers appointed Daniel Connal Partnership to provide client-side Construction Design Management (CDM) services in response to the requirements of the CDM Regulations 2015.

At its meeting on 21st May 2021, Cabinet approved the development of a Covered Market and Managed Workspace facility at Jaywick Sands and made associated decisions to enable the development to proceed. Cabinet also agreed to seek approval from the Secretary of State under Section 12 of the Housing Act 1985 to use the land (which is held in the Housing Revenue Account – HRA) for non-housing purposes and to seek approval under Section 32 of the Housing Act.

On the 18<sup>th</sup> January 2022 a letter and application form was submitted to the Secretary of State requesting that: *The identified land [...] is integral for the wider regeneration of the area that the*

*community space and employment opportunities represented by the Managed Workspace and Covered Market are brought forward.*

Consent was received from the Secretary of State under the Housing Act 1985 – section 12 on the 16<sup>th</sup> February 2022.

### Budget

At its meeting on 21st May 2021, Cabinet approved a development which had a total scheme value of £2,327,535 with the budget comprising of £1.972m the South East Local Economic Partnership (SELEP), £350,000 from Essex County Council (ECC) and £5,535 from the Council. Cabinet determined to endorse the submission of a Planning Application and in a subsequent to Cabinet's meeting in May 2021, and the Council's Planning Committee the Council's Planning Application a approved the scheme for development at the beginning of July 2021.

On 6 December 2021 the Council received tenders from building contractors as part of the Council's procurement exercise, which came in significantly above the budget, with the lowest tender by TJ Evers, even after value engineering, at £3,877,239. This figure was over £1.1m greater than even the cost consultant's most recent estimate. International Covid lock downs ending caused shortages in materials on a global scale and construction inflation costs spiralled upwards internationally.

Given cost uncertainty in addition to value engineering, the contractor requested that the Council agree to amendments to the JCT contract to move the risk for the costs of ground works in the build phase to sit with the Council.

The TJ Evers quotation gave a total scheme value of £4,407,182, which was £1.98m over the total budget then allocated of £2,327,535 plus a £100,000 running cost allowance bringing the full funding up to £2,427,535 to secure delivery.

In January 2022 Cabinet agreed to allocate further Council funding relevant to the HRA to the project, including New Homes Bonus. It was recommended that £254,465 of New Homes Bonus 2022/23 was allocated to the project. This was in addition to the £105,535 allocated at the start of the project and £45,000 of project costs allocated at October 2021 Cabinet, for the first year of operation of the managed workspace.

In January 2022 Cabinet were informed that despite the additional investment from the Council, a gap remained in project costs of £1.68m. The Council approached SELEP and ECC for the potential for additional investment in the project. ECC agreed to cover the gap and raised their funding to £1,967,956 via a funding agreement in March 2022.

On 10 March 2022, TDC published a decision to set aside the remaining funds within the existing Business Investment and Growth budget of £411,000 to provide an available contingency to the project bringing TDCs contribution to £773,910.

### Total Budget:

SELEP: £2,391,060

ECC: £2,030,956

TDC £ 773.910

UKSPF: £ 50,000 out of the Council's 2022/23 allocation

This provided a budget of **£5,242,950**. With funding in place, construction of the Sunspot started on 25 April 2022, when TJ Evers took possession of the site.

However, during construction there were a number of external factors that not only delayed the project but added further expenditure.

- post COVID-19 and the lack and substantial increase in cost of materials
- the Ukrainian War affecting supply chains so contractors were unable to procure the cladding finishes
- materials detained due to the blockage of the Suez Canal.
- Delay and cost of utility connection, especially Affinity Water
- Some additional items required that were not in original design or value engineered out.
- Most importantly, there was a large amount of contamination and ground obstructions found on site which increased time and costs dramatically, at the cost of the Council given the amendment agreed to the JCT, despite initial surveys suggesting limited ground contamination.

The Council had to request further funding from partners to cover the costs of the additional ground conditions. In November 2022 SELEP awarded the project another £300,879 and in January 2023 SELEP award a further £118,181 to bring their contribution up to £2,391,060.

Once all the footings had been dug for the main building and a further survey on the rest of the land still to be excavated came back favourably it was felt the ground issues had been resolved. There would even be enough clean soil retained to produce the bunds.

On the 17<sup>th</sup> February 2023 Cabinet were informed that early indications showed that the full £411,000 additional contribution highlighted above would not be required to support the construction of the project and a proposal was put forward to allocate an additional £80,000 to the year one operational budget and in year 2 an additional £40,000 which was met from a corresponding reduction in the current revenue contribution to the HRA Capital Programme in 2022/23.

However, at their site meeting in April 2023, once the car park and bell mouth had been excavated, TJ Evers reported that this area was also contaminated and therefore, would need to be removed with a small amount safely retained on the bunds. As a result, there were additional costs for taking the further contaminated soil away, which added substantial further pressure to the overall budget. At this time concerns were raised by the Council and a request that all waste tickets from the car park were produced which the contractors failed to do. This resulted in a reduction of £52,348.20 to the cost of contamination requested by the contractor.

The building was completed in September 2023 and opened by the Minister for Levelling Up. The year's snagging period commenced to September 2024.

#### Final Account

New invoices for building work stopped by January 2024 and the cost consultant stated any further payments would be covered in the Financial Review, due at the end of the snagging period in September 2024. There was no indication of additional costs, and the retention payment of £121,306.52 was expected to remain sufficient to cover outstanding balances.

On 19<sup>th</sup> April 2024, Cabinet were informed via the Financial Performance Report 2023/24, that due to the extended delivery period for the project and increased network / cyber security costs,

the overall project budget needed to be increased by an estimated £0.208m. This estimate included a retention sum which remained subject to the overall outturn position for the project. It was proposed to meet the additional costs from historic new homes bonus grant amounts.

However, in August and September 2024, ahead of the Financial Review, the cost consultant submitted further reconciliations with the contractor which totalled an additional £87,068.27 for works done, and £5,296.43 liability for outstanding works to the communal tea station on the first floor. These additional charges covered a wide range of items as the cost consultant had agreed with the contractor ahead of the Final Account.

At this time the Council were already challenging the cost of the ground conditions and when it received the August 2024 invoice it doubled its efforts with the aim of retaining funds from the contractor after the negotiation, rather than requiring additional spend. In total £660,000 of costs were challenged with HAT projects (Employers Agent) and Potter Raper (Cost Consultants).

The £660,000 was a combination of ground conditions, design and specification changes, unagreed variations etc.

- The Council required a full reconciliation of all the waste paperwork to ensure no payment had been made to the contractor at the contaminated disposal rate for non-contaminated soil; and
- challenged the implementation of the contaminated waste strategy, where removal was the last action of last resort, but a huge amount of contaminated waste was removed at a cost of hundreds of thousands of pounds to the Council.

HAT projects (Employers Agent) and Potter Raper (Cost Consultants) have responded with the full reconciliation and the contractual positions.

The snagging process continued past the September deadline to complete in March 2025, which has now triggered the process of Final Account payment and a decision on how to proceed.

The professional advice of the (recently appointed) Head of the Project Delivery Unit and Contracts, Procurement and Projects Solicitor is that it would be possible to issue a Pay Less Notice to the contractor and challenge them through the arbitration process. However, the legal costs associated with this approach, coupled with the risk of not being successful means that the prudent and value for money option is to pay the additional costs. This is because the Council:

- agreed to take on the costs of the ground conditions through a variation to the JCT at the start of the contract;
- paid on account on the advice of the cost consultant through the process for the majority of the ground contamination works (holding back only on the unverified £54,348.20 of mucking away); and
- has not found obvious unsubstantiated costs through the challenge process.

Currently, there is a £121,306 retention payment and tea point works of £5,296.43 outstanding now snagging is complete. After the payment of the two invoices in August and September 2024 the project currently has a capital budget of £31,000, which it holds against the final account. In order to pay the Final Account the Council needs an additional £96,000.

Finally, Essex Highways requires re-surfacing of the BT trench within the footway to Lotus Way with indications that a sum of £1,000 is sufficient to complete the works.

### **Learning**

It is important to learn from any challenges (Appendix A) for future projects and ensure that mitigation is put in place to ensure similar issues can be addressed pro-actively. The Council now has a Project Delivery Unit staffed with architects and surveyors to provide expertise and capacity for the scale of capital works it is undertaking given the tens of millions of grants from Government for capital delivery.

Some of the key lessons learnt were:

- Ensure there are skilled resources dedicated to project manage capital projects, led by a client-side Project Manager that ensures a Project Execution Plan is agreed and implemented as soon as a Design Team is procured. This will set out the necessary roles and responsibilities required to deliver the project.
- The establishment of a Project Delivery Unit has been recognised as a priority, which uses project management procedures to control and manage Capital developments and ensure governance controls are in place.
- Where ground is suspected or known to be contaminated (such as previously developed land) and / or where ground conditions in the area suggest significant ground engineering is required to stabilise substructures, letting a groundworks contract first to establish the extent of and remove any contamination, and to undertake the engineering required to support substructures (for example to roads, foundations and services) should be used to control the risk and provide better cost certainty for a subsequent contract for the superstructure.

### **RECOMMENDATION(S)**

**It is recommended that Cabinet:**

- a) endorses this post project and operational review of the Sunspot, Jaywick Sands, which highlights the success of the workspace since opening in September 2023, the challenges in construction, and the lessons learnt for future regeneration projects; and**
- b) in respect of the additional costs of potentially up to £100,000 that have emerged from the project's final account processes, agrees that this be funded by a transfer within the existing HRA Capital Programme / wider HRA revenue budgets as part of finalising the overall HRA outturn position for 2024/25.**

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

The recommendations are made to update cabinet with regards to the success of a major award-winning capital project which has supported economic development, enhanced community services, raised the profile and ultimately contributing to the long-term regeneration of Jaywick Sands.

The funding is required to pay the final account, and offers a value for money approach, given the small proportion of the additional finance required in relation to large overall project sum, and the significant risks of taking the contractor through an arbitration process.

## ALTERNATIVE OPTIONS CONSIDERED

Issuing a Pay Less Notice and taking the contractor through an arbitration process has been considered as an option to recover funding spent on the substantial additional costs associated with dealing with contaminated ground conditions. However, this decision is not recommended as there are definite legal costs of going through this process, and the likelihood of success is not high given the contractual position of the Council. Any good will with the contractor would be lost.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

#### Corporate Plan (2024-2028)

The Covered Market and Managed Workspace and Orwell Place Car Park are developments which respond directly to the corporate priorities identified within the Council's 2024-2028 Corporate Plan and accords with the Community Leadership and Tendring4Growth themes, which are central to that Plan. The development responds to a number of priorities in the Corporate Plan as set out below:

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

#### Tendring Economic Strategy (2020 – 2024)

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

The Strategy recommends:

- A greater focus on Clacton and Jaywick, noting a decline in economic performance in these locations. This focuses specifically on local participation within communities and addressing long term prosperity; and specifically for Jaywick Sands recommends:
- A need for long term investment in both the physical and human assets of the area to enable a positive economic future for Jaywick Sands.
- The Council should identify property assets within public ownership which can be transformed to offer low-cost or free space to support new businesses and positive social activities, particularly in Clacton and Jaywick, to maximise their social value. Map spaces owned by Tendring DC, looking at where there is a stronger case (lower opportunity cost) of making them available for free or low-cost use by residents with ideas. Provide meanwhile space in perpetuity, with advice and guidance to support 'graduates' into more permanent spaces;
- Using the 2019 Employment Land Review, identify priority space to support 'move on' and growth space, actively promoting this amongst the local business population. This type of development should be encouraged through the use of cross-funding through the delivery of mixed-use sites. There are a number of proposed or allocated sites which have the potential to accommodate this type of development alongside residential and other uses and it should be ensured that these are treated favourably;

- A key element of this offer will be the provision of spaces to support new companies to grow within a flexible and supportive environment. This includes thinking about how managed workspace and incubation space could be used to support new businesses in Tendring.
- Valuing places within Tendring. Ensuring that they can evolve as modern and effective economic locations where people want to live and work.

UK Government Industrial Strategy

At a national level the proposed developments aligns with the Government’s Industrial Strategy, which focusses on supporting the UK economy to become more productive and seeks to drive stronger, resilient and more balanced growth. The Industrial Strategy argues that there are five foundations of productive economy: ideas; people; business environment; infrastructure; and places. At a micro level, the proposed scheme responds positively to these themes.

**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)

In October 2018 the Council commissioned HAT Projects Ltd to prepare a Place Plan for Jaywick Sands with the ambition that this should become a framework for development in that area. The detailed background to the Project is set out in the May 2021 Cabinet Paper and addresses:-

- The Feasibility Study
- The Getting Building Funding (GBF) Application
- Initial Project Funding
- Project Objectives
- Project Benefits
- Professional Team
- CDM Partner
- Operation Partner Colbea

The Jaywick Sands draft Place Plan identified the need to attract and stimulate commercial/economic activity in Jaywick Sands, and recommends the provision of affordable space for business use and social enterprise. During the winter and early spring of 2020 this recommendation was the subject of further investigation as part of a Feasibility Study commissioned by the Council.

The study found there to be a high level of demand in the study area (Jaywick Sands, and the wider Clacton area) for affordable business space, particularly within the light industrial, studio and basic office sectors, due to an undersupply of commercial/incubation space in the area. This is further evidenced by the Council’s 2019 Employment Land Review and by letting agent interviews undertaken as part of the study.

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

<p><b>Is the recommendation a Key Decision (see the criteria stated here)</b></p>	<p><b>YES</b></p>	<p><b>If Yes, indicate which by which criteria it is a Key Decision</b></p>	<p><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</p>
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	<p><b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b></p>	<p>Added to the forward plan at least 28 days in advance</p>
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A review undertaken by Officers had to ensure that the original case for retaining the land within the HRA for non-housing purposes, as required by Section 12 of the Housing Act 1985.

The objective of the project remains an ‘anchor’ development to kick start wider regeneration in Jaywick Sands and highlights the sharp spatial inequalities within North Essex and the need to improve outcomes in all communities. Improving employment opportunities through the provision of a managed workspace and targeted business support (information, advice and guidance) will positively impact on the health and wellbeing of local people. The scheme seeks to improve the public realm and will include a community garden as well as space for outdoor markets and other events. Improved walkability of the area and road safety will also improve the environmental conditions in Jaywick Sands.

It is important to demonstrate any buildings and land held in the HRA serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided. The land being proposed for use as the Covered Market Site was acquired by the Council under Section 9 of the Housing Act 1985 and is subsequently held in the Housing Revenue Account which is subject to certain restrictions.

Under Section 12 of Housing Act 1985:

- (1) A local housing authority may, with the consent of the Secretary of State, provide and maintain in connection with housing accommodation provided by them under this Part
- (a) buildings adapted for use as shops,
  - (b) recreation grounds, and
  - (c) other buildings or land which, in the opinion of the Secretary of State, will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

Construction of the Covered Market Site Works required the Council to enter into a formal JCT Construction Contract with the selected Contractor.

For all external funding, a legal agreement was required between the parties to confirm the arrangements of that funding, as is normal practice and is based on standard clauses.

At its meeting on 21st May 2021 Cabinet approved the decisions to enable the development to proceed. Cabinet agreed to seek approval from the Secretary of State under Section 12 of the Housing Act 1985 to use the land (which is held in the Housing Revenue Account – HRA) for non-housing. The Secretary of State agreed to this request in January 2022.

As the property is held in the HRA, the usual property related transactions are accounted for within that fund e.g. management, maintenance and rental / other income and the management activities associated with the units within the General Fund. As part of existing financial / accounting practices, recharges are made from the GF to the HRA to cover the costs incurred. This in effect means that the net financial risk associated with the operation of the units would fall to the HRA. As set out above, the provision of additional funding to establish the in-house approach along with reviewing any potential capital underspend at the end of the capital element of the project supports the management of this risk to the HRA. In the longer term, the risk would be considered as part of updating the HRA Business plan on an on-going basis.

Concerns with regards to the level of governance at the early stages of this project have been raised. Insufficient cabinet reports were submitted to seek approval for the award of key contracts. This has been raised as a lesson learnt for future projects.

x	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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The Post Project Review undertaken by the service for the operational and delivery aspects of the project together with the identified learning, are noted. This report has acknowledged and highlighted some governance points including those relating to powers, timeliness of decisions and roles and responsibilities within contract management, which should be explored further. Following consultation with the Section 151 Officer, it is considered that the governance outcomes will be picked up by the review envisaged by the Audit Committee in its decision on 27 March 2025 (min. no. 71). The Committee decided that in respect of the Spendells review set out in Appendix D, that the findings are noted and that Officers be requested to bring these together with the outcomes from other various reviews of major projects, in addition to any associated recommendations from External / Internal Audit for consideration as part of the annual review of the Council’s governance arrangements at the earliest opportunity in 2025/26.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

Finance

**Construction**

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the start of the project and £45,000 of project costs allocated at October 2021 Cabinet, for the first year of operation of the managed workspace.

