



CABINET

DATE:	Friday, 19 April 2024
TIME:	10.30 am
VENUE:	Essex Hall - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

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

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DATE OF PUBLICATION: THURSDAY, 11 APRIL 2024

AGENDA

1 **Apologies for Absence**

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

2 **Minutes of the Last Meeting (Pages 7 - 18)**

To confirm and sign the minutes of the last meeting of the Cabinet held on Tuesday 12 March 2024.

3 **Declarations of Interest**

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

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

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

5 **Announcements by Cabinet Members**

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

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

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

7 **Matters Referred to the Cabinet by a Committee - Reference from the Planning Policy & Local Plan Committee - A.1 - Local Plan Review: Vision and Objectives Revisited (Pages 19 - 40)**

To enable the Cabinet to consider the invitation made to it by the Planning Policy & Local Plan Committee in relation to the Vision and Objectives for the review of the Local Plan.

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

There are no items submitted by the Leader of the Council on this occasion.

9 **Cabinet Members' Items - Report of the Portfolio Holder for Corporate Finance & Governance - A.2 - Financial Performance Report 2023/24 - General Update at the end of December 2023 (Pages 41 - 88)**

To provide a general update and overview of the Council's financial position against the 2023/24 budget and looking ahead to 2024/25 and beyond.

10 **Cabinet Members' Items - Report of the Housing & Planning Portfolio Holder - A.3 - Consideration and Adoption of a Tenant Involvement Policy and Anti-Social Behaviour Policy (Pages 89 - 118)**

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

- Tenant Involvement Policy; and
- Anti-Social Behaviour Policy.

11 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.4 - Grant Funding Review (Pages 119 - 132)

To highlight the spending that has occurred in 2023/24, and that further work will be required to determine any potential future allocation of grant funding.

To meet the recommendation in the report to Cabinet on 21 July 2023, in respect of Citizen's Advice Tendring, which approved a review of grant funding across the Council and requested a report following the review be presented to Cabinet considering the options available during 2023/24 in readiness for the commencement of 2024/25.

12 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.5 - Tendring District Council (Career Track) Apprenticeships (Pages 133 - 156)

To provide Cabinet with an update on the work of Career Track, the Council's Apprenticeship training provider.

To seek Cabinet's approval to continue its support for Career Track and to acknowledge the outcome of the recent Ofsted visit.

13 Management Team Items

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

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Committee Room at the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 17 May 2024.

Information for Visitors

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON TUESDAY, 12TH MARCH, 2024 AT 10.30 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present: Councillors Mark Stephenson (Leader of the Council and Corporate Finance & Governance Portfolio Holder)(Chairman), Ivan Henderson (Deputy Leader of the Council and Economic Growth, Regeneration & Tourism Portfolio Holder), Andy Baker (Housing & Planning Portfolio Holder), Mick Barry (Leisure & Public Realm Portfolio Holder), Peter Kotz (Assets Portfolio Holder) and Gina Placey (Partnerships Portfolio Holder)

Group Leaders Present by Standing Invitation: Councillors Jeff Bray (Leader of the Tendring Residents' Alliance Group), Carlo Guglielmi (Leader of the Conservative Group) and Gary Scott (Leader of the Liberal Democrats Group)

Also Present: None

In Attendance: Ian Davidson (Chief Executive), Damian Williams (Corporate Director (Operations and Delivery)), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Anastasia Simpson (Assistant Director (Partnerships)), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), William Lodge (Communications Manager) and Keith Durran (Committee Services Officer)

94. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mike Bush (Portfolio Holder for the Environment) and Jayne Chapman BEM (Leader of the Independent Group).

95. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 16 February 2024, be approved as a correct record and be signed by the Chairman.

96. DECLARATIONS OF INTEREST

Councillor Barry declared a Disclosable Pecuniary Interest in relation to Agenda Item 12 (report of the Leisure & Public Realm Portfolio Holder A.5 – Sport & Activity Draft Strategy for Tendring) and in respect of his position as a Trustee of the Brightlingsea Lido.

The Monitoring Officer (Lisa Hastings) confirmed that, before this meeting, Councillor Barry had requested a Dispensation under Section 33(2) of the Localism Act 2011 and that she had decided to grant that Dispensation for this meeting on the basis that she

considered it appropriate to do so as this was a draft Strategy which was being presented to Cabinet to then go out for consultation and that there were no decisions within the report being considered at this meeting which would impact directly on Brightlingsea Lido.

In relation to Agenda Item 13 (report of the Leisure & Public Realm Portfolio Holder A.6 – Joint Committee Agreement of the North Essex Parking Partnership), Councillor Guglielmi queried whether, given that the NEPP was a sub-body of Essex County Council and given that he was also an Essex County Councillor, he needed to declare an Interest especially in view of the options that were contained within the report.

The Monitoring Officer stated that she would probably consider that to be an Other Registrable Interest (ORI) as Councillor Guglielmi was a member of Essex County Council (ECC). Mrs Hastings felt that it would be appropriate for Councillor Guglielmi to stay in the meeting and be able to contribute, if he so wished, to the debate given that he would not be a decision maker at this meeting.

Councillors I J Henderson and M E Stephenson then also declared that they were also Essex County Councillors. The Monitoring Officer asked if they were part of any body at ECC that referred to the NEPP or the Joint Committee in anyway or were just simply a member of ECC. Councillor Stephenson stated that he was simply a member of ECC. Councillor Henderson stated that he was not a member of any ECC decision making body to do with the NEPP but that he was a member of the corporate scrutiny body that might look at the NEPP at some point in the future.

The Monitoring Officer decided that as these were ORIs, she would grant dispensations for all three Members to be able to take part in the debate and decision making at this meeting in relation to the NEPP.

97. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

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

98. ANNOUNCEMENTS BY CABINET MEMBERS

High Sherriff of Essex Awards

The Partnerships Portfolio Holder (Councillor Placey) informed Cabinet that she had had the pleasure of attending the High Sherriff's Awards evening the previous week.

Councillor Placey reported that the High Sherriff's Fund gave monies to those groups that strove to make their communities safer places in which to live and work. The Fund was administered by the Essex Community Foundation (ECF) and all donations to the Fund were increased by 50% by proceeds from the Crime Prevention matched funding scheme which was also administered by the ECF.

The Portfolio Holder also informed Cabinet that four Tendring organisations had been successful in their funding applications namely: Inclusion Ventures; Lads need Dads; the Change Project; and U Turn for Support. In addition, the Change Project had also won an Award.

99. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

100. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

101. LEADER OF THE COUNCIL'S ITEMS - A.1 - DELIVERING AGAINST THE COUNCIL'S CORPORATE PLAN 2024-28: FINAL PROPOSALS FOR HIGHLIGHT PRIORITIES FOR 2024-25

Cabinet considered a report of the Leader of the Council (A.1), which sought its approval of the final proposed highlight priority actions for 2024/25.

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 2024/25. Appendix B to the Leader's report contained the final proposed highlight priority actions for 2024/25.

Cabinet was made aware that the final proposed highlight priorities for 2024/25 had been reduced following the consultation period. This reflected the engagement undertaken and was to ensure there remained a tight focus for the Council's activity going forward, considering the totality of the proposed actions and the Council's capacity and resources to deliver against them. Some initial proposed priorities had been removed, or amended, as they were not sufficiently measurable to allow for detailed monitoring and scrutiny; however, this did not mean that activity related to those would not continue.

Members were informed that the public consultation held on the draft proposed Highlight Priority Actions, had been promoted through the local press, on the Council's social media channels, and in emails to stakeholders such as town and parish councils. The results of that consultation were summarised in the Leader's report. However, caution needed to be exercised as despite the promotion of the consultation there had been a low level of response, and which had been weighted towards the rural north of the District:

It was reported that both the Resources and Services Overview & Scrutiny Committee and the Community Leadership Overview & Scrutiny Committee, had highlighted that the stewardship arrangements for the Tendring Colchester Borders Garden Community should be a priority. Stewardship was a key principle of the Garden Community approach and therefore it was a priority to the project overall; the timeline for agreement of a stewardship model would arise after the adoption of the Development Plan Document, and it would be aligned with the first planning application – and therefore it would not be in place during 2024/25. It had therefore not been recommended for inclusion in these highlight priority actions; but it would be considered again as part of the process for developing highlight priority actions for 2025/26 under the Our Vision theme of 'Raising Aspirations and Creating Opportunities'.

Cabinet was further informed that the Resources & Services Overview and Scrutiny Committee had also recommended that activity arising from the implementation of measures from the new Climate Change Action Plan be fully costed and resourced (or

planned to be so). That Committee and the Community Leadership Overview and Scrutiny Committee, had both recommended that performance against the adopted priorities be closely monitored. As set out in the Leader's report, there was a robust performance management process established as part of the highlight priority action monitoring throughout the year; while the specific financial and governance arrangements for each priority action would be subject to separate decisions which would address those recommendations.

During its discussion of the draft highlight priority actions the Community Leadership Overview and Scrutiny Committee also provided some suggestions for the measures used for monitoring of performance of some of the highlight priority actions, and areas the specific actions may cover. Overall, that Committee had endorsed the draft highlight priority actions.

Recognising that adopting highlight priority actions would allow Council activity to remain focused against Our Vision, and would also provide the framework for the annual performance monitoring system of the Council based on the milestones approved as part of the priority actions:-

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

RESOLVED that –

- a) the final highlight priorities for 2024/25, as set out at Appendix B to the Leader of the Council's report (A.1); and
- b) the Leader of the Council be authorised to agree the specific milestones for reporting against the adopted highlight priority actions for 2024/25.

102. LEADER OF THE COUNCIL'S ITEMS - A.2 - ADOPTION OF A NEW COMMUNICATIONS STRATEGY

Cabinet considered a report of the Leader of the Council (A.2), which sought its approval of a new Communications Strategy.

It was reported that the Council's Communications Strategy had been last updated in April 2021 to run until 2024, with an explicit link to the Council's Corporate Plan. Now that the Authority had adopted a new Corporate Plan, it was appropriate to also update the Communications Strategy; this would also allow changes to reflect the continued development of communications best practices. Therefore, a draft Communications Strategy had been drawn up to reflect those changes. It sought to renew the alignment of communications with the Corporate Plan, and to set out a vision of key areas of focus for the team and its work over the next four years.

Recognising that having a Communications Strategy gave a focus to the work of the Communications Team, and would allow it to prioritise its workload appropriately and in accordance with the Corporate Plan:-

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

RESOLVED that the draft Communications Strategy 2024 - 2028 be approved and adopted with immediate effect.

103. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.3 - TIMETABLE OF MEETINGS: 2024/2025 MUNICIPAL YEAR

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.3), which sought its approval, as required by the Constitution, to submit to the Annual Meeting of the Council a timetable of meetings for the 2024/2025 Municipal Year.