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Total Budget:

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ECC: £2,030,956

TDC £ 773,910

UKSPF: £ 50,000 out of the Council's 2022/23 allocation

This provided a budget of £5,242,950. With funding in place, construction of the Sunspot started on 25 April 2022, when TJ Evers took possession of the site.

However, during construction there were a number of external factors that not only delayed the project but added further expenditure as discussed within the executive summary and the Council had to request further funding from partners to cover the costs of the additional ground conditions. In November 2022 SELEP awarded the project another £300,879 and in January 2023 SELEP award a further £118,181 to bring their contribution up to £2,391,060.

On the 17th February 2023 Cabinet were informed that early indications showed that the full £411,000 additional contribution highlighted above would not be required to support the construction of the project and a proposal was put forward to allocate an additional £80,000 to the year one operational budget and in year 2 an additional £40,000 which was met from a corresponding reduction in the current revenue contribution to the HRA Capital Programme in 2022/23.

However, at their site meeting in April 2023, once the car park and bell mouth had been excavated, TJ Evers reported that this area was also contaminated and therefore, would need to be removed with a small amount safely retained on the bunds. As a result, there were additional costs for taking the further contaminated soil away, which added substantial further pressure to the overall budget.

Final Account

New invoices for building work stopped by January 2024 and the cost consultant stated any further payments would be covered in the Financial Review, due at the end of the snagging period in September 2024. There was no indication of additional costs, and the retention payment of £121,306.52 was expected to remain sufficient to cover outstanding balances.

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However, in August and September 2024, ahead of the Financial Review, the cost consultant submitted further reconciliations with the contractor which totalled an additional £87,068.27 for works done, and £5,296.43 liability for outstanding works to the communal tea station on the first floor. These additional charges covered a wide range of items as the cost consultant had agreed with the contractor ahead of the Final Account.

The snagging process continued past the September deadline to complete in April 2025, which has now triggered the process of Final Account payment and a decision on how to proceed.

Currently, there is a £121,306 retention payment and tea point works of £5,296.43 outstanding now snagging is complete. After the payment of the two invoices in August and September 2024 the project currently has a capital budget of £31,000, which it holds against the final account. In order to pay the Final Account the Council needs an additional £96,000.

### **Operational**

On 17 February 2023 Cabinet considered a report title; Operational Considerations for the Sunspot (Jaywick Sands Covered Market and Managed Workspace), which forecast the income from the Sunspot over a three year period.

The report envisaged that the break-even point will be year 3 with the following occupancy rates:

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
All office/ industrial/kiosks	60%	70%	<b>85%</b>
Covered market spaces	80%	80%	<b>80%</b>
Training room utilisation	40%	40%	<b>40%</b>
Café	100%	100%	<b>100%</b>
No. of virtual tenancies	2	2	<b>3</b>
<b>Target income</b>	<b>£7,133</b>	<b>£113,780</b>	<b>£142,415</b>

### **Income**

The financial year just finished (2024/25) is the first full year of operation and the income generated in rental is £114,692.00 and other income including rental of the facility is £7,221.00 giving a total for 2024/25 of £121,913.

### **Expenditure**

General Fund                   £98,700  
HRA Fund                       £41,500

**Total Income**                   £121,910

**Minus Total Expenditure**   £140,200

**End of Year**                       **- £18,290**

At the meeting on the 17 February 2023 Cabinet approved an allocation of £80,000 to the year one operational budget, and in year 2 an additional £40,000 out of the £411,000 reserve set aside to support the project. This allocation brings the project on track.

<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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Following consultation with the Monitoring Officer, the comments set out above are supported and in agreement with.

#### **USE OF RESOURCES AND VALUE FOR MONEY**

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Sunspot's income supports the operational side of the building and the staff located with.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Please see relevant comments within this 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.	Costs are used to inform rent and hire charges within the building to ensure it is self-sufficient,

#### **MILESTONES AND DELIVERY**

All milestones and deliverables have been met for this development but the objectives will continue to be monitored to ensure that the high standards currently in place are maintained

#### **ASSOCIATED RISKS AND MITIGATION**

Currently the Sunspot is over- subscribed with a waiting list for retail units. If demand changes there is a risk that the income will not cover the costs and therefore it will become a financial burden to the Council. Marketing and careful financial planning will support any changes in occupancy.

<b>Risk</b>	<b>Impact</b>	<b>Mitigation/quantified risk within contingency</b>
Insufficient budget to operate the building	Rent increase or unable to operate the building.	Retain any underspends in the budget until such time as the building is self-sufficient.
Reduced demand for commercial space in the area.	Operational viability could be compromised if occupancy levels do not reach projected levels.	Net scheme benefits will be realised even if occupancy is far lower than projected.
Predominantly charities and community/ public sector organisations as tenants	Provide the wrong impression to potential businesses. Discourage retail and not increase footfall	Effectively manage the balance of business types and encourage new and emerging SME's to apply for units.

#### **EQUALITY IMPLICATIONS**

This development respond to the government's levelling up agenda and seeks to provide facilities which are accessible and sympathetic to needs of the community. This will increase

opportunities for local entrepreneurship and grow and retain economic activity and job creation in the local area. The Council do not expect this development to have a negative impact on groups with protective characteristics.

**SOCIAL VALUE CONSIDERATIONS**

The Sunspot is an award winning building in respect to the social value it provides to the area. Judges from the IED awards stated: “Many congratulations to Tendring District Council as the winner of our Social Value Champion of the Year award. The judges highlighted the positive impact of this impressive project on the local community, and noted it effectively met community needs, resulting in improved perceptions, high occupancy rates, and business expansions. The initiative is recognised for addressing deprivation through collaboration, fostering hope and aspiration, and the submission (which our judges said was written from the heart) demonstrated a pragmatic approach to overcoming local challenges, showcasing strong leadership. It has generated significant economic, social and environmental benefits, emphasising the close-knit community in the area.”

**IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2050**

The Sunspot already has an A rating with regards to energy usage, by adding the solar panels to the roof will not only support the tenants in becoming more energy efficient it will also support the Council’s reduction in carbon.

The design team specifically aim to reduce carbon and respond to climate change, so a number of features were put in place including:

- A passively designed and fabric-first approach to carbon reduction for operational carbon. This includes good airtightness, external solar shading through the canopy, high insulation performance, and low energy fittings.
- Heating systems are designed to be efficient and user-friendly to reduce energy usage and can be controlled by individual users/ tenants.
- the building through avoiding concrete and masonry, allows the building components to be recycled and reused more easily at the end of the building's projected lifespan.
- lighting in common parts is controlled by presence detection and external lighting will be controlled via daylight detection, timeclocks and presence detection as appropriate to the different areas.
- the building is designed as an all electric building to allow renewable energy sources to be used.
- air source heat pumps supply the underfloor heating
- EV chargers are provided for use of timber in the building at ground floor level

The building was also designed to include Solar Panels, but these were value engineered out due to the spiralling costs. Therefore, by adding these now the building has the potential for an A+ rating.

**OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

**Crime and Disorder**

The Sunspot was designed in line with good practice guidelines, limiting the opportunities for crime and disorder. External spaces will be actively managed by

	<p>the Council's staff and the development has created the opportunity to host internal/external activities and events thereby encouraging footfall – animated spaces are generally safer places given the presence of natural/passive surveillance. The building is also subject to CCTV surveillance, which is managed within the Council.</p>
<b>Health Inequalities</b>	<p>Improving employment opportunities through the provision of managed work space and through targeted business support (information, advice and guidance) will positively impact on the health and wellbeing of local people.</p> <p>It is hoped that the Covered Market may provide the means through which local people can more readily access fresh fruit and vegetables, thereby providing the opportunity for healthy living with improved health outcomes.</p> <p>Improved public realm, will have a positive impact on the quality of life currently experienced by residents.</p>
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	The Sunspot is open to all so they do not have a subsidy requirement.
<b>Area or Ward affected</b>	West Clacton and Jaywick Sands

### PART 3 – SUPPORTING INFORMATION

<b>BACKGROUND</b>
<p><b>Sunspot - Construction</b></p> <p>In October 2018 the Council commissioned HAT Projects Ltd to prepare a Place Plan for Jaywick Sands with the ambition that this should become a framework for development in that area. The detailed background to the Project was set out in a Cabinet Paper in May 2021 and addressed:-</p> <ul style="list-style-type: none"> <li>• The Feasibility Study</li> <li>• The Getting Building Funding (GBF) Application</li> <li>• Initial Project Funding</li> <li>• Project Objectives</li> <li>• Project Benefits</li> </ul>

- Professional Team
- CDM Partner
- Operation Partner Colbea

Given that all development land owned by the Council in Jaywick Sands is held by its Housing Revenue Account, determination as to the preferred location for the proposed scheme focused on: visual impact; accessibility; operational viability; and community regeneration. The selected site fulfilled these criteria.

The Jaywick Sands draft Place Plan identified the need to attract and stimulate commercial/economic activity in Jaywick Sands, and recommended the provision of affordable space for business use and social enterprise. During the winter and early spring of 2020 this recommendation was the subject of further investigation as part of a Feasibility Study commissioned by the Council.

The study found there to be a high level of demand in the study area (Jaywick Sands, and the wider Clacton area) for affordable business space, particularly within the light industrial, studio and basic office sectors, due to an undersupply of commercial/incubation space in the area. This was further evidenced by the Council's 2019 Employment Land Review and by letting agent interviews undertaken as part of the study.

The proposal was developed in response to community needs as well as a wider assessment of demand for small business space in the wider area. There was a demonstrated undersupply of commercial space and a high level of demand for affordable light industrial, studio and basic office facilities within the area.

Using the Council-owned vacant site in a very central location in Jaywick Sands presented the opportunity to draw this tenant market to Jaywick Sands, creating employment in the area and stimulating the secondary economy, alongside supporting local start-ups and small businesses in the community through creating a pathway from very affordable market stall accommodation to renting permanent space.

Cabinet adopted the Council's Back to Business recovery plan at its meeting on 13 November 2020, which confirmed that a bid had been submitted in October 2020 to South East Local Enterprise Partnership (SELEP) for a new Covered Market and Managed Workspace facility at Jaywick Sands. Further to that, on 19 February 2021 Cabinet announced the success of that funding bid in the Back to Business Delivery Plan and their intention to deliver the project for Jaywick Sands, *to 'support the local economy, grow local entrepreneurship, and grow and retain economic activity and job creation in the local area.'*

In January 2021 the Council appointed HAT Projects as its principal designer to work with the Council to refine and develop the outline proposals for the facility in full, secure the relevant statutory consents and approvals, procure a building contractor in line with the Council's procurement processes, and to oversee all construction works and associated hard and soft landscaping through to completion.

Subsequent to HAT Projects appointment, officers appointed Daniel Connal Partnership to provide client-side Construction Design Management (CDM) services in response to the requirements of the CDM Regulations 2015. At its meeting on 21st May 2021 Cabinet approved the development of a Covered Market and Managed Workspace facility at Jaywick Sands, and made associated decisions to enable the development to proceed. The Council also selected

an Operating Partner (Colbea). Colbea assisted HAT Projects with the Building Design (Space Planning) during the pre-construction and construction phases of delivery.

Cabinet agreed to seek approval from the Secretary of State under Section 12 of the Housing Act 1985 to use the land (which is held in the Housing Revenue Account – HRA) for non-housing purposes and to seek approval under Section 32 of the Housing Act.

At its meeting on 21st May 2021 Cabinet were presented with two development scenarios (Scenario A – a development proposal based on the original concept design and structured within the funding allocation of £2,127,535; and Scenario B – a development based on an updated design and requiring additional funding in the value of £300,000 resulting in a total scheme value £2,427,535).

Cabinet determined to endorse the submission of a Planning Application for the Scenario B scheme given that Essex County Council had indicated that it was minded to find a further £300,000 in support of the enhanced scheme. Subsequent to Cabinet's meeting in May 2021, Essex County Council confirmed that this funding would be made available (as funding of last resort) and officers have received a draft funding agreement for approval.

Subsequent to Cabinet's meeting in May 2021, the Council's Planning Committee assessed, reviewed and determined the Council's Planning Application and in so doing the Scenario B scheme was approved for development at the beginning of July 2021.

In October 2021 Cabinet report noted that construction material costs have been seen to increase as the country unlocks and once tender prices come in for construction there is a potential risk that this budget is insufficient to deliver the project as planned. Cabinet was informed it would be updated with options if the increase in prices occurs, seeking any necessary approvals.

Since that date the tender process for the construction of the facility had been undertaken by the Council and on 3 December 2021 the Council's cost consultants Potter Raper produced a revised cost appraisal based on the Council's tender pack and the latest market information on the cost of materials. This work indicated that the total construction cost of the scheme had likely increased from £2.1m to at least £2.7m.

On 6 December 2021 the Council received tenders from building contractors as part of the Council's procurement exercise, which came in significantly above the budget, with the lowest tender after value engineering at £3,877,239, over £1.1m greater than the cost consultant's estimate. This gave a total scheme value of £4,407,182, which was £1.98m over the total budget allocated of £2,427,000 to secure delivery.

As part of the evaluation process, Potter Raper were asked to examine and comment on the large discrepancy between their latest cost advice and the prices quoted in the three submitted tenders. It is considered likely that contractors have sought to reduce their risk by cushioning current volatile market prices against materials cost inflation during the nine month delivery phase. It was noted that while the three tenders are significantly higher than the estimates, the three returns all fell within about seven percent of each other, demonstrating the market conditions at that time.

In January 2022, a report went to Cabinet which provided a summary of the project progression and requested that TJ Evers were awarded the construction contract to build the Jaywick

market, business units, community gardens and car park. Within this report Cabinet agreed to TDC allocating further funding to the project to cover significant increase in construction cost demonstrated by tender returns. Within this report an ask was made of TDC to provide further funding and to seek further external funding from partners SELEP and Essex County Council and enter into agreement with them to meet the remaining gap in funding for the project. Both SELEP and ECC agreed.

On the 11 March 2022 an Urgent Decision was made by the Deputy Leader of the Council and the Portfolio Holder for Economic Growth to set aside the remaining funds within the Business Investment and Growth Budget to increase the contingency allocated to the project. During contract negotiations, some omissions to the tender value were found and some of the proposed value engineering savings were found to be unsuitable. Along with the additional costs identified by the Council's Architects due to the extended period of the project putting immediate pressure on the original project contingency fund.

On the 25 April 2022, TJ Evers took possession of the site. However, during construction there were a number of external factors that not only delayed the project but added further expenditure. These were the impact of post- COVID-19 and the increase in cost as noted in the Cabinet report in October 2021, and the lack of materials especially steel which forms the skeleton of the building, the Ukrainian War so the contractors were unable to procure the cladding finishes and needed to seek an alternative and there were materials stuck in the Suez Canal. Further to this there was a large amount of contamination and ground obstructions found which put considerable pressure of the budget.

The building opened in September 2023 and is currently in a snagging stage before full hand over from the contractor.

### **Sunspot – Operational**

The objective of the project was to provide an 'anchor' development to kick start wider regeneration in Jaywick Sands, support the local economy, increase opportunities for local entrepreneurship, and grow and retain economic activity and job creation in the local area - the most deprived in the country, by providing a managed workspace with targeted business support (information, advice and guidance). The project also aimed to lift Jaywick Sands out of the bottom decile of the Index of Multiple Deprivation, stimulate economic growth and maximising the potential of the beach for tourism.

The project has delivered public realm improvements including a community garden as well as space for outdoor markets and other events. It brought fresh produce to the area and provides a retail space for those with limited ability to travel outside of the area. Improved walkability of the area and road safety has also improved the environmental conditions in Jaywick Sands.

Since being open the aspirations of the project has not only been reached but have exceeded initial expectations with more of the units being rented than expected within the first year, 10 of the units are run by residents of Jaywick Sands, with 6 businesses expanding into larger units within a few months of opening and 9 businesses have grown enough to recruit more staff. The building is also now thought of as 'the heart of Jaywick Sands'.

### **Management of the commercial workspace.**

At their meeting in May 2021, Cabinet approved the development of a Covered Market and Managed Workspace facility at Jaywick Sands. Cabinet subsequently determined in October

2021 to outsource management of the building, with a direct award to the Colchester Business Enterprise Agency (Colbea) by means of a service contract and licence with a value of £90,000 in year one.

After a change of management at Colbea, the organisation subsequently informed the Council they are no longer in a position to take on the licence agreement but did however remain content to enter into a service contract for a period of 7 months. In order to increase their capacity to deliver at pace however, Colbea partnered with HAT projects for additional support.

As a result of this change in position, on the 17 February 2023 Cabinet approved bringing the operation of the building in house, to be run by staff directly employed by the Council. Colbea currently hold the contract to provide the Council's Business Support Service and continue to support any future tenants in the Sunspot.

In May 2023 Colbea and HAT started the initial activation of the building by provided services that included:

**Colbea:**

- Acted as Centre Manager until TDC could recruit to the post and supported in the process.
- Marketed the building and generate tenant leads through know sources.
- Organised site visits for potential tenants.
- Shared best practice for onboarding.
- Initiated the Sunspot Website via their provider (all TDC procurement roles were followed).

**HAT:**

- Worked with community groups to spread a positive message.
- Provided marketing content for press releases, social media, the Sunspot website.
- Managed the evaluation of the café operator proposals including negotiating fitout requirements.
- Lead on the Community Open Day and working with local groups to provide a day of celebration.

On the 24 August 2023, after a full recruitment process the Operations and Facilities Manager started with TDC and worked closely with Colbea in order to gain the experience and knowledge required to run the site independently with support from the wider Economic Growth Team.

The Operations and Facilities manager is located within the building Monday to Friday and duties include but are not limited to:

- Supporting the tenants, especially those who are new businesses.
- Marketing any empty units, the meeting rooms and events space.
- Ensuring the building is clean and safe for its users and that meeting rooms are prepared ready.
- Working with HAT and the contractors through the snagging and defects period.
- Setting up maintenance, cleaning and servicing contracts.
- Working with other TDC departments in regard to health & safety, repairs etc. ensuring the building represents TDC as best as possible.

Colbea continue to provide business support to the tenants as part of the District Wide Business Support Contract.

In January 2024, an apprentice was appointed to support the Operations and Facilities Manager.

23 out of 24 available units are currently rented with a waiting list of those interested in different types of units with the retail units being most popular. The remaining unit is being used as a hot desking facility until it can be rented.

### **Decision process for New Tenants**

Approval for future tenants follows the same process as TDC Assets:

- Short term agreement (max 1 year) - Head of Service/Assistant Director decision.
- 1 to 7 year agreement – Corporate Director decision
- Over 7 years – Portfolio Holder decision

Therefore, as this building is designed to be a low cost, start-up facility for new and emerging businesses, the short-term agreement has been adopted as the licences are intended to be flexible with an 'easy in, easy out' option. The café, once established, is the only business that will require a licence/lease that is not short term but will contain break clauses.

Due to terms of the funding and so it doesn't compete with the Resource Centre or Enterprise Centre, the Sunspot will not accept tenants who are from the community sector. It is important to the community that this building offers high quality retail and business spaces.

### **Meeting Rooms and Events Space**

The events space houses the regular Thursday market as well as being used by a local majorette group as their training space but has been a little more problematic to rent on a regular basis. Other regular events such as Boot Sales have been tried but with little success.

However, as this is an events space it is to be expect and it will take time for this to establish as a 'go to' area for ad-hoc events but, it is expected that demand will rise as it is currently being marketed on the website and through social media to support its future use.

Events that have taken place by external people/organisations include a peddle power event, the SOS bus, Essex University organised a fun day and during health week Central Saint Martins provided art workshops. There has also been a day of action followed by a drop in session and hog roast organised by the Jaywick Community Forum, a Halloween maze and Funnelwick Limb have put on a play with a showing for local school children and a ticketed event in the evening.

The Economic Growth team have put on a number of events either independently or in partnership including the Community Opening event, Jobs Fair, Air Show event with BBQ and sand castle competition, Pancake Day, two openair cinema nights and a Christmas event in 2023 where every child received a free gift from Santa. A Christmas Fair is currently being organised in partnership with the building's tenants, TDC and external partners.

The meeting room is used on a regular basis and is free to hire by TDC and the tenants have a number of free hours per month. Past uses have been a rest centre for the recent fire victims, space for emergency services at the last day of action, jobs fair, health checks, away days

including a sandcastle competitions, regular meetings for various ECC services, NHS meetings, AA meetings, Transition group, Jaywick Community Energy and even a couple of film crews.

Other partners who have utilised the facilities to support the residents include NHS Suffolk and North East Essex Integrated Care Board, Provide, North East Essex Health & Wellbeing Service, Essex Library Service, Essex Policy, University of Essex and ACL.

**PREVIOUS RELEVANT DECISIONS**

[Temporary Service Contract with Colbea - Covered Market & Managed Workspace facility at Jaywick Sands](#)

[Jaywick Sands Covered Market and Workspace](#)

[Acceptance of SELEP funding – November 2022](#)

[Jaywick Sands Covered Market and Managed Workspace GBF Funding Agreement – October 2021](#)

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

[Quarter 3 Finance Performance Report, Cabinet April 2024](#)

[Operational Considerations for the Sunspot – February 2023](#)



Covered Market and Managed Workspace

Jaywick Sands Covered Market and Workspace – January 2022

[Jaywick Sands Covered Market and Workspace – joint report October 2021](#)

[Post Delivery Scrutiny of the Sunspot Commercial Workspace](#)

[Jaywick Covered Market and Managed Workspace – May 2021](#)

[Matters Referred to the Cabinet by a Committee - Reference from the Resources and Services Overview & Scrutiny Committee - A.1 - Post Delivery Scrutiny of the Sunspot Commercial Workspace](#)

**APPENDICES**

**Appendix A – Objectives and Lessons Learnt**

**REPORT CONTACT OFFICER(S)**

<b>Name</b>	<b>Barbara Pole</b>
<b>Job Title</b>	<b>Economic Growth &amp; Enterprise Manager</b>
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## A.4 Appendix A – Objectives and Lessons Learnt

OBJECTIVES	OUTCOME	ISSUES	LESSONS LEARNT	HOW WE RESPONDED
<p>Decreasing blight and stimulating a more positive identity for Jaywick Sands, increasing confidence amongst potential investors and raising aspirations for high quality regeneration and development going forward</p>	<p><b>Achieved.</b> The derelict site has been brought back into use with a flexible business space including retail, public toilets and events space.</p> <p>The project also aimed to lift Jaywick Sands out of the bottom decile of the Index of Multiple Deprivation, stimulate economic growth and maximising the potential of the beach for tourism.</p>	<p>Contamination and ground obstructions – a huge amount more than anticipated which had a significant impact on the budget.</p> <p>The bell mouth is still requiring sign off by ECC. However, a small portion of the pavement adjacent to the bell mouth was trenched by BT. The finish to this trench is not up to ECC standard and therefore will require re-tarmacking before they can sign off.</p> <p>External project delivery teams are not familiar with local authority governance and processes and the Council still requires significant capacity within the organisation to manage the project.</p> <p>From the conception of the idea to agreement to proceed with the project took a number of years with a lack of governance during this time.</p> <p>Permissions and decisions were put in place at the last minute which impacted on resources.</p> <p>Since opening there have been</p>	<p>Large construction projects need several services working together as there are so many areas of risk and so a pool of experts is really supportive.</p> <p>The progress was delayed by factors that were discovered during construction some of which may have been foreseeable by more rigorous initial investigations.</p> <p>Being totally clear what we aim to achieve. Lost cost and time on investigations, detail design and programming.</p> <p>Cost should be revisited after lengthy periods between tender and construction taking into account any external impacts to costings.</p> <p>Much greater contingency is required to ensure the budget is more achievable and realistic to cover escalating costs or unforeseen expenses.</p> <p>Increasing qualified capacity within the organisation across disciplines required for capital delivery such as surveying to support the completion of substantial capital</p>	<p>A project boards has been established for large capital projects which consists of relevant senior officers and partners as appropriate.</p> <p>Limited capacity within the organisation to support substantial capital projects. Steps have already been taken to address this issue by establishing a new Project Delivery Unit for two years by Cabinet in July 2024. The Unit's primary goal is to improve the efficiency and effectiveness of project delivery, ensuring that projects are completed on time and within budget.</p> <p>A regular process of risk management and programme progress reporting to that board rather than ad-hoc responding when problems arise. Best practice on milestone reporting established.</p> <p>Strong contract management is required for external project delivery teams. Council still requires significant capacity within the organisation to</p>

		<p>numerous problems with some of the systems or fixtures that have been installed. Now that the building is over a year old the team are working on putting in place maintenance contractors who are raising issues not found so far.</p>	<p>projects and resourcing client-side financial oversight in addition to the cost consultants in the external professional team.</p> <p>It is essential to have Cabinets approval for the outset.</p>	<p>manage the project.</p> <p>Internal governance established at the start of the initiative with a strong timeline of reports and decision which are presented to Cabinet ensuring they are informed and have the opportunity to make decisions and provide input.</p> <p>Working with the project team, all defects are being raised. However there is a time limit to how long we can report defects. The team are currently gathering evidence for submission to the contractors</p>
<p>Provide affordable space for start-up and grow-on businesses in the local community creating and retaining employment locally.</p>	<p><b>Achieved.</b> The building has exceeded expectations with regards to the take up from fledgling businesses. At the start of the journey TDC forecast that out of the 24 units 70% would be occupied by the end of year one. Within six months 96% of the units were occupied which has been maintained.</p> <p>In total the current combined jobs created/brought into the area are 48 FTE. During construction, the contractors employed 15FTE from the locality.</p> <p>There is a waiting list for the retail units. Two</p>	<p>A lot of the equipment needed was put in place after the building opened due to the delays in construction and getting the tenants onboarded. Also, a number of services were procured until after.</p>	<p>Robust contract management is required to cover the construction phase and operational requirement with these resources being identified at the start of the project.</p> <p>Greater consideration should be taken as to how the building will operate i.e. legionella testing, furniture, cleaning, waste management.</p> <p>The corporate review of contracts for essential services - such as maintenance - will make the operationalisation of new buildings more efficient to enable existing</p>	<p>ECC Procurement are looking at the 'economy of scales' of combining contracts across the County.</p>

	businesses started in the market and now have retail units. Nine of the units are run by Jaywick residents. All businesses are provided with free business advice and training opportunities.		contracts to expand to take on the new assets. Currently separate contracts are set up as new buildings become operational.	
Generate employment opportunities through supporting business growth and entrepreneurship	<b>Achieved.</b> Fourteen of the businesses at the Sunspot had originally been working from home or mobile on a part time basis, and the Sunspot has given them the opportunity to expand and reach a larger market. This has also provided work for at least an extra 17 new positions, two of whom are employed with TDC. This does not include the services TDC have commission from local businesses such as cleaners, window cleaners, electricians, maintenance services etc.			A job fair was held at the Sunspot during 2024 which included local business such as the holiday camp. It is anticipated to make this an annual event to support further job opportunities in the area.
Provide access to affordable healthy fresh food and produce as well as affordable everyday household goods within easy walking distance of a large proportion of the community	<b>Achieved</b> The café is run by The Active Wellbeing Society (TAWS) who are committed to reducing food waste, providing good quality, affordable food and providing a warm hub over the winter. with initiatives such as bottom-less soup, affordable freshly prepared meals to take aways, free children's meals, and are initiating a share shack to share goods or services around	Step were taken to establish a fresh fruit and vegetable seller at the marking. However, the footfall on market day was too low to make it viable for them to attend.	It takes time and energy to establish a market especially when there are successful markets locally. Although there is an offer each week, this is not developing into a business proposition for established market traders who are needed to raise the quality.	A combined bootsale and market is currently being planned to increase the footfall. This will then provide a better proposition to established market traders  The opportunity will continue to be marketed and measure taken to increase the availability of fresh produce.

	<p>the community. They have also done a number of free events including BBQs and work closely with the community.</p> <p>Kelly's have diversified since opening at the Sunspot. working with residents they have changed their offer and now provide fresh bread and pastries which they also deliver to those with reduced mobility and they are now putting together a business plan to provide fresh fruit and vegetables.</p>			
<p>Generate increased footfall to the Jaywick seafront benefitting local businesses in the area;</p>	<p><b>Achieved.</b> The Sunspot is at capacity with all 24 units being filled, the café not only serves local residents but have a number of regular customers.. The use of the meeting room has also brought in footfall with all-day hires also using facilities with the building such as the café for catering. The 10 retail units have increased footfall, nine of them reporting that their businesses have grown so they either needed to expand or bring in help with regular customers. A number of the boarded up retail units on the lead up to the building along Broadway are now coming back into use. There have also</p>			

	<p>been a number of well supported events at the centre.</p> <p>Recent data as shown that footfall to Brooklands has increased by 800% (6,000 in September 2023 to 49,000 in September 2024)</p>			
<p>Create better quality public realm including a safe pavement along the key seafront street, community garden and multi-purpose outdoor events/market 'square'</p>	<p><b>Achieved.</b> Public realm including a community gardens including a seating area brings together the work already carried out by public realm around the public car park. The landscaping has now established and provides an attractive, vibrant space that supports improving dwell time and a sense of pride in the area.</p> <p>The bus stop provides a safe place to wait with a shelter and seating. Prior to this the bus stop was in an area without any paving.</p> <p>There is a weekly market but it is small and there have been a number of events including community days of action, health events, plays, an open air cinema.</p>	<p>The events space has been problematic to rent on a regular basis. Other regular events such as Boot Sales have been tried but with little success.</p>	<p>As this is an events space it is to be expect that it will take time for this to establish as a 'go to' area for ad-hoc events but, it is expected that demand will rise,</p>	<p>The events area currently being marketed on the website and through social media to support its future use. The fees are also being looked at as there are local venues who cost less to hire.</p>

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## CABINET

11 APRIL 2025

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### A.5 HOMELESSNESS IN TENDRING

##### PART 1 – KEY INFORMATION

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

Further to a request from Cabinet, this report sets out the current levels of and causes of homelessness. In particular, the number of households presenting as homeless, numbers placed in temporary accommodation and data on rough sleeping and how these pressures have continued to grow. It also sets out the various actions that are being put in place to address these pressures.

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

The Council's Housing Solutions Service is experiencing increasing numbers of homelessness cases. This is impacting on the services' ability to discharge the Council's statutory duties effectively and cost efficiently. The Council is committed to ensuring accessible high-quality customer services, but the levels of demand mean that, in some instances, the Council is finding it increasingly challenging to meet the minimum levels of statutory housing duties.

The Homelessness Act 2002 sets out the definition of homelessness and the duties that local housing authorities owe to those who are accepted as being homeless or threatened with homelessness. Part 7 of the Housing Act 1996 provides the primary homelessness legislation setting out the statutory duties on local housing authorities to prevent homelessness and provide assistance to those who are at risk of being homeless or actually homeless.

The Homelessness Reduction Act 2017 (HRA 2017) placed new duties on local housing authorities to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness for all eligible applicants, not just those that have priority need under the Act. This legislation sought to provide increased protection to people facing homelessness. It extended the length of time an individual or household could be seen as at risk of homelessness, from 28 to 56 days, which in turn increased the length of a local housing authority's prevention duty.

More recently, the enactment of the Domestic Abuse Act 2021 has placed a duty on local authorities in England to provide support to survivors of domestic abuse and their children. All eligible homeless survivors of domestic abuse automatically receive 'priority need' status for homelessness assistance.

The Council has seen an 87% increase in homelessness approaches between 2018/2019 and 2023/24 and a 26% increase in homelessness applications during the same period.

The top five causes of homelessness have remained static during this time and include the loss of an Assured Shorthold Tenancy in the private rented sector, relationship breakdown, eviction by family, domestic abuse and eviction by friends.

There has been a 77% increase in the number of households being placed in temporary accommodation between 2018/19 and 2023/24.

Expenditure by the Council on temporary accommodation in the first nine months of 2024/25 was £2.1 million.

Expenditure on rent deposits in the same period was £164,713.36 and a further £153,617.52 was spent on rent in advance payments all of which were paid to assist those faced with homelessness into settled accommodation.

The cost of providing temporary accommodation and other homelessness services is accounted for within the General Fund and, alongside the money committed from the Council's General Fund budget to fund homelessness services, funding is awarded by Ministry for Housing, Communities and Local Government (MHCLG) to support the prevention and reduction of homelessness and rough sleeping. Confirmation has already been received that the Homelessness Prevention Grant funding for 2025/26 will be £1,456,782, an increase from just over £1 million in 2024/25.

As set out in previous reports, the cost of responding to homelessness is presenting a significant resource / financial challenge for most Local Authorities nationally and is of such significance that it is now one of the highest risk factors in terms of the wider financial sustainability of Councils. Although financial support from the Government is welcomed, it falls significantly short of the associated costs.