Members noted that meetings of the Planning Committee had been provisionally scheduled with a 5.00 p.m. commencement time pending Full Council's formal decision at its meeting on 19 March 2024 on the Planning Committee's request (which had been formally supported by Cabinet at its meeting on 16 February 2024) to amend its start time from 6.00 p.m. to 5.00 p.m.

Cabinet was aware that its meetings were fixed by the Leader of the Council in accordance with Article 7.08 Cabinet Procedures Rule sub-section 1.1 of the Council's Constitution and that therefore the scheduling et cetera might change. The public meetings of the Cabinet listed would normally commence at 10.30 a.m.

Having considered the timetable of meetings proposed by the Corporate Finance & Governance Portfolio Holder and in order 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 Placey and:-

RESOLVED that -

- (a) the timetable of meetings for the Council and Committees, as set out in the Appendix to the Portfolio Holder's report (A.3), be agreed, in principle, and be submitted to the Annual Meeting of the Council for formal approval; and
- (b) the proposed dates for All Members' Briefings and Councillor Development Sessions be noted.

104. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.4 - ANNUAL CAPITAL AND TREASURY STRATEGY FOR 2024/25 (INCLUDING THE PRUDENTIAL AND TREASURY INDICATORS)

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.4), which sought its approval to submit the Annual Capital and Treasury Strategy for 2024/25 (including Prudential and Treasury Indicators) to Council on 19 March 2024.

It was reported that the Annual Capital and Treasury Strategy for 2024/25, including Prudential and Treasury Indicators, had been approved by the Corporate Finance and Governance Portfolio Holder on 26 February 2024 for consultation with the Resources and Services Overview and Scrutiny Committee. The Resources and Services Overview

and Scrutiny Committee had considered the Strategy at its meeting held on 5 March 2024 and its recommendation to Cabinet was as follows:-

“That further clarity is required around the relative roles of consultation on the Council’s key investment proposals and the significant financial constraints on the Council over the coming years to ensure that the reader of the Treasury Strategy would be clear on the relative roles.”

The Leader of the Council stated that, having discussed that recommendation with Officers, was confident that the issue raised had been covered within the Portfolio Holder’s report to Cabinet.

The proposed Annual Capital and Treasury Strategy for 2024/25 was set out in Appendix A to the Portfolio Holder’s report (A.4). *(For completeness, that Appendix also included the Officer report considered by the Corporate Finance and Governance Portfolio Holder when he had approved the Strategy on 26 February 2024 for consultation with the Resources and Services Overview and Scrutiny Committee).*

Members were informed that the Capital Strategy element of the combined document covered the various elements surrounding capital investment decisions and the key criteria that investment decisions should be considered against.

Cabinet was made aware that the Treasury Strategy element of the combined document covered the various elements that satisfied the requirements of the various codes that governed the borrowing and investment activities of the Council and had been prepared in the light of advice received from the Council’s Treasury advisors and which reflected the latest codes and guidance.

Members were advised that the Prudential and Treasury indicators were included as an Annex to the combined strategy and were therefore included within Appendix A.

It was reported that under the Prudential Code, the Council had freedom over capital expenditure as long as it was prudent, affordable and sustainable. The Prudential Indicators either measured the expected activity or introduced limits upon the activity and reflected the underlying capital appraisal systems and enabled the Council to demonstrate that it was complying with the requirements of the Prudential Code.

Cabinet was reminded that the Council’s investments would be undertaken in accordance with its Treasury Management Practices.

Cabinet noted the new requirements introduced by the Levelling Up and Regeneration Act 2023 that related to ‘trigger points’ and risk thresholds, which if breached would see the Government provide risk mitigation directions to Local Authorities. Those were set out in detail within the attached report that was considered by the Portfolio Holder for Corporate Finance and Governance on 26 February 2024.

Having duly considered the comments/recommendations put forward by the Resources and Services Overview and Scrutiny Committee and in order to support the process of ensuring that a Capital and Treasury Strategy for 2024/25 was approved by Full Council before 1 April 2024:-

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

RESOLVED that Cabinet –

- a) notes the contents of the attached earlier Officer report to the Corporate Finance and Governance Portfolio Holder; and
- b) agrees the Annual Capital and Treasury Strategy for 2024/25 (including Prudential and Treasury Indicators) and that it be submitted to Council for approval.

105. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE & PUBLIC REALM PORTFOLIO HOLDER - A.5 - SPORT AND ACTIVITY DRAFT STRATEGY FOR TENDRING

Further to Minute 96 above, Councillor Barry declared a Disclosable Pecuniary Interest in relation to this item due to his position as a Trustee of the Brightlingsea Lido. Councillor Barry stated that he had been granted the necessary dispensation by the Council's Monitoring Officer.

Cabinet considered a report of the Leisure and Public Realm Portfolio Holder (A.5), which presented a draft five-year Sport and Activity Strategy and sought its approval to invite stakeholder comments, through a public consultation process.

Cabinet was informed that this was a new evidence-based draft Sport and Activity Strategy, to support delivery of the Council's priorities as set out in the newly adopted Corporate Plan. This draft strategy would set the direction for the Council's focus on supporting residents to become more physically active and working with partners to improve quality of life for local people.

It was reported that research by the Department of Health demonstrated that increasing activity levels would contribute to the prevention and management of over 20 health conditions and diseases. Adoption of this strategy and the accompanying action plan could support increased participation in physical activity levels in the District, from a historically low base to improve health outcomes and all-round quality of life for local people.