With all of the above points in mind, it is proposed that a Homelessness and Temporary Accommodation Working Group is established, chaired by the Portfolio Holder for Housing & Planning, to support the Council in exploring and identifying measures aimed at relieving the pressure and spending on the service. Membership of this group will be predominantly officers.

Although various options will be explored via the proposed working group, measures initially identified to relieve pressure and reduce spend are focussed on:

- Potential to increase income streams
- Reducing the use of temporary accommodation through early prevention measures
- Ensuring the quality of the temporary accommodation offered
- Increasing the availability of accommodation in the private rented sector

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

**That Cabinet:**

- 1) notes the current pressures on the homelessness function provided by the Council and the level of spending on the service including provision of temporary accommodation to comply with its statutory duties;**
- 2) endorses the setting up of a Homelessness and Temporary Accommodation Working Group, chaired by the Portfolio Holder for Housing & Planning, to explore and identify measures aimed at relieving the pressure and spending on homelessness; and**
- 3) subject to 2) above, a report is presented to Cabinet within six months setting out the initial outcomes from the activities undertaken by the working group to inform future decisions.**

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

The recommendations are to ensure that the Council responds to the unprecedented levels of demand in order to not only reduce costs but also ensure we meet our statutory homelessness duties and that homeless households and those threatened with homelessness are adequately assisted and supported.

**ALTERNATIVE OPTIONS CONSIDERED**

An alternative option is to do nothing and accept the rise and increase in complexity of cases and consequent increase in costs. Given the level of spending on homelessness and temporary accommodation this is placing significant pressure on the Council's general fund and long-term financial plan.

The cost to all local housing authorities of meeting their obligations to those experiencing homelessness has increased exponentially recently and it is important that the Council takes action.

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

The recommendations contribute to a number of Corporate Plan 2024-28 themes:

- Pride in our area and services to residents – homelessness advice and support is a key service available to residents
- Raising aspirations and creating opportunities – a stable, settled home is key to supporting aspiration for our residents
- Working with partners to improve quality of life – there are a number of partners the council works with as part of the homelessness and advice service.
- Financial sustainability and openness – with the high levels of spending on homelessness services and the focus on that spending the working group will bring, it should be possible to develop a more financially efficient service.

**OUTCOME OF CONSULTATION AND ENGAGEMENT**

Consultation will be undertaken with relevant stakeholders in relation to the development of a revised Housing Strategy early in 2025/26 that will include a priority and supporting actions relating to homelessness.

Homelessness and temporary accommodation has been identified as a priority by Cabinet at its meeting in March 2025. A highlight priority in respect of homelessness for 2025/26 is to address the provision and steps to make the service sustainable going forward. The Council will positively review and take appropriate actions to review the Council's use of temporary accommodation, working with the sector to drive improvement and efficiencies and to develop interventions ahead of homelessness occurring and thereby improve the sustainability of this service for the Council over the longer term. Explore the possibility of working with other authorities in light of the Local Government Reorganisation.

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

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	<input checked="" type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
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	<p><b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b></p>	<p>13 February 2025</p>
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Part 7 of the Housing Act 1996 (as amended) provides the statutory underpinning for action by the Council to prevent homelessness and provide assistance to people threatened with or actually homeless.

The Homelessness Reduction Act 2017 significantly reformed England's homelessness legislation by placing duties on the Council to intervene at earlier stages to prevent homelessness in its area. It also requires the Council to provide homelessness services to all those affected, not just those who have 'priority need'.

These include:

a) an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that the Council is required to work with people to prevent homelessness at an earlier stage. This means either helping them to stay in their current accommodation or helping them to find new accommodation before they become actually homeless; and

b) a new duty for those who are already homeless so that the Council will support households for 56 days to relieve their homelessness by helping them to secure accommodation.

There are various sections of the Housing Act 1996 that trigger a temporary accommodation duty:

- S.188 – the duty to provide temporary accommodation to anyone the Council has reason to believe may be homeless and may be in priority need
- S.190 – in the event of an adverse decision, the Council has a duty to provide temporary accommodation for a reasonable period of time in order to give clients the opportunity to make their own arrangements
- S.193 – following acceptance of the main housing duty, the Council is required to continue to provide temporary accommodation until suitable, alternative accommodation can be found.

In addition to households applying to the Council for accommodation under homelessness legislation, other households can require temporary accommodation. This includes people who are sleeping rough, people who require emergency accommodation due to risk of fire or flood, etc. and Council tenants who are being decanted due to major repairs or remodelling works to their homes.

Main housing duty - The Council is subject to an ongoing duty (the 'main housing' duty) to ensure that accommodation is available to an applicant who is eligible for assistance, in priority need, and unintentionally homeless. This duty is owed by the Council unless there is a local connection referral from another local authority.

The Localism Act 2011 (s148 and s149) introduced provisions which enables the Council to bring its main housing duty to an end, by making an offer of a private rented sector tenancy rather than a social housing tenancy.

Accommodation must always be 'suitable' and there are particular matters the Council must have regard to when determining suitability, including space and arrangement, location, property condition, and social considerations relating to the applicant and their household.

<b>x</b>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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The report highlights the relevant homelessness legislation throughout however, the Council must also consider its statutory Best Value Duty under [Part 1 of the Local Government Act 1999](#) ("the 1999 Act") to "*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness*". In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget ([Part 1 of the Local Government Finance Act 1992](#)), provide statutory services, such as the Homeless Service, and secure value for money in all spending decisions.

Due to the demand of homelessness and requirements on local authorities nationally, a number of studies have been undertaken over the last year researching on strategies which can be considered and adopted, using local data on the cost and use of temporary accommodation. The working group should explore the published outcomes to provide further insight to whether the Council is maximising all avenues to demonstrate value for money and compliance with its Best Value Duty.

In addition, with the Government's Local Government Reorganisation and Devolution programmes, joint working and collaboration with partners should also form the remit of the working group.

If the Working Group is to include Members, the Constitution sets out the requirements for such a group to be formed.

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

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

Alongside the money committed from the Council's General Fund budget to fund homelessness services, MHCLG provide an annual Homelessness Prevention Grant along with other funding to support the prevention and reduction of homelessness and rough sleeping. In the last two years, the funding received has been as follows:

2023/24 Rough Sleeper Grant £56,544  
2023/24 Homelessness Prevention grant £1,045,270

2024/25 Rough Sleeper Grant £32,500  
2024/25 Homelessness Prevention grant £1,051,892

Confirmation has already been received that the Homelessness Prevention Grant funding for 2025/26 will be £1,456,782.

In terms of the financial support receivable from the Government in 2025/26, a new ringfencing arrangement has been introduced which means that 49% of local authorities' funding allocation must be spent on prevention, relief and staffing activity rather than on the direct provision of temporary accommodation. This will therefore be an important factor to consider when exploring options to respond to the challenges of homelessness heading into the new financial year.

In the first nine months of the 2024/25 financial year, the monthly expenditure on temporary accommodation was as set out below:

April	£180,725
May	£234,215
June	£270,503
July	£224,821
August	£209,797
September	£195,476
October	£271,271
November	£301,530
December	£306,533
<b>Total</b>	<b>£2,194,872</b>

Expenditure on rent deposits in the same period was £164,713.36 and a further £153,617.52 was spent on rent in advance payments, assisting those who would otherwise be homeless to move in to privately rented accommodation.

The Government has recently consulted on the funding formula used to calculate the Homelessness Prevention Grant provided to all local housing authorities in England, with the aim of determining a new formula to reflect relative demand and cost pressures. This new formula will apply to payments in 2026/27 onwards, with allocations calculated and announced in late 2025. At the current time, it is not known what impact this will have on the funding provided to Tendring.

As part of the annual budget setting process and regular financial performance reports, additional funding has been identified within the Council's wider financial / budget position to support the increasing costs of homelessness. In 2024/25, in addition to an additional £0.500m included within the base budget, a further one-off amount of £1.700m has been added to the budget during the year. In terms of 2025/26, a further £0.500m has been added to the base budget for the year.

It is also important to note the importance of the Spendells House scheme which is already significantly contributing to the Council's ability to respond to the provision of suitable temporary accommodation.

<b>Yes</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
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Although there are no significant comments over and above those set out elsewhere within this report, it is worth highlighting the considerable impact that responding to the homelessness challenge is having on Local Authorities nationally. The proposed establishment of the working group is therefore proportionate to this significant issue and provides a pragmatic and focused approach to support the Council respond in responding to the associated and on-going challenge in 2025/26 and beyond.

**USE OF RESOURCES AND VALUE FOR MONEY**

The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council has an adopted Financial Strategy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,	The Council has a mature constitutional structure and framework of policy for decision-making. This report highlights the need to undertake a review through a working group to inform future decisions.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council has an adopted Financial Strategy.  The Monitoring Officer has highlighted the statutory requirements to demonstrate value for money in its review through the working group to inform future decisions.
<b>MILESTONES AND DELIVERY</b>	
<p>The Council's Housing Strategy consultation draft is due to be presented to the Council's Cabinet in May 2025 and will include a priority and supporting actions relating to homelessness.</p> <p>If endorsed, the Homelessness and Temporary Accommodation Working Group, chaired by the Portfolio Holder for Housing &amp; Planning, will be set up with the first meeting taking place in April 2025. Further update reports will be prepared and presented to Cabinet on a quarterly basis, commencing in July 2025.</p>	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
<p>The provision of decent homes and the prevention of homelessness has a significant impact on our communities. Failure to respond to the growing pressures will have a significant impact on the Council's financial resources as it has a legal obligation to provide temporary accommodation to those presenting as homeless and to whom it owes a relief duty. By having a range of provisions to respond to the demand for homelessness services, the Council will have a positive impact on those experiencing potential homelessness as well as financial benefits to the Council</p>	
<b>EQUALITY IMPLICATIONS</b>	
<p>In line with the Public Sector Equality Duty, within these policies the Council has due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p>	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
<p>Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower tenants, potential tenants and other service users.</p>	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050</b>	
<p>The implementation of these measures do not present a direct impact on the Council's target for net zero greenhouse gas emissions from its business operations by 2050. The Council will be mindful of energy efficiency measures, wherever relevant, in the implementation of its policies.</p>	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>	

<b>Crime and Disorder</b>	Research has shown that homeless people are at increased risk of experiencing crime compared with non-homeless people, especially violent crime. Rough sleepers are at particular risk of experiencing crime. Findings from the Ministry of Housing, Communities and Local Government's Rough sleeping questionnaire reported that two-thirds of respondents in England had been a victim of crime (65%) within the last six months. The most common experiences of crime included theft, verbal abuse, threats, robbery, and violence.
<b>Health Inequalities</b>	People who have experienced homelessness are more likely to have poor physical and mental health than the general population. Poor mental and physical health is both a cause and consequence of homelessness. Homeless people are also far more vulnerable to issues relating to alcohol and drug use. Multiple health needs alongside drug and alcohol use can act as a barrier to accessing mainstream health services, and as a result often end up using more costly primary healthcare services.
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b>	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
<b>Area or Ward affected</b>	All

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

#### **BACKGROUND**

##### **National context**

The Homelessness Act 2002 sets out the definition of homelessness and the duties that local authorities owe to those who are accepted as being homeless or threatened with homelessness, while Part 7 of the Housing Act (1996) provides the primary homelessness legislation setting out the statutory duties on local housing authorities to prevent homelessness and provide assistance to those who are at risk of being homeless or actually homeless.

The Localism Act 2011 also amended the Housing Act 1996 by allowing local authorities to discharge their homelessness duty by arranging a suitable offer of accommodation in the private rented sector.

The most recent and notable change in legislation came from the introduction of the Homelessness Reduction Act 2017. The Act, implemented on 3 April 2018, placed new duties on local housing authorities to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness for all eligible applicants, not just those that have priority need under the Act. This legislation sought to provide increased protection to people facing homelessness. It extended the length of time an individual or household could be seen

as at risk of homelessness, from 28 to 56 days, which in turn increased the length of a local housing authority's prevention duty.

More recently, the enactment of the Domestic Abuse Act 2021 has placed a duty on local authorities in England to provide support to survivors of domestic abuse and their children. All eligible homeless survivors of domestic abuse automatically receive 'priority need' status for homelessness assistance - providing re-assurance and certainty for individuals and their families presenting as homeless because of domestic abuse and simplifying the decision-making process for officers.

The Act also introduced a new definition of domestic abuse and requires that local housing authorities, should provide a secure lifetime tenancy to applicants who held a similar security of tenure in social housing in the past. The new priority need category means councils should no longer assess whether someone at risk of domestic abuse is also vulnerable to access assistance.

The nationwide cost of living crisis has seen increasing fuel and energy prices coupled with negative economic growth - resulting in a dire situation for the national and local economy. This poses a significant challenge to all of our residents but particularly those already facing precarious financial situations and struggling to meet housing costs.

Increasing house prices, rising private sector rents and the reduced income many households have experienced because of the pandemic and now the cost-of-living crisis have all contributed to the rise in homelessness. The current cost-of-living crisis has seen a decline in household living standards with lower wages, higher inflation, rising energy, fuel and housing costs all contributing to and increasing the pressures on households and in turn driving demand for support and assistance on local authorities and the third sector.

Rising rent costs in the Private Rent Sector as well as mortgage interest rate rises are already increasing the pressures on local authorities' homelessness services who (prior to the pandemic) had already been beset by austerity and reductions in public finance.

These pressures undoubtedly put further strain on people's finances and will in many cases lead to homelessness as stagnating wages struggle to keep up with rising rents, food, and energy costs

### **Definition of homelessness**

The legal definition of homelessness is that a household has no home in the UK or anywhere else in the world available and reasonable to occupy.

The following housing circumstances are examples of homelessness:

- street homeless and hidden homeless
- have been illegally evicted
- are living in accommodation that is unaffordable, unfit, overcrowded,
- are experiencing domestic abuse or threats of domestic abuse, and other exceptional circumstances

- are at risk of becoming homeless due to parents/family/other no longer willing or able to accommodate, leaving care, prison, the armed forces or escaping domestic abuse)
- where a valid notice has been served to quit their tenancy by their landlord

All local authorities have a duty to ensure advice and information is available, free of charge, to any household about preventing homelessness, finding a home, rights when homeless and the help that is available locally.

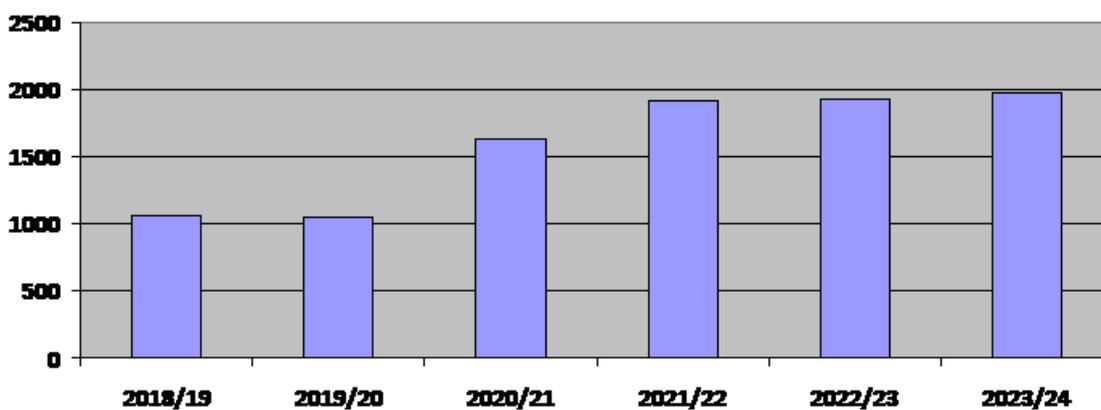
Any adult, or child aged 16-17, who believes they are homeless or threatened with homelessness, is entitled to make an application for assistance to any local authority

A household who usually lives in the UK and has a right to enter and remain in the country without any restrictions, is normally eligible for assistance

### Levels and Causes of Homelessness

The following section provides an update on current levels of homelessness and how the trend compares with previous years.