From conclusions drawn in the draft Strategy from the evidence base taken into account, the following strategic objectives were considered to be key in delivering quality outcomes for local people:

- 1. Support improvement to Tendring wide health outcomes*
- 2. Improve quality of life for all local people*
- 3. Long term sustainability & quality of Sports Facilities and wider community offer*
- 4. Ensure every resident is included in sport and active wellbeing*

Members were aware that the draft strategy was presented with a detailed action plan, to impact on all of objectives set out above. Although it would not be possible for the Council to fund all the actions listed, adopting an action plan would allow the Council to proactively look for external funding opportunities and link projects to future developer contributions/Section 106 monies.

Cabinet was informed that a key focus of this work was to ensure that all residents felt represented by the draft strategy and were afforded increased opportunities to become 'active where they live.' This could be achieved by a much wider focus on community

activity in all areas of the District, through supporting and facilitating local clubs, organisations and partners to continue and extend their important work. Building on the success of the Sport England Local Delivery Pilot Scheme (LDP), the Council had a role in supporting more active lifestyles in all areas of the District.

Cabinet was advised that in order to facilitate, support and influence the Tendring sport and activity community to deliver the District wide focus of the draft strategy, it was recommended that a two-year fixed term Community Sport and Activity Manager be appointed, to lead on supporting more sport and activity around the District. This would include support for partners, clubs, organisations and sourcing additional funding for approved projects. This post could be part funded by vacant posts in the Sports Facility establishment and the budget allocated to support delivery of the final strategy.

Members were informed that the draft strategy also set out clear aspirations to work with health partners in creating a new state of the art Active Wellbeing Centre in Tendring. This centre would include health and leisure facilities together in one place and act as a central hub linked to others across the District. Progress would be subject to funding agreements with partners, but this exciting proposition would align with national strategies and presented an opportunity for significant transformation and create a national standard in this approach. In addition to this, there was a commitment to review the current facilities in the light of this development, to put the whole leisure estate on sustainable financial footing. In order to inform this aspiration to develop such a facility, it was recommended that a feasibility study be commissioned to ensure all appropriate implications were considered in any future decision making.

Subject to Cabinet agreement, it was important to seek comments on the draft strategy from local organisations, clubs, partners, national governing bodies for sport (NGBs) and most importantly, residents. This would ensure that stakeholders could scrutinise, comment and make suggestions for the completed strategy, prior to its adoption. This consultation exercise would take a minimum of eight weeks, following which consideration would be given to the feedback received. The final strategy would then return to Cabinet in early summer 2024 for adoption.

In order for the Council to move towards adopting a strategic approach towards sport and physical activity, to support local people and local communities and to increase participation around the District:-

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

RESOLVED that -

- (a) approves the draft Sport and Activity Strategy be approved for consultation;
- (b) authorises Officers, in consultation with the Portfolio Holder for Leisure and Public Realm, to initiate a minimum eight-week consultation process and seek stakeholders' comments on the draft Sport and Activity Strategy;
- (c) a one off sum of £122,530 from the budget for the former Joint Use Facilities be allocated towards the action plan set out in the Strategy and delegates decision making for the use of this budget to the Portfolio Holder for Leisure and Public Realm;

- (d) the appointment of a new Community Sport and Activity Manager, to facilitate, influence and support the community activity set out in the action plan, be supported;
- (e) a feasibility study be commissioned to explore the options and implications for developing a new Active Wellbeing Centre in the District; and
- (f) authorises the Leader of the Council together with the Portfolio Holder for Leisure and Public Realm to decide the scope of the feasibility study.

106. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE & PUBLIC REALM PORTFOLIO HOLDER - A.6 - JOINT COMMITTEE AGREEMENT OF THE NORTH ESSEX PARKING PARTNERSHIP

Earlier on in the meeting, as reported under Minute 96 above, Councillors Guglielmi, I J Henderson and M E Stephenson had indicated that they each had an Other Registrable Interest (ORI) in this item insofar as they were also Essex County Councillors. The Monitoring Officer had granted each of them a Dispensation for this meeting as they were not part of any decision making body at Essex County Council in relation to the North Essex Parking Partnership and their interests were ORIs.

Cabinet considered a report of the Leisure and Public Realm Portfolio Holder (A.6), which informed it of the current reported financial position of the North Essex Parking Partnership, the options available to Tendring District Council and which also sought the necessary authority to service notice to withdraw from the Joint Committee, if so required.

Cabinet noted that, at its meeting held on 5th March 2023, the Resources and Services Overview and Scrutiny Committee had enquired into "On street parking arrangements in the District – and parking PCNs, Permits, Traffic Regulation and enforcement and this Council's participation in the North Essex Parking Partnership (NEPP), and the work and business model of the Partnership." In respect of the NEPP, the enquiry had considered the role of the Council within the Partnership, the overall financial risks to the Council and road safety matters. Following that enquiry the Resources and Services Overview and Scrutiny Committee had made the following recommendations to Cabinet:-

"That alongside and in addition to the recommendations being considered by the Cabinet on 12 March 2024 concerning the Council's membership of the North Essex Parking Partnership, the following options be authorised as part of the negotiations with Partnership and Essex County Council (ECC):

- (1) The return of all on-street parking and management to the district by means of a service level agreement with ECC creating a situation where local parking enforcement would be tailored to meet local needs by this Council. This Council would operate the on-street service at nil cost with surpluses paid to ECC for local highway related schemes and any losses would be met by this Council; or*
- (2) For delegated authority to be given to this Council's enforcement staff to enforce on-street parking within Tendring alongside officers from the NEPP. In this option, this Council would not seek any financial remuneration for this arrangement."*