#### Homelessness approaches

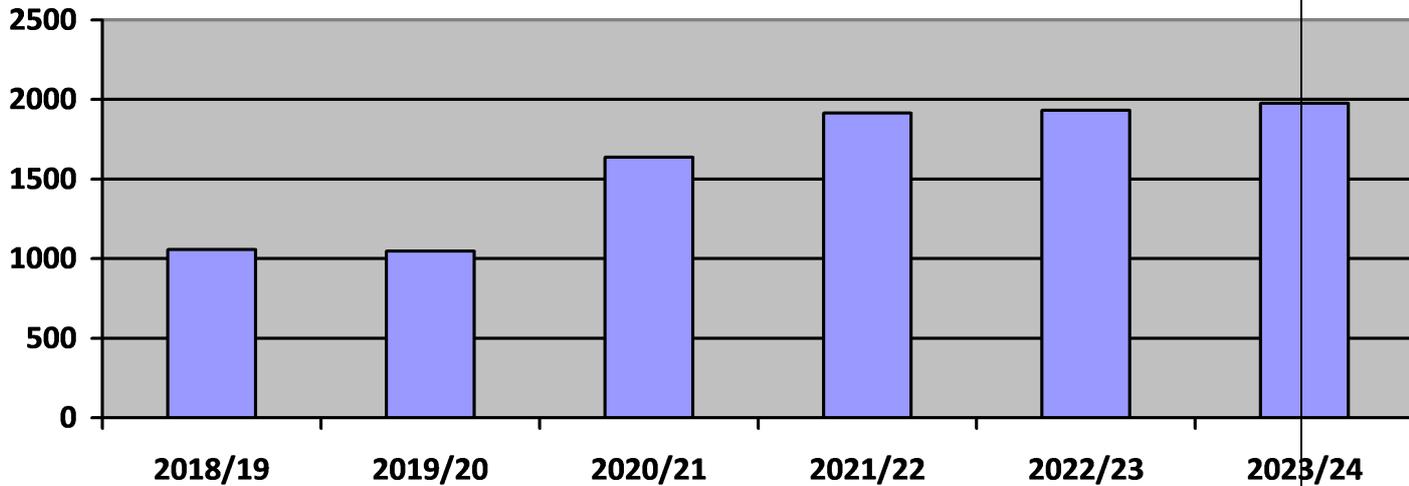


As illustrated in the above chart, there has been an 87% increase in the number of homelessness approaches between 2018 and 2024 and details of the household composition of those making these approaches is given in the table below:

Overview of approaches					
Year	H'holds with children	Singles (no dependents)			Others h'holds
		Single male	Single female	Single Other	
2018/19	402	358	184	1	113
2019/20	324	221	393	0	108
2020/21	432	668	412	5	119
2021/22	624	669	436	5	180
2022/23	630	684	464	13	142
2023/24	659	725	470	5	118

## Homelessness applications

There has also been a 26% increase in the number of homelessness applications being received as illustrated in the graph below:



Details of the household composition of those making these approaches is summarised in the table below:

Overview of applications						
Year	H'holds with children	Singles (no dependents)			Others h'holds	
		Single male	Single female	Single Other		
2018/19	277	225	105	1	89	
2019/20	263	258	135	0	85	
2020/21	220	287	137	3	64	
2021/22	331	283	183	3	84	
2022/23	356	283	159	4	76	
2023/24	355	300	160	2	60	

## Causes of Homelessness

Whilst the number of homelessness approaches and applications has increased in recent years, the causes of homelessness have remained fairly constant, with the top five causes being the same in each of the years from 2018 to 2024.

These are:

- Loss of Assured Shorthold Tenancy in private rented sector
- Eviction by family
- Victim of domestic abuse
- End of relationship with partner
- Eviction by friends

In respect of the loss of assured shorthold tenancies, this is increasingly due to the affordability of such accommodation within the private sector. This is not helped by the fact that local reference rents that form part of the calculation of how much households receive for housing costs if eligible for support, have not kept pace with actual market rents over the past decade or so. This means that in many parts of the country there are no properties available / affordable to those entitled to such support with their housing costs, as they would otherwise have to effectively 'top up' the support they receive to be able to meet their monthly rental payments.

In 2018/19, these causes accounted for 77% of the applications received and 80% of applications received in 2023/24. The number of cases in each of these categories and the change over time is illustrated in the table below.

Reason for loss of last settled accommodation	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
NTQ - AST	280	289	176	279	316	305
Family eviction	143	137	216	179	186	219
Victim of domestic abuse	42	51	70	86	107	101
Relationship with partner ended	61	61	58	68	57	51
Friend eviction	9	16	29	24	35	28

### Homelessness duties

The Homelessness Reduction Act 2017 introduced new duties to prevent and relieve homelessness

Prevention duty:

The authority has a duty to provide advice and assistance if an applicant is:

- eligible for assistance, which means they have the right to claim benefits and housing in the UK
- at risk of becoming homeless within 56 days (eight weeks)

This is called the prevention duty and the Council must take reasonable steps to help applicants from becoming homeless. This duty lasts for 56 days.

Relief duty:

If the authority cannot prevent an applicant from becoming homeless during the prevention duty period, it has to take reasonable steps to find the applicant suitable accommodation that will last for at least six months. This duty lasts for a further 56 days.

Homelessness decision:

If an applicant is still homeless when the relief duty period ends, the authority will make a decision about whether any further housing duty is owed. Accepting a main duty to house an applicant will only normally be if they are in priority need, are not intentionally homeless and have a local connection to Tendring.

	Breakdown of duties		
	Prevention	Relief	Main duty
2018/19	269	463	32
2019/20	306	494	60
2020/21	266	469	33
2021/22	414	499	29
2022/23	301	614	62
2023/24	285	647	112

These figures demonstrate that, although the number of homelessness applications has increased, the number of cases where homelessness has been prevented has remained relatively static.

### Temporary accommodation options

Households might be placed in temporary accommodation pending the completion of inquiries into an application, or they might spend time waiting in temporary accommodation after an application is accepted until suitable secure accommodation becomes available.

The Council makes use of various temporary accommodation options for homeless households in the district and has access to a variety of properties for the provision of temporary accommodation through several providers.

As set out within the business case associated with the redevelopment of Spendells House that was previously reported to Cabinet, the provision of temporary accommodation is prioritised over the following key areas based on a value for money approach:

- Accommodation with shared facilities, such as bed and breakfast accommodation and hotels
- Self-contained accommodation
- Accommodation within the Council's housing stock
- Council owned temporary accommodation at Spendells House.

Spendells House opened in December 2024 and provides accommodation for up to 31 households. To date, this has provided accommodation for 41 households.

The Council also currently funds the support provided at Derek Crossfield House, which is a supported housing scheme run by Peabody for young people aged 16-25 (single people and couples) who either have care of a baby or are expecting a child and consists of 8 self-contained flats.

### How the need for temporary accommodation is assessed

In cases where people have to leave their home and do not have any family or friends they can stay with whilst their homeless application progresses, the Council may offer temporary accommodation.

However, not every person who contacts the Council with a housing situation will be offered temporary accommodation. Homeless applicants may initially be provided with temporary

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

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

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

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

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

Temporary accommodation is usually allocated on the day the household will need it.

The Council has two Homelessness Accommodation Officers, who are based at Spendells House and who oversee all of the temporary accommodation provided and those households placed in this accommodation.

There is also an Accommodation Officer whose role is to source accommodation for households in temporary accommodation or under the prevention or relief duties.

### Numbers in temporary accommodation

There has been a 77% increase in the number of households being placed in temporary accommodation between 2018/19 and 2023/24, as illustrated in the table below:

Households in temporary accommodation				
	No of households placed in temporary accommodation *	Singles	Households with children (or expected child)	Other
2018/19	233	109	100	24
2019/20	301	136	144	21
2020/21	279	188	72	19
2021/22	252	138	98	16
2022/23	363	191	152	20
2023/24	412	197	189	26

\* this will be less than the total placements due to families being moved around

The type of temporary accommodation being provided and the average number of days spent in nightly paid accommodation is as set out below:

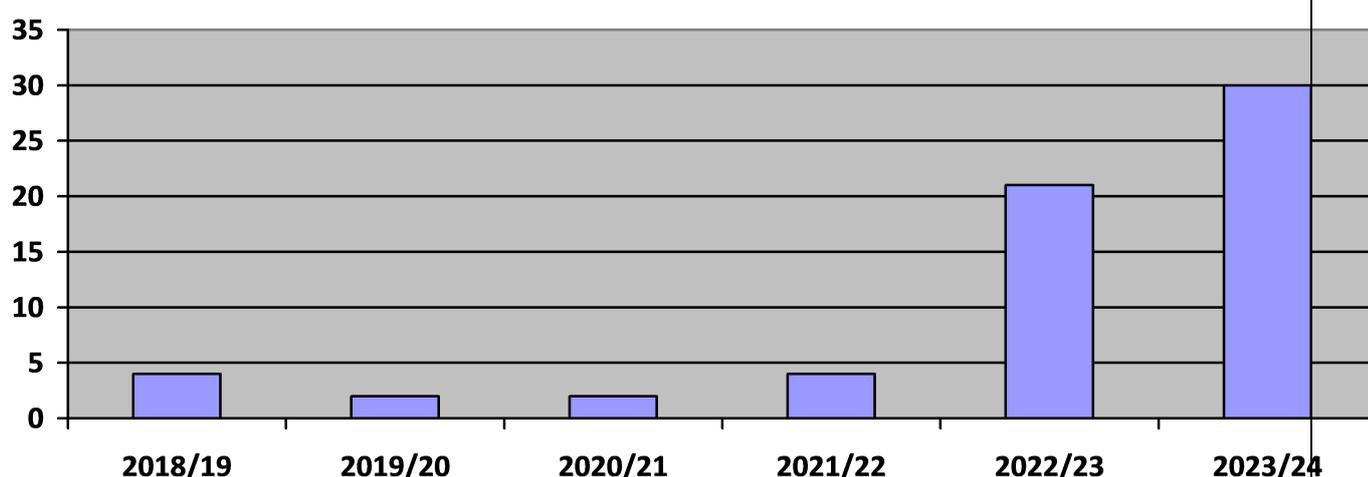
	Placement types			Average no of days in B&B/nightly paid placement
	Placements in own stock	Placement in self-contained nightly paid	Placements in B&B/shared facilities	
2018/19	34	10	218	38
2019/20	46	10	266	44
2020/21	25	14	237	39
2021/22	24	16	218	46
2022/23	16	18	339	49
2023/24	25	28	371	69

Placing families in bed and breakfast is not considered to be suitable accommodation and where this is for more than 42 days, this is not in accordance legislation – Homelessness (Suitability of Accommodation) Order 2003.

Bed and breakfast provision is also unsuitable for 16/17yr old homeless young people as set out in joint guidance from Department for Housing, Communities and Local Government and the Department for Education and monitored through quarterly statistical returns to Government.

In accordance with the Domestic Abuse Act, the Local Authority has Safe Accommodation Duties to provide Safe Accommodation and support for those fleeing domestic abuse. Under these duties bed and breakfast is unsuitable and states there must be alternative provision to meet the Safe Accommodation duties under the Act.

The chart below shows the increase in the number of households with children in bed and breakfast accommodation for over six weeks, as at the end of each financial year:



The Council has a Bed and Breakfast Elimination Plan, which is a requirement of the Homelessness Prevention Grant funding received from the Department of Housing, Communities and Local Government. This details our plans to reduce and then end our use of bed and breakfast accommodation for residents who are homeless and is submitted to and monitored by the Government's Homelessness Adviser assigned to the Council from within the Homelessness and Rough Sleeping Directorate.

## Rough sleepers

The Council has regard to the Government's Rough Sleeper Initiative to support people sleeping rough off the streets and develop their wellbeing and stability, helping to reduce people sleeping rough in both the short and longer term.

The numbers of people sleeping rough over the course of the last three years was as follows:

2021/22 - 38  
 2022/23 - 125  
 2023/24 – 121

This is the cumulative total of the monthly returns that are submitted to the Government – the average number of people sleeping rough in any one month is 10. Due to the location of the district, there is an annual peak in the figures during the summer months.

The Council currently has a three-year contract with Anglia Care Trust for the provision of Homeless Early Intervention and Support Services. This was entered into in September 2022, following a tender exercise, and using funding previously awarded from the Rough Sleeper Initiative as part of a collaborative bid by Essex County Council on behalf of Essex authorities. The purpose of this contract is to provide intensive support to people sleeping rough along with people who are 'sofa surfing' because they could potentially be at risk of sleeping rough and to assist them in obtaining accommodation in the Tendring area or help in locating back to their home area if this is outside of our district.

As part of the effort to assist rough sleepers during the winter months, the Council operates a Severe Weather Emergency Protocol (SWEP) to provide emergency temporary accommodation to rough sleepers to prevent deaths on the streets caused by extreme weather conditions. The SWEP is activated when the Met Office predicts one night of temperatures below 0 degrees Celsius.

## Move on accommodation

The tables below illustrate the accommodation secured for households at either the end of the Council's prevention or relief duty.

Type of accommodation secured for households at end of prevention duty:	19/20	20/21	21/22	22/23	23/24
Social rented sector	41	31	152	49	29
Private rented sector	144	119	121	144	105
Staying with family	7	8	4	2	5
Staying with friends	2	2	1	1	1
Owner-occupier	3	2	1	1	2
Other	0	0	0	2	1
Not known	0	0	0	0	0

Type of accommodation secured for households at end of relief duty:	19/20	20/21	21/22	22/23	23/24
Social rented sector	59	58	131	114	153
Private rented sector	186	169	132	176	119
Staying with family	6	1	5	7	7
Staying with friends	2	0	2	3	0

Owner-occupier	0	0	0	1	1
Other	1	2	10	6	6
Not known	3	1	0	6	1

<b>Outcome of households no longer owed a main duty:</b>	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>22/23</b>	<b>23/24</b>
Housing Act 1996 Pt6 social housing offer - accepted	31	18	41	39	99
Housing Act 1996 Pt6 social housing offer - refused	0	1	3	1	2
Private rented sector offer6 - accepted	3	2	2	2	3
Private rented sector offer3 - refused	1	0	0	0	0
Voluntarily ceased to occupy	6	4	4	3	6
Refused suitable TA offer, withdrew or lost contact	4	1	2	9	6
Became intentionally homeless from TA	6	1	0	3	3
Ceased to be eligible	0	0	0	0	1
Not known	0	0	0	0	0

These tables demonstrate a considerable increase in the use of social housing to discharge homelessness duties, which in turn has an adverse impact on other households on the Council's Housing Register.

In summary, the main themes arising from this review of homelessness are:

- There has been a decrease in the proportion of cases where homelessness has been prevented
- There has been an increase in the number of cases where a main or full housing duty has been accepted
- There has been a significant increase in both the use of temporary accommodation and the length of stay in this accommodation
- There has been an increase in the use of social housing to discharge homelessness duties

#### **CURRENT POSITION**

Although not necessarily exhaustive, it is proposed to explore a number of activities as set out below to support the Council in effectively managing the financial / non-financial risks of the increasing homelessness challenge within the district.

These actions can therefore continue to be explored / developed, and subject to the recommendations above, updates will be presented / reviewed as part of the work of the proposed Homelessness and Temporary Accommodation working group.

#### **Potential for increasing income streams**

- Temporary accommodation charges

According to the Council's Temporary Accommodation Policy, households placed in temporary accommodation should have to make a financial contribution towards their housing costs whether they are working or are in receipt of benefits. This contribution usually covers

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

Due to the increased demand on staff caused by the volume of homelessness approaches and applications, this financial contribution towards housing costs from those placed in temporary accommodation is not currently being recovered. For the financial year 2023-2024, it is estimated that the amount that could have been recharged would have been in excess of £98,000. A possible solution to address this would be the recruitment of a Housing Solutions Support Officer whose sole focus would be the charging and recovery of these costs. In addition, the procurement of an additional module to the existing Housing Solutions and Allocations software currently in place would facilitate the recovery of charges from those in temporary accommodation and enable monitoring reporting and communication of rent and service charge payments

➤ **Review of Tenancy Deposit Guarantee Policy**

In January 2024, the Council's Cabinet adopted a Tenancy Deposit Guarantee which aimed to help those who are homeless or threatened with homelessness to move into privately rented accommodation via a written agreement – a Deposit Guarantee - rather than the cash deposit usually required to secure the tenancy of a property. However, since the implementation of this Policy there has been an unwillingness on the part of landlords to engage with this change of practice.

It is therefore proposed that, in line with the practice of a number of other housing providers including Colchester City Council, the Council investigates the payment of tenancy deposits and / or rent in advance payments as a loan to the tenant which is then recovered by the Council via monthly repayments. The additional capacity via a Housing Solutions Officer highlighted above could also support the recovery of these payments as necessary.