Cabinet considered the following options in relation to this matter:-

1. *Remain as we were and allow the partnership to operate as per the new Business Plan;*
2. *Serve notice on the NEPP before the end of the financial year; or*
3. *Submit a request to the Partner Authorities to vary the Partnership Agreement that the deadline for serving notice on the partnership was extended from the end of the financial year until such a time that the full end of year accounts were available and the restructure of the NEPP was completed.*

Having duly considered the recommendations put forward by the Resources and Services Overview and Scrutiny Committee and the available options:-

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

RESOLVED that -

- (a) in consideration of the lack of financial information on the level of deficits for 2023/24 and future longer term financial sustainability of the North Essex Parking Partnership (NEPP), the options available to protect the Council's position be noted;
- (b) the feedback from the Resources and Services Overview and Scrutiny Committee's enquiry at its meeting on 5th March 2023 be noted and welcomed;
- (c) the Leader of the Council and the Portfolio Holder for Leisure and Public Realm, in discussion and consultation with Cabinet Members, be authorised to decide whether to service a Notice of Withdrawal from the NEPP following the meeting of the Joint Committee on 21st March 2024;
- (d) subject to (c) above, cabinet approves such decision being taken up to 31st March 2025, being supported with a detailed report on the updated position and the assessment of risk to the Council;
- (e) the Portfolio Holder for Leisure and Public Realm, in consultation with the relevant Officers, be authorised to seek a variation to the Partnership Agreement to allow a Notice of Withdrawal to be served coinciding in a timely manner with the receipt and consideration of financial information certified by the NEPP Treasurer and/or to allow a Notice of Withdrawal to be rescinded upon receipt of such information being provided; and
- (f) the Leader of the Council and the Portfolio Holder for Leisure and Public Realm, in consultation with the relevant Officers, be authorised to finalise and request any additional information in respect of financial and governance matters required to support resolutions (c) and (d) above.

107. MANAGEMENT TEAM ITEMS

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

The Meeting was declared closed at 12.23 pm

Chairman

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CABINET

19 APRIL 2024

REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE

A.1 LOCAL PLAN REVIEW: VISION AND OBJECTIVES REVISITED

(Report prepared by Ian Ford, Committee Services Manager)

PURPOSE OF THE REPORT

To enable the Cabinet to consider the invitation made to it by the Planning Policy and Local Plan Committee in relation to the Vision and Objectives for the review of the Local Plan.

EXECUTIVE SUMMARY

The Planning Policy and Local Plan Committee (“the Committee”), at its meeting held on 27 February 2024 (Minute 32 refers), had considered a detailed report of the Director (Planning) (A.1) which had sought its comments on, and approval for, an updated version of the Local Plan’s overarching Vision and Objectives for the purpose of the Local Plan review and associated public consultation.

The Committee’s decision at its meeting held on 27 February 2024 was as follows:-

“RESOLVED that the Planning Policy and Local Plan Committee -

- a) notes the content of the Director (Planning)’s report (A.3);
- b) endorses the Local Plan Vision and Objectives and Officers’ suggested updates shown, with tracked changes, in Appendices 1 and 2 to report A.3;
- c) authorises the Director (Planning) to circulate to the members of the Committee for their further comments the proposed additions/alterations to the Vision and Objectives;
- d) authorises the Director (Planning), in consultation with the Chairman of the Committee, to approve the proposed additions/alterations to the Vision and Objectives having considered any comments submitted in accordance with resolution c) above;
- e) agrees for the updated Vision and Objectives, including any additional amendments/alterations approved in accordance with resolution d) above, to be included for public consultation in due course as part of the ‘Issues and Options’ stage of the Local Plan review process; and
- f) invites the Cabinet to comment on and amend, as necessary, the Vision and Objectives as agreed under resolution e) above before they are published as part of the aforementioned Issues and Options consultation in order to ensure and confirm their alignment with the Council’s corporate vision.”

Housing & Planning Portfolio Holder’s Comments

“Having attended the meeting of the Planning Policy and Local Plan Committee on 27 February 2024 and witnessed the debate, I am content that the proposed Vision and Objectives for the Local Plan, with the Committee’s focussed amendments, aligns broadly

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

RECOMMENDATION

That Cabinet decides whether it wishes to comment on and/or amend the Vision and Objectives (see Appendix 1) for the review of the Local Plan before they are published for public consultation purposes as part of the ‘Issues and Options’ stage of the Local Plan review process in order to ensure and confirm their alignment with the Council’s corporate vision.

CURRENT POSITION

Cabinet is now requested to consider the recommendation submitted to it by the Planning Policy and Local Plan Committee.

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

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

BACKGROUND PAPERS

Published Minutes of the meeting of the Planning Policy and Local Plan Committee held on 27 February 2024.

APPENDICES

A1 Appendix 1 – Vision and Objectives (as approved by the Planning Policy and Local Plan Committee)

A1 Appendix 2 – Report and Appendices of the Director (Planning) (item A.3) to the meeting of the Planning Policy and Local Plan Committee held on 27 February 2024

A.1 APPENDIX 1: VISION AND OBJECTIVES (AS APPROVED BY THE PLANNING POLICY AND LOCAL PLAN COMMITTEE)

VISION

In 2041, the Tendring District will be a vibrant, healthy and attractive place to live, work and visit. It will have a thriving, resilient and prosperous economy that promotes sustainable economic growth, making sustainable use of its natural and historic environments, maritime connections and popularity as a visitor destination.