**Reducing use of temporary accommodation**

➤ **Cabinet Office Test and Learn pilot**

The Council is taking part in the Cabinet Office's Test and Learn project across Essex which aims to introduce innovative ways to reduce homelessness and end rough sleeping and test their impact with a series of trials and rigorous evaluations. This was commissioned by the Ministry of Housing, Communities and Local Government and it aims to have interim findings from the trials from 2025

From the initial scoping work carried out, this project is looking at how the numbers in temporary accommodation can be reduced through behavioural interventions, such as revised communications guidelines for staff, pictorial / visuals to ease communications with customers and better online content.

The London Borough of Croydon has successfully employed these interventions at the pre and presentation stages of homelessness and has increased the number of homelessness preventions successfully prevented increased by 36 percentage points and saved £3.8m per year.

This project aims to build on the good practice in place across the sector and to develop a framework of these for local authorities to use.

➤ Early prevention work

Homelessness prevention is achieved through comprehensive advice and assistance covering the full range of housing options offered by the Council and other agencies to enable customers to find solutions to their housing issues. Whilst prevention work is still being achieved by the Housing Solutions officers currently in the team, they are unable to dedicate time to the more complex prevention cases due to the large number of cases that have gone past the prevention duty and are now at the relief stage and at a crisis point.

It is proposed that the review of the Homelessness Prevention Policy is delayed to take account of the learning from the Cabinet Office project as set out above.

It is also proposed that consideration is given to recruiting a Housing Early Intervention Officer on a fixed term basis with the aim of:

- Reducing some of the need for temporary accommodation and the associated costs
- Reducing the number of cases accepted at the relief stage
- Building positive relationships with private landlords and other accommodation providers

➤ Increase management capacity

The East of England Local Government Association Peer Review of the Council's housing service, carried out in 2023, and their subsequent deep dive into its homelessness services identified that the Council could benefit from increased management capacity within the Housing Solutions Team. The creation of a Senior Housing Officer post has since been agreed, as part of a minor restructure and the required consultation carried out. The implementation of this restructure has now been agreed and it is hoped that recruitment will take place in the very near future.

This post will provide oversight of cases and support the triage function and Housing Solutions Officers to make robust and timely homeless decisions meaning that households do not stay in temporary accommodation for any longer than we have a legal duty towards them.

### **Quality of temporary accommodation**

➤ Review of Temporary Accommodation Policy

Also in January 2024, the Council's Cabinet also approved a Temporary Accommodation Policy. This sets out the Council's approach to placing homeless applicants in emergency and temporary accommodation both within the Tendring District and, where necessary, outside of the area. This policy is now due for review and it is proposed that its remit is widened to cover both placements as well as the ways the Council secures its temporary accommodation to ensure that:

- Temporary accommodation is obtained as a fair price and that costs are driven down whilst value for money is achieved
- Temporary accommodation is suitable, compliant with health and safety requirements and in a decent condition
- Residents in temporary accommodation are actively supported to access the full range of services around employment, training, financial and debt advice

- Reliance on nightly paid accommodation is reduced
- Mechanisms are put in place to collect service user feedback on their experience on living in temporary accommodation to inform any required service improvements or changes to the services provided

➤ **Availability of private rented sector accommodation**

To ensure a supply of suitable accommodation in the private rented sector, it is proposed that the Council investigates the feasibility of implementing a Private Sector Leasing Scheme or other form of landlord incentive to set out what landlords can expect from working with the Council to provide accommodation for homeless households and what is expected in return.

The Council is also due to hold a second Landlord’s Forum in the Autumn of 2025 to help develop and maintain its relationships with private sector landlords in the District.

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

None

**APPENDICES**

None

**REPORT CONTACT OFFICER(S)**

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## CABINET

11 APRIL 2025

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### **A.6 CONSIDERATION AND ADOPTION OF A REVISED HOUSING UNDER OCCUPATION TRANSFER INCENTIVE POLICY AND A NEW HOUSING COMPENSATION POLICY**

##### **PART 1 – KEY INFORMATION**

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

To present to Cabinet the following Housing Policies for approval and adoption:

- Housing Under Occupation Transfer Incentive Policy
- Housing Compensation Policy

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

This report presents two housing policies for approval. These policies amend and formalise the work that is already undertaken in the Housing and Environment service.

The Council recognises that there is an existing demand for family size properties, as demonstrated by the number of applicants on our housing register. It is essential that the Council does all that it can to support tenants seeking to downsize from family size accommodation and to maximise the use of its housing stock.

The Housing Under Occupation Transfer Incentive Policy sets out how the Council will encourage and assist tenant's under-occupying family and adapted accommodation to downsize into other accommodation thereby releasing family or adapted accommodation for others in housing need.

The Housing Compensation Policy sets out the approach that the Council will take in response to requests for compensation to ensure it acts in a fair, consistent and transparent matter. Whilst committed to providing excellent housing services for its customers, the Council accepts that there will be occasions when our services may not meet these high standards and customers are inconvenienced or left out of pocket as a result.

Where a complaint is justified, an acknowledgement and apology may be sufficient. However, where a complainant has suffered some disadvantage, inconvenience or loss as a result of the service failure experienced, other remedial action may need to be considered including financial compensation.

These policies comply with the Regulator of Social Housing's revised Consumer Standards that came into effect from 1 April 2024 as well as the Housing Ombudsman's guidance in relation to compensation.

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

**That Cabinet:**

- 1) agrees to adopt the revised Under Occupation Transfer Incentive Policy and new Housing Compensation Policy;**
- 2) subject to (1) above, that the Under Occupation Incentive Policy be funded**

by refocusing the existing cash incentive scheme budget of £0.060m held within the Housing Revenue Account Capital Programme along with the corresponding change in the revenue contribution to the capital programme in 2025/26; and

- 3) delegates authority to the Corporate Director (Operations and Delivery) to make future updates or amendments to these policies in consultation with the Portfolio Holder responsible for Housing. This will include an annual review of the Housing Under Occupation Transfer Incentive to assess its effectiveness.

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

The recommendations are to ensure that the policies are appropriately adopted, in accordance with the Council’s Constitution and to evidence compliance with regulatory standards.

**ALTERNATIVE OPTIONS CONSIDERED**

The policies are designed to assist the Council in meeting the Regulator of Social Housing’s revised Consumer Standards which came into effect on 1 April 2024 as well as the requirements and recommendations of the Housing Ombudsman.

Failure to meet the Consumer Standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.

The absence of suitable and published policies makes the day-to-day operation of the service more difficult with the potential for inconsistencies in approach and increases the likelihood of complaints.

**PART 2 – IMPLICATIONS OF THE DECISION**

**DELIVERING PRIORITIES**

This policy contributes to a number of Corporate Plan 2024-28 themes:

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

**OUTCOME OF CONSULTATION AND ENGAGEMENT**

Consultation and engagement have been undertaken with members of the Council’s Tenants Panel. Members of the Tenants Panel will also be involved in the ongoing monitoring of these policies.

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

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>Yes</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<b>X Significant effect on two or more wards</b> <input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
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	<p><b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b></p>	<p>13 February 2025</p>
<p>The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocation Policy. A summary of the Allocation Policy must be published and made available free of charge to any person who asks for a copy. This document is available on the council's web site: <a href="http://www.tendringdc.gov.uk">www.tendringdc.gov.uk</a></p> <p>This Council's Housing Allocations Policy gives a higher priority to those who are under occupying their homes and want to move to a smaller property as this enables a household with a high housing need to move into the larger property that has been vacated.</p> <p>The Social Housing Regulation Act 2023 builds upon the existing regulatory framework for housing and introduces revised standards that come into force on 1 April 2024. These standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.</p> <p>Under this legislation, the Housing Ombudsman's Complaint Handling Code became statutory on 1 April 2024 meaning that all members of the Housing Ombudsman Scheme are obliged by law to follow its requirements. This code sets out the required practice for landlord's complaint handling procedures to enable a positive complaints culture across the housing sector. The Housing Ombudsman has also produced specific guidance for landlords in relation to compensation policies.</p> <p>The Equality Act 2010 provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all. The Act sets out the duties the Council has 'to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it'. It also sets out the circumstances when the Council has a legal duty to make adjustments to their services.</p>		
<p><b>X</b></p>	<p><b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b></p>	
<p>The report makes reference to the specific guidance issued by the Housing Ombudsman Service and although there is no express statement that the proposed Compensation Policy for adoption adheres to that guidance, it is assumed this is the case.</p> <p>The Housing Compensation Policy makes reference to the Housing Complaints Policy which is currently the subject of a review together with the Corporate Complaints Procedure (Cabinet 24 May 2024 Minute No. 12 (e)) therefore, once that review is finalised, it is important that the Compensation Policy is reviewed to ensure consistency. All policies should be reviewed in a timely manner.</p> <p>The Cabinet at its meeting in May 2024, in receiving the <b>Annual Housing Complaints Performance and Service Improvement Report Including Self-Assessment against The Housing Ombudsman's Complaint Handling Code</b> nominated the Portfolio for Housing and Planning, as the Member Responsible for Complaints (MRC)</p>		

as responsible for ensuring that the annual self-assessment is scrutinised and challenged. The expectation is that the MRC is responsible for ensuring that complaint handling drives service improvement for residents and learning and business improvement for the organisation. This forms part of their role in embedding a positive complaint handling culture across housing services.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

The Council currently has a budget of £60,000 within the Housing Revenue Account Capital Programme for a Cash Incentive Scheme, which was introduced in the 1990s to assist tenants with the purchase of a property on the open market. Based on current demand / priorities, it is proposed that, this money is refocused to support the increased incentives proposed to be offered under the Under Occupation Transfer Incentive Scheme for the current and future years. However, this can be kept under review on an on-going basis as part of the development of the HRA Business plan as necessary.

In terms of the impact on refocusing the budget highlighted above, this will in effect reduce the HRA Capital Programme by £60k along with the associated revenue contribution to the capital programme. The budget to support the proposed incentives will therefore be held within the Housing Revenue Account with no net impact on the overall budget.

The Council has a designated Tenants Compensation Scheme budget from which both statutory and discretionary payments are currently made and this is supplemented by virements from other budgets, as required.

**X The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:**

As highlighted within earlier reports relating to the HRA budgets and business plan, the new era of social housing regulation emerging from the Social Housing (Regulation) Act 2023 will have a major impact on the overall financial position of the HRA in future years. It is recognised that the impact will likely be due to the aggregation of a number of emerging requirements such as those set out in this report, rather than perhaps any single item. Although the importance of such regulation is acknowledged and reflects the Council's stated commitment and priority to provide good quality housing, the resulting costs involved either directly or through demand for the necessary additional capacity, were not reflected within the self-financing reforms implemented by the Government in 2012. Such costs therefore represent additional financial pressures that will have to be balanced against the broader challenge of delivering a long term financially sustainable HRA in future years.

**USE OF RESOURCES AND VALUE FOR MONEY**

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

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

<b>MILESTONES AND DELIVERY</b>	
<p>If Cabinet agrees to the adoption of these policies, they will come into immediate effect, subject to call-in.</p> <p>The Housing Under Occupation Transfer Incentive Policy will be subject to an annual review, with the first taking place in April 2026 to assess its effectiveness in releasing accommodation for existing social housing tenants and those on the Housing Register, including homeless households.</p> <p>The review of these policies will be carried out as indicated with a delegation to the Corporate Director (Operations and Delivery) to make future changes and updates to these policies in consultation with the Portfolio Holder for Housing and Planning.</p>	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
<p>These policies are designed to assist the Council in meeting the Regulator of Social Housing's revised Consumer Standards with came into effect on 1 April 2024.</p> <p>Failure to meet these standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.</p> <p>The adoption and implementation of these policies are aimed at minimising the risks of non-compliance and in ensuring that the Council makes the best use of its housing stock.</p>	
<b>EQUALITY IMPLICATIONS</b>	
<p>In line with the Public Sector Equality Duty, within these policies the Council has due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p>	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
<p>Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower tenants.</p>	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050</b>	
<p>The implementation of these policies do not present a direct impact on the Council's target for net zero greenhouse gas emissions from its business operations by 2050. The Council will be mindful of energy efficiency measures, wherever relevant, in the implementation of its policies.</p>	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<p><b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b></p>	
<b>Crime and Disorder</b>	<p>The implementation of these policies is not considered to have any crime and disorder implications.</p>
<b>Health Inequalities</b>	<p>The Under Occupation Transfer Incentive Scheme will assist tenants to move into accommodation more suitable to their needs.</p>

<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b>	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
<b>Area or Ward affected</b>	All
<b>PART 3 – SUPPORTING INFORMATION</b>	
<b>BACKGROUND</b>	
<p>The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.</p> <p>The Social Housing (Regulation) Act 2023 aimed to lay the foundations for changes to how social housing is managed. It includes increased regulation of social landlords and new rules for protecting tenants from serious hazards in their homes.</p> <p>Many of the provisions in the Act are responses to the tragedies of the 2017 Grenfell Tower fire and death of two-year old Awaab Ishak, who died in 2020 from exposure to serious mould.</p> <p>The Act allows the Regulator of Social Housing to take action against social landlords before people are at risk and hold landlords to account with regular inspections. It introduces new social housing consumer standards and gives the Secretary of State power to require social landlords to investigate and rectify serious health hazards.</p> <p>The Consumer Standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve. These standards came into force on 1 April 2024.</p> <p>One of these Consumer Standards – the Tenancy standard, sets out the required outcomes for the fair allocation and letting of homes, as well as requirements for how tenancies are managed by landlords.</p> <p>In relation to tenure, registered providers are required to develop and deliver services that seek to address under-occupation and overcrowding in their homes. These services should be focused on the needs of tenants.</p> <p>The current Under Occupation Transfer Incentive Scheme has been in operation for a considerable number of years and offers an incentive of £1000 for those moving from a three bedroom property to a one bedroom property or £750 for those moving from a three bedroom property to a two bedroom property, subject to the deduction of any debts owed to the Council.</p> <p>The level of incentive offered has not been increased since the Under Occupation Transfer Incentive Scheme was introduced and, based on estimates received by the Council, this is not currently sufficient to cover reasonable moving costs and act as an incentive.</p> <p>Once a revised incentive scheme is in place, this will be publicised with all tenants and a mailing targeted those who are currently under occupying their accommodation.</p> <p>The Transparency, Accountability and Influence Consumer Standard states that registered providers shall have an approach to complaints that is clear, simple, and accessible that makes sure complaints are resolved promptly, politely, and fairly.</p>	

The Housing Ombudsman has also issued guidance on compensation policies for landlords.

To hold housing providers accountable, the Regulator of Social Housing will inspect larger landlords (those with more than 1,000 properties) regularly, scrutinise tenant satisfaction data and use enforcement powers when necessary. The goal is to drive continuous improvement in social housing and ensure tenants receive the best possible service.

#### **CURRENT POSTION**

The proposed new policies are attached.

The purpose of the Under Occupation Transfer Incentive Policy is:

- To encourage and assist tenant's under-occupying family and adapted accommodation to downsize into smaller accommodation
- To release family accommodation to maximise occupancy
- To give tenants a financial incentive and support when moving home through this scheme;
- To contribute towards the costs incurred as a result of moving
- To be sensitive to the needs of the individual tenant or household
- To be fair, efficient, effective and accountable

The purpose of the Housing Compensation Policy is:

- To ensure a clear, fair, consistent and transparent approach is taken to compensation for all tenants, leaseholders and prospective tenants
- To outline the degree of service failure that necessitates compensation
- To outline the circumstances in which compensation may be paid and the actions customers need to have taken to be eligible for compensation
- To clarify the process managers should take when dealing with a complaint or compensation claim
- To improve our tenants' understanding and satisfaction with the housing services we deliver
- To set out how the Council's performance in this area will be monitored, reviewed and published
- To comply with the statutory requirements, legislation and good practice relating to complaints and compensation, including guidance produced by the Housing Ombudsman

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

None.

#### **APPENDICES**

**Appendix A – Under Occupation Transfer Incentive Policy**  
**Appendix B – Housing Compensation Policy**

<b>REPORT CONTACT OFFICER(S)</b>	
<b>Name</b>	<b>Emma Norton</b>
<b>Job Title</b>	<b>Senior Housing Manager</b>
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*Tendring*  
District Council

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**UNDER OCCUPATION TRANSFER  
INCENTIVE POLICY**

April 2025

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## **A.6 APPENDIX A**

### **UNDER OCCUPATION TRANSFER INCENTIVE POLICY**

#### **Introduction**

Tendring District Council acknowledges that there is a limited supply of larger sized accommodation and that a number of homes are under-occupied. At the same time, there are families living in temporary accommodation and others living in properties which are overcrowded. There may also be tenants occupying properties that have had significant adaptations carried out, for example to accommodate a wheelchair, that are no longer needed but where there is a demand.