The District's residents will be able to enjoy a safe and healthy quality of life in communities that offer a range of high-quality new housing that meets local needs, with job opportunities across a variety of employment sectors and other important services and facilities, including modern health, education and retail/leisure provision. Residents and visitors will be able to enjoy a variety of landscapes including a tidy coast, the open countryside with its elements of natural beauty, a diverse range of attractive historic settlements, landscapes and assets, and an integrated and expanding network of protected wildlife-rich areas which are conserved and enhanced. The District will be home to people of all ages and abilities, providing a range of activities, attractions and facilities that will appeal to the retired, the young and residents of working age; and will also provide for the specialist needs of all people ensuring, in particular, that children and young people have the knowledge and skills for a good start in life.

Tendring District's coastal area places economic, social and environmental considerations at the forefront of climate change and therefore there will be a need for adaptation and mitigation against climate change at the centre of sustainable development.

Seaside Towns

Clacton-on-Sea will have established itself as the place everyone wants to live and the economy will have seen a significant resurgence with new job opportunities; particularly in the business, retail, leisure, hospitality and health sectors. This growth will have been driven, in part, by the rejuvenation of the town's attractive and safe beaches and multi-million-pound private investment in its seafront attractions alongside public investment of Levelling Up funding in redeveloping the town centre's library and civic area. The town will have seen the emergence of a variety of attractive shops, restaurants and cafes and leisure facilities, as well as the creation of new country parks, the modernisation of premises across its business and industrial parks and the construction of hundreds of new high-quality, energy efficient, accessible and spacious houses, bungalows and retirement complexes. The people of Clacton and the wider area will have access to a modern health facilities including the Diagnostic Centre at Clacton Hospital.

Clacton will have preserved and enhanced its heritage features and maintained its tourism roots, building a thriving local tourism industry. But as well as attracting holiday makers, the town will provide a range of activities and attractions that older residents can enjoy with their children and grandchildren at the weekends and during the school holidays, and a strong evening economy where people from the town and surrounding areas will come for a fun and relaxing evening with their friends and colleagues in some of the town's new and trendy restaurants, nightclubs and entertainment venues.

In Jaywick Sands, regeneration projects will continue to raise the standard of living in this part of Clacton – building on the success of the Sunspot Workspace Scheme, renewed sea defences, improved housing conditions and the delivery of other projects in the Jaywick Sands Place Plan. The people of Jaywick Sands will be able to enjoy a sustainable community with associated economic, community and employment opportunities.

Frinton-on-Sea and Walton-on-the-Naze will enjoy year-round prosperity whilst retaining their very distinctive individual characteristics. Walton will have seen the biggest change following an injection of new housing, holiday accommodation, shops and leisure attractions bringing vitality to the town centre and core visitor areas, with improved medical facilities serving the resident population. Frinton will have also seen some new homes and improvements to public spaces whilst continuing to offer a unique and independent shopping and leisure offer to its residents and its visitors. Both settlements will have succeeded in preserving and enhancing their special historic character.

Harwich, Freeport East and the A120 Corridor

The Harwich area will have experienced an economic resurgence following the designation of Harwich Port and other sites along the A120 corridor as part of 'Freeport East' (alongside Felixstowe Port and Gateway 14 in Suffolk). The tax, customs and other business incentives offered by Freeport status will have resulted in considerable private investment and new jobs for local people in industrial activities, logistics and emerging green energy sectors with new developments at Bathside Bay, Horsley Cross and other sites with good access to the A120 and the local population. Bathside Bay will be playing a critical role in the medium term, servicing the expansion, construction and maintenance of off-shore wind farms with more jobs to come in the long-term through the construction and completion of a new container port and associated small boat harbour.

The increase in work opportunities will have generated a significant demand for training facilities and new homes in the Harwich and Dovercourt area particularly for working people and families both in the local area and moving in from elsewhere. This boost in demand in the housing market will have resulted in a number of high-quality housing developments. The Old Town of Harwich will offer new leisure activities and visitor attractions associated with its maritime history. Dovercourt Town Centre and seafront will have also improved its offer of a year-round shopping and leisure experience following significant public investment through the Levelling-Up Fund in its public spaces and improved connections. These benefits will have taken place whilst continuing to preserve and enhance the town's maritime heritage through careful consideration of its associated buildings, structures and coastal landscapes.

Tendring Colchester Borders Garden Community

The neighbouring City of Colchester will have been the focus for significant growth in jobs and housing and will have continued to develop a thriving economy that will benefit Tendring District's residents, many of whom commute into the town each day for work. A new Garden Community will be developed to the east of Colchester, developed in accordance with a detailed Development Plan Document (DPD) and positive collaborative working with Colchester City Council, Essex County Council and the lead developers, which takes advantage of its strategic position in relation to Colchester and its proximity to the university to maximise the economic benefits to current and future residents of Tendring. The Garden Community will provide necessary infrastructure and

facilities and a high-quality of built and urban design. With major investment in rapid transit services to the town centre, pedestrian and cycle connections and a new link road between the A120 and A133, the management of traffic congestion will have improved, along with provision of upgraded broadband infrastructure and services.

The University of Essex will be one of the leading research and development facilities in the country and, as a result, businesses will have moved to the area to benefit from its expertise and improved transport links. The new Garden Community crossing the Colchester City and Tendring District boundary will be a much sought-after place to live. It will provide the right balance of jobs, housing and infrastructure in the right locations and will attract residents and businesses who value innovation, community cohesion and a high-quality environment, and who will be provided with opportunities to take an active role in managing the community to ensure its continuing success.

Residents will live in high-quality and innovatively designed homes, which accommodate a variety of needs and aspirations and are located in well-designed neighbourhoods where they can meet their day-to-day needs. There will be a network of tree-lined streets and green spaces, incorporating and enhancing existing landscape features and also accommodating safe and attractive routes and space for sustainable drainage solutions; and leisure and recreation opportunities for both residents and visitors of the garden community.

Suitable models for the long-term stewardship of community assets will be established and funded to provide long term management and governance of assets. All Garden City principles as specified in the North Essex Garden Communities Charter will be positively embraced including where appropriate, new approaches to delivery and partnership working for the benefit of the new community. Central to this will be the comprehensive planning and development of the garden community, and the aligned delivery of homes and supporting infrastructure.

Rural Heartland

In the District's substantial rural heartland, the smaller towns of Manningtree, Lawford, Mistley and Brightlingsea, along with some of the larger villages, will have seen varying levels of new housing and employment development that have helped to support local shops and services, address local issues, provide for local needs and facilitate investment by local businesses in job opportunities. In some of the District's more remote villages, hamlets and other rural communities a flexible approach to small-scale housing development has helped keep those communities vibrant. Improvements to the telecommunications network and internet broadband services have given these areas a new lease of life with more people able to work, shop and learn from the comfort of their own home.

An increasing number of communities will be developing their own Neighbourhood Plans and promoting community-led development as a means of bringing about positive changes and meeting specific needs and aspirations of local people and businesses.

Throughout the District's countryside and farming communities, a diverse variety of employment and leisure opportunities will have grown up in support of the rural economy and achieving significant investment in the long-term custodianship of the environment. Many parts of the District will have witnessed the creation of diverse wildlife habitats that expand upon and enhance Tendring's intrinsic network of green infrastructure and attractive natural landscapes. Growth in ecology over the District will have not only helped support the diversification of the rural economy,

but will have made a critical and meaningful contribution in mitigating and adapting to climate change along with the delivery of ambitious targets for bio-diversity net gain.

Any new development will need to obtain the following outcomes:

1. Creating the right balance of jobs, housing and infrastructure;
2. Ensuring that development is sustainable in terms of location, use and form;
3. Balancing the development needs of the District with the protection and enhancement of the natural, historic and built environment;
4. Excellent services and facilities easily accessed by local communities and businesses;
5. More walkable places and an excellent choice of ways to travel;
6. Vibrant, well connected town and productive countryside;
7. Avoid, then mitigate and, as a last resort, compensate for adverse impacts of development on the built, historic and natural environment to achieve a net gain in biodiversity while capitalising on these features;
8. Stronger, more self-reliant town and countryside with thriving centres;
9. Enhanced quality of life for all residents;
10. Working with partners and residents to develop a place where people really matter;
11. All new developments should reduce the causes of, adapt to and mitigate against climate change.

OBJECTIVES

Objective 1: Housing Delivery

- To provide new dwellings within Tendring District up to 2041 of sufficient variety in terms of location of sites, size, types, tenure and affordability to meet the needs of a growing and ageing population in full.
- To deliver high quality sustainable new communities.

Objective 2: Employment/Commercial

- To create the conditions for economic growth and employment opportunities across a range of economic sectors including established business sectors and those sectors projected to grow in the future such as renewable energy and care and assisted living.
- To provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth in the period up to 2041.

Objective 3: Town Centre Development

- To promote the vitality and viability of the town centres through the promotion of retail and other related uses, exploiting the benefit of enhanced growth of the towns whilst retaining the best and valued aspects of their existing character, as well as responding appropriately to changes in the way people enjoy shopping and other leisure activities, and competition for trade arising from other centres, both within and outside of the District.

Objective 4: Infrastructure Provision

- To make efficient use of existing transport infrastructure and ensure sustainable transport opportunities are promoted in all new development. Where additional capacity is required in the form of new or upgraded transport infrastructure, to ensure this is provided as necessary in connection with new development.
- To enable provision of upgraded broadband infrastructure and services.

- To ensure that new growth brings opportunities to enhance existing services, facilities and infrastructure for the benefit of existing and new communities.
- To ensure that flood defence infrastructure is considered so that future developments take into consideration the impacts of climate change.
- To ensure there is adequate capacity in the foul water sewerage infrastructure to meet existing and future needs, and to safeguard the water quality and the special environment of the District.

Objective 5: Education and Health

- To improve and provide good quality educational opportunities and prospects for Tendring's residents as part of the sustainable community strategy. This includes practical vocational training and apprenticeships.
- To work with partners in the National Health Service, local health organisations, Essex County Council and local community groups to ensure adequate provision of healthcare and multi-use facilities to support growing communities.
- To work with Public Health to promote and encourage healthy lifestyles through developments and planning to ensure that the people of Tendring have opportunities to be as healthy as possible.

Objective 6: Sustainability

- To locate development within Tendring District where it will provide the opportunity for people to satisfy their needs for employment, shopping, education, and other services locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of the car.

Objective 7: The Historic Environment

- To conserve and enhance Tendring District's historic environment, including: heritage; respecting historic buildings and their settings; heritage assets; landscapes; links; and views.

Objective 8: Biodiversity

- To provide a network of interconnected multi-functional natural green and blue spaces which secures a net gain in biodiversity and geodiversity; promotes healthy lifestyles; and enhances the quality of the natural and built environment.

Objective 9: Water and Flood Risk

- To reduce the risk of all types of flooding by securing the appropriate location and design of new development (incorporating SuDs where appropriate), having regard to the likely impact of climate change.

Objective 10: Tourism Promotion

- To work with partners to provide an enhanced environment for tourism and the maritime sector and its associated services.