The aim of this policy is to provide an incentive for those under occupying or in significantly adapted properties to free up some of these properties for those in housing need and maximise the use of our housing stock

#### **Purpose of the policy**

This purpose of this policy is to:

- Set out how the Council will encourage and assist tenants who are under-occupying family accommodation or living in adapted property that they no longer need to downsize or move into alternative accommodation
- Set out the eligibility criteria for and the financial incentives available to those that meet these criteria
- Improve customer understanding and satisfaction
- Make more effective use of the Council's housing stock to meet known demand
- Ensure the Council adopt a consistent approach to responding to any tenant who wishes to apply for the Transfer Incentive Scheme
- Be sensitive to the needs of the individual tenant or household
- Set out how the Council will monitor and review ~~our~~ performance
- Be fair, efficient, effective and accountable.
- To comply with the statutory requirements, legislation and good practice relating to under occupation

#### **Scope of this policy**

This policy applies to all secure tenants of Tendring District Council who meet the specified eligibility criteria and are moving to another Council owned property or a property owned by another registered housing provider.

#### **Legal and regulatory context**

- Housing Act 1985

## **A.6 APPENDIX A**

This sets out the circumstances when a secure tenant can be asked to leave their home. A secure tenant can only be asked to leave their home if the landlord obtains an Order for Possession and this will be based on one of the grounds set out in this legislation.

This legislation also sets out the requirements for assignments by way of a mutual exchange.

### ➤ Housing Allocations Policy

The Council's Housing Allocations Policy identifies the banding structure for applicants on the Housing Register and the priority given to those who want to move to a smaller property

### ➤ Social Housing Regulation Act 2023

This introduced four Consumer Standards and one of these, the Tenancy Standard, sets out the required outcomes for the fair allocation and letting of homes, as well as requirements for how tenancies are managed by landlords. Registered providers are required to develop and deliver services that seek to address under-occupation and overcrowding in their homes and these services should be focused on the needs of tenants.

## **Benefits of downsizing**

Council properties can become under-occupied during the course of the tenancy as family compositions change. There are a number of benefits to tenants of downsizing and these include but are not limited to;

- Paying a lower rent
- Paying less for utility bills and Council Tax.
- A smaller home will be more manageable and may better suit the tenants needs
- Being able to move to another area in the district but have not been able to do so, due to the expense of moving
- Increase in lifestyle and independence

The incentive payment offered is designed to help with the costs of moving home- removals, connection and disconnection of services replacement carpets and curtains etc. However, tenants will not be expected to submit invoices or receipts to receive an incentive payment.

However, no tenant will be forced to move from their home due to under occupation alone.

## **Eligibility criteria**

To be eligible for the Transfer Incentive Scheme, tenants must meet the following criteria:

- Hold a secure tenancy with Tendring District Council and has done so for a minimum of two years (this does not include tenants who have succeeded to a tenancy and are required to move to a smaller property)
- Have been assessed and accepted onto the Housing Register for a transfer

## **A.6 APPENDIX A**

- Occupy a general needs property or one that has been adapted for a household member with disabilities
- Agree to transfer to a smaller property that meets their assessed housing need and/or a non-adapted property
- Are under-occupying or living in an adapted home and relinquish their home and tenancy, moving out of their social housing home into another tenure such as private rental or home ownership.
- Where a tenant of the Council is moving to any property with less bedrooms than their current property and the property they move to are both owned by Tendring District Council.
- Be living in a wheelchair-adapted or adapted/accessible property which is no longer required and the tenant wishes to move to general needs accommodation.
- Tenants downsizing from a property that has had adaptations for their needs will be eligible for this scheme only if they transfer into a suitable property for their needs, or one that needs only minor adaptations.
- The Tenant has kept to the terms and conditions of their tenancy agreement and maintained the property to a satisfactory standard
- The tenant does not have any outstanding housing debt including current or former rent arrears or recharges
- Agree to provide vacant possession of their present home

An adapted property is a home with major adaptations; for example a through floor lift, level access to the property in the form of a permanent ramp or similar or accessible bathroom such as wet room.

A tenant who downsizes as part of a mutual exchange will qualify once their exchange has been formally approved and subject to all parties in the exchange process moving to appropriate sized accommodation with no under occupation.

### **Ineligible applications**

Tenants who meet the following criteria will not be eligible to apply for the Transfer Incentive Scheme:

- The person is not the tenant of the property
- The tenant of the property has been served with a Notice of Seeking Possession or Demotion Notice
- The tenant has failed to provide the required documentation for their Housing Register application
- The tenant has an Introductory or Temporary Non-Secure Tenancy

## **A.6 APPENDIX A**

- Where the consequence of the move would be the homelessness of a member of the household
- The tenant will be making themselves and their household overcrowded
- The tenant is a successor to the tenancy, following the previous tenant's death, and is under occupying the property as a family member of the former tenant – this excludes partners or spouses
- The tenant is transferring or mutually exchanging to a property with the same or more bedrooms that their current property
- A tenant whose mutual exchange has been refused.
- The tenant has arranged a move under the mutual exchange process within the previous two years
- The tenant is required to downsize following a succession
- The tenant is being 'decanted' from their present property
- The tenant has previously received a downsizing incentive within the previous two years
- The tenant is moving from one sheltered housing property to another or from sheltered accommodation to general needs accommodation.
- The tenant has not kept to the terms and conditions of their tenancy agreement and / or maintained the property to a satisfactory standard

Those tenants who do not meet the eligibility criteria for this policy but are still under occupying their property may still apply for a transfer in the normal way. Offers of accommodation will be made in line with the Council's Allocations Policy.

### **Application process**

Any tenant wishing to transfer from their property will be required to complete an application to join the Council's Housing Register using the link below

<https://tendring.housingjigsaw.co.uk/>

If a tenant is unable to complete the online application or they require assistance to do so, they should call 01255 686466 or send an email to [housingallocations@tendringdc.gov.uk](mailto:housingallocations@tendringdc.gov.uk)

Applicants must also complete an Under Occupation Transfer Incentive Scheme application form.

Once a Housing Register application has been received, the designated housing officer within the Allocations team will undertake an inspection of the property and compile a visit report taking into account the housing needs of the tenant(s) and the condition of the property.

This will enable their application to be assessed for eligibility in accordance with the Council's Housing Allocations Policy and this policy and the applicant will be notified accordingly.

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Tendring District Council operates a Housing Register and makes direct offers of available accommodation from this. Applicants can receive up to 2 offers of accommodation but not simultaneously. If both offers are refused and the Council considers that the offers were reasonable, the application will be suspended for a period of 12 months. If a third and final offer is refused, the applicant will be removed from the Housing Register.

On refusing an offer of accommodation the Council will ask applicants to complete a form to record the reasons why the property has not been accepted.

A tenant who downsizes as part of a mutual exchange will qualify once their exchange has been formally approved and subject to all parties in the exchange process moving to appropriate sized accommodation with no under occupation.

### **Accepting an Offer of Accommodation**

Once a suitable property becomes available, the tenant will be advised accordingly and given three days to decide whether or not to accept the offer.

Housing staff will be available via email or telephone to answer any questions.

If an offer of accommodation is accepted, a tenancy agreement will need to be signed with an agreed tenancy start date and arrangements will be made with regards to the payment of the relevant incentive.

Once the new tenancy has commenced, the Housing Register application will be closed.

### **Incentive Offered**

A fixed incentive payment will be paid at the following rates to those who are transferring from larger accommodation to a smaller property

Current property size	New property size	Incentive payment
4 bedroom	1 bedroom	£3,000
4 bedroom	2 bedroom	£2,000
3 bedroom	1 bedroom	£2,000
3 bedroom	2 bedroom	£1,000
2 bedroom	1 bedroom	£1,000
1 bedroom	Studio	£1,000
Wheelchair adapted property	Any	£1,000 per bedroom given up

### **Payments**

Applicants must be registered on the scheme before a move takes place for a payment to be authorised.

Payments will only be authorised once the tenant has moved out, the keys have been returned and an inspection of the vacated property has been carried out.

The Council reserves the right to deduct the following from any incentive payable:

## **A.6 APPENDIX A**

- Current or former rent arrears or service charges
- Housing Benefit overpayments
- Any outstanding court costs
- Any outstanding rechargeable works charges
- The cost of any works that the Council has to carry out to the vacated property as a result of damage or neglect on the part of the tenant, including clearance of belongings, rubbish or other items from the property or its garden
- Any other reinstatement works to bring the work back to the Council's standard that are not regarded as fair wear and tear, as set out in the Empty Council Homes Management Policy.

If the tenancy is a joint tenancy then the payment will be split equally between the joint tenants but can be paid into one bank account on receipt of written authority from both tenants.

Payments will be made by BACs transfer only.

### **Other assistance**

The Council recognises that some people may need some additional help with moving in the form of advice or practical assistance. Examples of the type of assistance available includes:

- Provide practical support with a designated housing officer who will support the tenant throughout the process and answer any questions
- If minor adaptations to the new property are needed, the designated housing officer will liaise with other Council departments and health professionals to ensure a full housing need assessment has taken place
- To work with older/vulnerable tenants providing practical assistance to enable them to move to a smaller property including:
  - Where tenants require support to assist them to move home, removals, property or garden clearance, or provision of a skip can be arranged, and payment made directly from incentive payment on the tenant's behalf.
  - Assistance with completing a Housing Register application
- Referring the tenant to an appropriate support agency who can assist with moving utility accounts, redirecting post and notifying relevant agencies and organisations
- Advice on disposal of unwanted items

### **Budgetary Constraints**

The above payments will be subject to a budget limit. If there are more requests for transfer incentive assistance than there is funding available, the Council has the discretion to:

- Reduce the amounts of payments made through the scheme

## **A.6 APPENDIX A**

- Give priority to those moving from accommodation that is more urgently needed; or
- Assist with a transfer in the new financial year.
- Allocate additional funding

The annual budget for the existing scheme will be kept under review and the need for any additional funding will be dealt with as part of the annual budget setting process.

### **Measuring Quality and Performance**

Performance in relation to the implementation of this policy will be monitored through the following performance indicators:

- Number of applicants for the Under Occupation Transfer Incentive Scheme
- Number of households assisted to move by way of the Under Occupation Transfer Incentive Scheme
- Type of properties returned to the Council for re allocating to those in housing need
- Total spend on the Under Occupation Transfer Incentive Scheme

### **Equalities Statement**

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

We want all our tenants to have the opportunity to be involved, regardless of age, disability, ethnicity, gender, sexual orientation, marital status or civil partnership, pregnancy or maternity status. Discrimination on the basis of any of these grounds is not acceptable.

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

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

### **Complaints**

The Council's Housing Complaints Policy is available to any tenant or prospective tenant who is dissatisfied with any aspect of the housing services provided.

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

### **Review of Policy**

The policy will be reviewed every year in consultation with tenant representatives, staff and other stakeholders including the Portfolio Holder responsible for Housing unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.



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# HOUSING COMPENSATION POLICY

April 2025

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## **A.6 APPENDIX B**

### **Introduction**

Tendring District Council is committed to providing an excellent housing service for its tenants. However, the Council accepts that there will be occasions when our services may not meet these high standards and tenants are inconvenienced or left out of pocket as a result.

Where a complaint is justified, an acknowledgement and apology may be sufficient. However, where a complainant has suffered some disadvantage, inconvenience or loss, as a result of the service failure experienced, other remedial action may need to be considered. This includes financial compensation, and, in some circumstances, this may be the only appropriate form of redress.

### **Purpose of this policy**

The purpose of this policy is:

- To ensure a clear, fair, consistent and transparent approach is taken to compensation for all tenants, leaseholders and prospective tenants
- To outline the degree of service failure that necessitates compensation
- To outline the circumstances in which compensation may be paid and the actions customers need to have taken to be eligible for compensation
- To clarify the process housing managers should take when dealing with a complaint or compensation claim
- To improve the Council's tenants' and other customers' understanding and satisfaction with the housing services the Council delivers
- To set out how the Council's performance in this area will be monitored, reviewed and published
- To comply with the statutory requirements, legislation and good practice relating to complaints and compensation, including guidance produced by the Housing Ombudsman

### **Scope of this policy**

This policy applies to tenants and leaseholders of the Council as well as prospective tenants and those occupying any Council property by way of a licence. It covers both mandatory and discretionary compensation, as well as non-financial compensation.

This policy does not apply to members of the public with whom we do not have a housing-related contractual relationship.

This policy should be read in conjunction with [Tendring District Council's Housing Complaints Policy](#)

### **Legal and Regulatory Framework**

There are legislative and regulatory requirements that set out the circumstances when compensation should be paid and the considerations that should be taken into account. These include (but are not limited to):

## **A.6 APPENDIX B**

- The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations – Statutory Instrument 1994 No. 1334

The Leasehold Reform, Housing and Urban Development Act 1993 gave secure tenants of local housing authorities enhanced rights relating to the repair of their homes.

These were set out in the above Statutory Instrument which aims to ensure that certain small, urgent repairs costing less than £250 should be completed within a specified timeframe. Failure to do so allows tenants to seek an alternative contractor, and in some cases, claim compensation.

- Housing Act 1985 and the Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994 – Statutory Instrument 1994 No. 613

The Leasehold Reform, Housing and Urban Development Act 1993 also gave secure tenants the right to compensation for certain tenant financed improvements that have had the written permission of the Council.

This was set out in the above Statutory Instrument which gives tenants, in certain circumstances, the right to claim compensation for improvements they have carried out to their property if their tenancy ends before they have had the full benefit of these improvements.

- Housing Act 1985 (as amended)

This amalgamated previous legislation which gave secure tenants the Right to Buy their council home at a discount providing they met the qualifying period residency requirements and there was not an exception that applied.

- Land Compensation Act 1973 (as amended)

The Land Compensation 1973 (as amended) sets out the provisions for statutory Home Loss Payments that are to be made to compensate tenants for having to permanently move out of their home, subject to certain eligibility criteria. This legislation also sets out guidance relating to the payment of Disturbance Allowances aimed at compensating tenants for the actual cost of moving from their home.

- Social Housing Regulations Act 2023

The Regulator of Social Housing (RSH) Tenant Involvement and Empowerment Consumer Standard states that registered providers shall have an approach to complaints that is clear, simple, and accessible that makes sure complaints are resolved promptly, politely, and fairly.

- Housing Ombudsman Service – Complaint Handling Code and Compensation Guidance

The Complaint Handling Code sets out best practice for landlord's complaint handling procedures to enable a positive complaints culture across the social housing sector. This became statutory on 1 April 2024 meaning that all members of the Housing Ombudsman Scheme are obliged by law to follow its requirements.

The Housing Ombudsman has also produced guidance for landlords in relation to compensation policies.

## **A.6 APPENDIX B**

### **Definitions**

There are generally three types of financial compensation and these are:

- mandatory (such as statutory home loss payments)
- quantifiable loss payments (where people can demonstrate actual loss)
- discretionary payments (for time and trouble/distress and inconvenience)

However, compensation can also be non-financial. By offering non-financial compensation, the Council recognises that customers want things to 'be put right'. The Council may also offer financial compensation at the same time if it considered that its actions have had a significant impact on the customer

Compensation should be claimed within 12 months of the failure, fault, or event, unless there are exceptional circumstances that prevent this (such as delays due to waiting for works to be completed). In such cases, the Council will work with customers to ensure fair and equitable outcomes.

### **Financial compensation**

The following three types of compensation are covered by this policy:

#### ➤ **Mandatory Compensation**

This is compensation that the Council is required to pay by law in certain circumstances and these are as follows:

#### **Right to Repair**

The Right to Repair scheme sets out certain repairs that require completion within a certain timescale. Such repairs include small repairs which can be done quickly and easily and urgent repairs where there is a possible risk to health, safety and/or security. These repairs are known as 'Qualifying Repairs' and these, together with the timescale for competing these, are set out in the table below:

<b>Repair</b>	<b>Timescale</b>
Total loss of electrical power	1 day
Partial loss of electrical power	3 days
Unsafe power or lighting socket, or electrical fitting	1 day
Total loss of water supply	1 day
Partial loss of water supply	3 days
Total or partial Loss of gas supply	1 day
Blocked flue to open fire or boiler	1 day
Total or partial loss of space or water heating between 31 October and 1 May	1 day
Total or partial loss of space or water heating between 30 April and 1 November	3 days
Blocked or leaking foul drain, soil stack or toilet (where only one in the property)	1 day
Toilet not flushing (where there is no other working toilet in the property)	1 day
Blocked sink, bath or basin	3 days

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Tap which cannot be turned	3 days
Leak from water or heating pipe, tank or cistern	1 day
Leaking Roof	7 days
Insecure external door or window	1 day
Loose or detached banister or handrail	3 days
Rotten timber flooring or stair tread	3 days
Door entry system not working	7 days
Mechanical Extractor fan in internal kitchen or bathroom not working	7 days

If the Council and/or its contractor fails to carry out a 'qualifying repair' that has been reported on two separate occasions within the published repair timescale, and the customer has allowed reasonable access to the property, the Council is required to make a compensation payment of £10. A further payment of £2 will thereafter be paid for every day that the repair remains outstanding, up to a maximum of £50.

Compensation will not be payable if the delay is due to the availability of a non-standard part and the resident has been kept informed

A repair will not qualify for the Right to Repair scheme if it exceeds an estimated cost of £250 or if the Council is not responsible for the repair.

### **Compensation for tenant's improvements**

In certain circumstances, tenants may be entitled to claim compensation for improvements that they have carried out to the property.

Any payment of compensation for improvements is made at the end of the tenancy, providing the tenant obtained prior permission from the Council to carry out the works and the improvement is considered a 'Qualifying Improvement'. Qualifying improvements and the average notional lifespans associated with each of these are set out in the table below:

<b>Qualifying Improvements</b>	<b>Notional Life</b>
Bath, shower, wash hand basin or toilet	12 years
Kitchen sink, or work surfaces for food preparation	10 years
Storage cupboard in bathroom or kitchen	10 years
Thermostatic radiator valves	7 years
Insulation of pipes, water tank or cylinder	10 years
Loft or cavity wall insulation	20 years
Draught proofing of external doors or windows	8 years
Anything that improves the security of the property excluding burglar alarms	10 years
Space or water heating	12 years
Double glazing or other external window replacements or secondary glazing	20 years
Rewiring, provision of power, lighting or other electrical fittings	15 years

The amount of any compensation award is calculated using the equation provided in the Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994. This takes into account the cost of the improvement, its expected lifetime and the time that had elapsed since its installation. The equation for calculating the compensation payment is set out below:

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$$C \times \left(1 - \frac{Y}{N}\right)$$

C = Cost of the improvement (excluding the amount of any grant or minor works assistance under Part VIII of the Local Government and Housing Act 1989 or the Home Energy Efficiency Grants Regulations 1992 paid in respect of the improvement)

N = Notional life of improvement

Y = Number of years since completion with part of a year being rounded up to a complete year, starting on the date the improvement was completed and ending on the date the compensation is claimed

Compensation will not be paid to tenants who have exercised their Right to Buy or where the tenancy ends as a result of a Court Order for possession.

Compensation will only be paid if the Council's prior written permission for the works had been obtained and receipts or other proof of cost of the works can be provided.

Compensation will not be payable where the assessed amount is under £50.00 and any payments will not exceed £3,000.00

### **Home Loss and Disturbance**

The Land Compensation 1973 (as amended) sets out the provisions for statutory Home Loss Payments that are to be made to compensate tenants for having to permanently move out of their home, subject to certain eligibility criteria. This legislation also sets out guidance relating to the payment of Disturbance Allowances aimed at compensating tenants for the actual cost of moving from their home.

Home Loss payments are made when a permanent move is required or agreed because of the need to carry out some improvement or redevelopment of their property, including a change of use – for example, the decommissioning of sheltered housing.

In order to qualify for this payment, the tenant must:

- Be required to move due to the improvement or redevelopment works
- Have lived in the property as their only or principal home for at least the last 12 months.

The amount of compensation is set by the Government each year and only one home loss payment is payable per household.

Tenants will also qualify for disturbance payments if they are the legal tenant on the date the move takes place and they are required to move on a permanent basis due to improvement or redevelopment works.

Disturbance payments are made to cover the reasonable expenses of moving and may include such things as removal costs and the disconnection and reconnection of appliances.

Costs must be reasonable and relevant receipts provided.

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### **Right to Buy**

Tenants who have made an application to buy their home under the Right to Buy are entitled to claim compensation if the sale has not completed within the statutory timescales, as a result of the Council's inaction. The compensation will be in the form of a deduction from the final purchase price, calculated by multiplying the weekly rent by the number of weeks that the sale has been delayed.

To make a claim for such compensation, the tenant is required to:

- Serve an "Initial Notice of Delay" form providing one month for the Council to resolve the delay; and
- Serve a further "Operative Notice of Delay" form, if the delay is not resolved within that month.

#### ➤ **Quantifiable loss payments**

In some cases, there is evidence that the Council's service failure has resulted in the customer suffering a loss that is clear and measurable. These circumstances include increased heating bills due to disrepair, having to pay for alternative accommodation or take-away food, paying for cleaning or carrying out repairs where the Council has failed to meet its obligations.

Any such costs must have been reasonably incurred and evidence of such loss must be provided.

If it is the first reporting of the incident or the complainant/claimant has not allowed the Council the opportunity to put things right prior to making the complaint/claim then the claim will not be accepted.

For the replacement of lost or damaged possessions, tenants will need to provide the following within 7 calendar days:

- Evidence of the damage - this may include the damaged items themselves, but photos would usually suffice.
- Proof of ownership and the value of the lost or damaged item such as photos, instruction booklets or receipts.

However, this policy is not intended to replace or compensate a tenant or leaseholder for not having their own contents insurance.

#### ➤ **Discretionary Compensation**

Discretionary compensation can be paid where the Council's actions have resulted in:

- Poor complaint handling.
- Delays in providing a service (e.g. in undertaking a repair).
- Failure to provide a service that has been charged for.
- Temporary loss of amenity.

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- Failure to meet target response times.
- Loss of use of part of the property.
- Failure to follow policy and procedure.
- Unreasonable time taken to resolve a situation
- The customer suffering distress and inconvenience.

The Council will treat all of its customers fairly and will recognise its failings and the impact that this has on its tenants, leaseholders and other customers. Individual personal circumstances will be taken into consideration when doing this and each case will be considered on its own merits. This means that the Council may deal with a complaint differently depending on the individual circumstances of the household.

It may be appropriate to remedy a complaint with actions separately from, or in conjunction with, an offer of compensation. These can include the following:

- Practical actions (such as offering to undertake repairs or redecoration, which would otherwise be a tenant or leaseholders' responsibility)
- Gestures of goodwill (such as flowers or a voucher).

In such circumstances, any discretion will be applied fairly and appropriately.

The Council may decide that, through our actions or inaction, it has caused a tenant to experience stress, upset or inconvenience and as such may look to compensate them for this.

Compensation will be paid at the discretion of the appropriate section or Service Manager in accordance with this policy.

Specific examples of discretionary compensation include (but are not limited to):

### **Loss of Room or Facility**

Compensation in the form of a rent rebate may be paid when a tenant is not able to use a room(s) in their home because of a repair issue that is the Council's responsibility, and which has caused prolonged and unreasonable disruption. Compensation will not be paid for a fault or loss that is caused by the customer's misuse, negligence or damage.

### **Failure of Amenity or Service**

Compensation in the form of a service charge refund may be paid when a service that is charged for and is the responsibility of the Council has failed and the deadline for completing the repair has passed. Compensation may not be payable if the loss is due to planned works agreed in advance with the tenant or the loss of facility is caused by a utility supplier or the tenant's misuse, negligence or damage.

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### **Damage to Decoration or Fixtures**

While carrying out repairs, improvements or other works there may be unavoidable damage to a tenant's decorations or fixtures. The Council will try to identify possible damage before starting any works and will discuss the options available to minimise the damage. Where decorations or fixtures are damaged, as a result of works carried out by the Council or its agents, the tenant may be offered the choice to allow the Council or its agents to rectify the damage or be paid an allowance to carry the work out themselves. The Council will consider the value of the fixtures at the time of the loss and/or damage rather than the full replacement value.

### **Failure to follow policy, procedure or guidelines**

In these circumstances compensation may be paid as a gesture of goodwill and will be paid without prejudice. Compensation will only be considered where the tenant has experienced actual and proven financial loss and/or severe avoidable inconvenience, distress, detriment or other unfair impact of service failure. The Council will not pay compensation for the loss of earnings due to service failure. However, a goodwill gesture may be made in recognition of the time and trouble the tenant may have taken to get the issue resolved.

### **Missed Appointments**

The Council may offer compensation to a tenant if a pre-arranged appointment that has been confirmed either verbally or in writing is not kept by either a member of the Council's staff or one of its contractors unless there are exceptional circumstances. The Council will not offer compensation if the tenant was advised that the appointment would not be kept in advance of the appointment.

### **Formal complaints**

On occasion, a tenant or leaseholder may have reason to complain about the housing services the Council provides. Where this complaint is upheld, in most situations, an apology, resolving issues and a commitment to learning lessons for the future will be an appropriate and proportionate response.

However, in certain circumstances, to put things right when things have gone wrong, we may make a discretionary decision to award financial compensation. These complaints must be made via the Housing Complaints Policy. Where compensation is being considered because of a complaint, the offer would normally be made at the end of the investigation.

### **Circumstances in which compensation will not be payable**

This policy does not cover the following:

- Insurance claims

Substantial claims against the Council, its agents or contractors will be dealt with through the relevant employers or public liability insurance in force at the time of the incident which means that these claims may be handled by the Council's insurers and/or legal advisors. Personal injury claims will always be referred to the Council's insurers for investigation and are outside the scope of this policy.

- Disrepair claims

A disrepair claim may be made through a solicitor if it is considered that the Council has failed to remedy a repair after being made aware of the issue. The Council will always attempt to resolve disrepair issues by following its complaints process to achieve an early and appropriate

## **A.6 APPENDIX B**

resolution for tenants and to reduce the need for legal action. Any claims which are not resolved in this way and progress through legal channels are outside the scope of this policy.

- **Legal claims**

Legal claims raised by contractors, suppliers or other third parties under the terms of a legal agreement will be managed in line with the legal agreement and/or other relevant legislation. These will be managed in consultation with the Council's legal team.

There are also other circumstances which will not normally be considered for compensation and these include where:

- the loss or damage is caused by or made worse by the tenant's inaction (see under Mitigating Factors below)
- the loss or damage was caused by another household member or visitor to their property
- the problem or service failure has caused little or no issues or impact
- the Council could not gain access to a tenant's home to carry out the required work or the tenant otherwise failed to co-operate with the Council
- the damage could not have been foreseen, and the Council has not been negligent
- the Council has acted reasonably to mitigate any loss or damage
- the service or facility is unavailable because of vandalism, severe weather conditions or other actions outside of the Council's control, for example local or national disruption
- damage is caused by circumstances beyond the Council's control including service failure or damage that is the result of extreme or unforeseen conditions, such as extreme weather
- evidence of the damage to goods or loss is not available or provided
- the loss or damage arises from an alteration or repair to the property or its facilities which the tenant carried out or arranged to have carried out
- the Council has had to remove, dismantle or damage a fixed item installed by the tenant, either with or without the Council's permission, to access essential services – for example the removal of a bath panel to access a leaking pipe
- the loss or damage is the fault of another tenant or neighbouring occupier – for example a leak from their washing machine
- the loss or damage is due to the acts or negligence of a third party, such as a contractor who is not acting on the Council's behalf
- the loss of supply of gas, electricity or water that is outside of the Council's control, such as a failure by the utility provider
- the Council has acted reasonably and complied with its legal and contractual liabilities.
- the Council has made or offered, reasonable alternative arrangements, temporary accommodation for example.

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- damage is covered under a resident's contents insurance.
- personal possessions are lost, stolen or damaged through no fault of the Council or its contractors.
- claims for loss of income or time off work.
- loss of rental income.

### **Mitigating factors**

In determining any claim for compensation, the Council will consider any extent to which the tenant's actions might have contributed to the situation in which they found themselves, that is whether they exacerbated or failed to minimise the impact. Equally, the tenant may have been proactive in seeking to minimise the impact of the situation on them. All these factors may mitigate or minimise the level of award ('mitigating factors').

Examples of when the tenants, leaseholders, or others, actions mitigate the extent of the compensation being considered might include:

- failure to communicate clearly with the Council as their landlord or the freeholder
- failure or delay to bring individual matters to the Council's attention within a reasonable timeframe
- failing to respond to contact from the Council
- repeatedly refusing to allow the Council or its contractors access to inspect the property and assess the extent of works needed (where relevant)
- pursuing a complaint in an unreasonable or excessive way
- failure to adequately maintain their property in accordance with their tenancy or lease conditions
- misuse or damage to the property

### **Investigating Claims and Calculating Compensation**

Where it is determined that discretionary compensation is appropriate, the amount of compensation should be fair, reasonable, justifiable and proportionate in the circumstances of the case. Officers are expected to use their reasonable discretion when considering individual cases.

Prior to any payment of compensation being offered, the appropriate authorisation must be obtained from a senior officer who is delegated to approve such offers.

When considering awarding compensation for service failure, the factors to be taken into account will include (but are not limited to):

- Severity of any service failure or omission
- Length of time that a situation has been ongoing

## **A.6 APPENDIX B**

- Frequency with which the issue has occurred
- Number of different failures
- Cumulative impact on the tenant or leaseholder
- A tenant or leaseholder's particular circumstances or vulnerabilities including family life, use of their home and impact on health and emotional well-being
- Unreasonable delays in resolving matters
- Quantifiable financial loss that would otherwise have not been incurred
- Actions of the tenant, their household or visitor(s), whether this mitigated or contributed to any loss, damage, distress or inconvenience
- The levels of compensation awarded for similar cases by the Housing Ombudsman

Where compensation is recommended, this will be confirmed in writing with an explanation given as to how the level of compensation has been determined. The tenant will be asked to confirm their acceptance of the offer in writing prior to any payment being issued. The tenant will also be required to provide or confirm their bank details to enable payment to be made.

The Council considers acceptance of discretionary compensation to be a full and final settlement of a case. Cases will not be reopened, nor further compensation considered via the same or alternative process unless the circumstances of the original case have significantly changed or escalated.

However, the payment of discretionary compensation is not intended as a substitute for home contents insurance and tenants and leaseholders should ensure that they have sufficient home contents insurance to cover damage to their property that occurs through no fault of the Council.

Compensation is also not automatic and will not apply where a service failure or mistake has not caused any inconvenience or loss and has been easily and quickly remedied.

In making a goodwill or discretionary compensation, the Council is not accepting any liability or fault in connection with the payment.

Where the tenant owes money to the Council in connection with housing services, such as rent or service charges arrears, any compensation will normally be credited directly to the relevant account by way of offset against the balance owing. The exception to this is if the compensation offered is intended to be used for a specific purpose, for example, to replace a damaged item. In such circumstances, the payment of compensation will be made to the tenant.

### **Other remedies**

In some circumstances, it may be appropriate to offer a combination of recompense which includes work to a tenant's home and a financial compensation payment, but only if this is acceptable and agreed by the tenant in advance as part of their complaint resolution.

Therefore, compensation may be in the form of one or more of the following:

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- An apology
- Specific action(s) by the Council
- Review of policy or procedures
- Gesture of goodwill
- Financial compensation.

### **Compensation Payments Ordered by the Ombudsman**

When a tenant escalates a complaint to the Housing Ombudsman Service, having exhausted the Council's formal complaints process, compensation will be paid and / or other action taken to comply with the Housing Ombudsman's Order or Recommendation. An Officer Decision, signed by the Chief Executive will be required to authorise the payment and this decision will then be published.

In accordance with the Council's Constitution, the Monitoring Officer is required to report to Cabinet (or to Council for non-executive functions) if any decision or omission has given rise to maladministration.

### **Equalities Statement**

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

The Council will ensure that no individual is discriminated on the basis of age, disability, ethnicity, gender, sexual orientation, marital status or civil partnership, pregnancy or maternity status. Discrimination on the basis of any of these grounds is not acceptable.

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

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

### **Monitoring**

The Council will review its services with the aim of achieving continuous improvement and to ensure compliance with best practice.

The Council will monitor its performance in acting on and learning from complaints, as required by the Housing Ombudsman's Complaints Handling Code and amounts payable in compensation will feed into this.

Performance in relation to the implementation of this policy will be monitored and this will include details of all payments awarded and the reasons for these payments.

A central record will be kept of all compensation awards, including gestures of goodwill.

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### **Complaints Procedure**

The Council's Housing Complaints Policy is available to any tenant, leaseholder or prospective tenant who is dissatisfied with any aspect of the housing services we provide.

A ~~customer~~ tenant can appeal the refusal of any claim for compensation or the level of compensation awarded under this Policy. Where a customer seeks to make an appeal, they should do so by making a formal complaint through the Council's Housing Complaints Policy.

Further information can be obtained from the Council's [Housing Complaints Policy](#).

### **Review of policy**

This policy will be reviewed every three years in consultation with tenant representatives, staff, other stakeholders, including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory which necessitate a review prior to this.