Objective 11: Climate Change

- To provide developments that reduce carbon emissions and are ready to adapt to and mitigate the effects of climate change.

A.1 APPENDIX 2

PLANNING POLICY AND LOCAL PLAN COMMITTEE

27 FEBRUARY 2024

REPORT OF THE DIRECTOR (PLANNING)

A.3 LOCAL PLAN REVIEW: VISION AND OBJECTIVES REVISITED

(Report prepared by Paul Woods and Gary Guiver)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the Planning Policy and Local Plan Committee's comments on, and approval for an updated version of the Local Plan's overarching Vision and Objectives for the purpose of the Local Plan review and associated public consultation.

EXECUTIVE SUMMARY

Background

Chapter 2 of the Council's adopted Local Plan (Section 2) sets out an overarching vision and associated set of objectives to guide the planning of the District up to 2033. The vision and objectives underpin many of the policies and proposals in the Local Plan that the Council, working with partners, are seeking to implement over the Plan's time-frame.

In reviewing the Local Plan and extending its timeframe to 2041, it will be appropriate to revisit the vision and objectives – albeit in line with the overarching principles agreed by the Committee at its last meeting on 20 December 2023 which included: *“The vision and objectives within Section 2 of the current Local Plan adopted in 2022 will be carried forward, broadly unchanged, into the adopted Local Plan to apply to the extended period to 2041. They will however be amended selectively and as necessary to reflect changes in national policy, updated evidence and the potential opportunities arising from Freeport status, particularly in relation to Harwich, Bathside Bay and the A120 corridor.”*

Because the vision and objectives in the current Local Plan were already designed to cover the period to 2033 (some nine years away from now) and were only adopted by the Council as recently as 2022, it would be reasonable not to expect the update to bring about any fundamental change in the overall approach and direction – assuming that a positive vision for the District in 2033 can sensibly form the basis of a positive vision for the extended period to 2041. However, the Local Plan review naturally provides an opportunity to check that the vision and objectives are accurate and reflect the most up-to-date position – including, as suggested above, the opportunities arising from Freeport East; but also on the priorities in Council's latest Corporate Plan (Our Vision) and progress on the Levelling-Up projects in the District and the Jaywick Sands Place Plan.

A.1 APPENDIX 2

Another overarching principle agreed by the Committee in December 2023 was that: *“The general format, chapter headings and policy subject order in the updated Local Plan will broadly follow that of the current Section 2 Local Plan – accepting that some policies may be added and others deleted, as necessary. This will ensure a sensible level of continuity and understanding and to minimise confusion for residents, Parish and Town Councils and other interested bodies - particularly given how recently the current Local Plan was put in place.”* Officers therefore recommend that the way in which the vision and objectives are currently presented in the Local Plan be carried forward, broadly unchanged.

Local Plan Review Process

The process for reviewing the Local Plan will follow key stages that involve public consultation – the first of which will be the ‘Issues and Options’ stage where the Council will invite public comments on the broad direction of the Local Plan. Comments received at Issues and Options stage will then be taken into account when producing the first detailed draft of the updated Plan. Officers suggest that given the high-level and strategic nature of the Local Plan’s overarching vision and objectives, it would be useful to consult the public on an updated version of these at the initial ‘Issues and Options’ stage – accepting that these might need to be amended further when it comes to the later ‘Preferred Options’ and ‘Submission’ stages, once the Council has had the opportunity to consider the public’s comments, and as the detail of the Local Plan (including the longer-term need and associated strategy for growth) becomes clearer.

Vision

Appendix 1 of this report contains an updated version of the Local Plan’s overarching vision presented in the form of ‘tracked changes’ to highlight, for ease of reference, changes from the current Local Plan – as suggested by Officers. These suggested changes to the vision notably seek:

- To give stronger and clearer commentary around Harwich and the A120 corridor – particularly in terms of economic and housing growth likely to be generated in response to Freeport status and progress of development at Bathside Bay; as well as the Levelling-Up scheme for Dovercourt Town Centre. Implied within this is the likelihood that when it comes to generating options for the long-term housing and employment growth over the extended period to 2041, Officers will be looking closely at land in and around Harwich and the A120 corridor, alongside other reasonable options.
- To comment more positively on the potential for economic growth in the Clacton area reflecting the significant private investment in seaside attractions, the Levelling Up schemes for the library and civic area of the town centre and greater reference to the role of the business sector and the modernisation of business premises. The vision for the Clacton area might be the

A.1 APPENDIX 2

subject of ongoing refinement to reflect work on a long-term strategic plan for the area, as required by government as part of the Levelling-Up Partnership.

- To comment specifically on the Sunspot Workspace scheme and Jaywick Sands Place Plan, which have progressed significantly since the Local Plan was adopted in 2022.
- To update the section on the Tendring Colchester Borders Garden Community to reflect elements of the vision within Section 1 of the Local Plan which would otherwise be lost once Section 1 and Section 2 are both superseded by a single Local Plan; to emphasise the economic opportunities around the Garden Community; and to reflect the progress on the planning of the Garden Community – particularly the advancement of the Development Plan Document, the link road and rapid transit system and positive collaborative work with partner Councils and the Lead Developer.
- To reflect, where necessary, priorities in the Council's new Corporate Plan 2024-2028 (Our Vision) and to give greater reference to health and energy efficiency as themes where the vision statement could better reflect the priority given to these within the Local Plan itself.
- To better reflect the new requirements around biodiversity net gain and habitat creation.
- To make grammatic and other consequential wording improvements as necessary.

As it stands, Officers are recommending only subtle amendments to the section of the vision that talks about Tendring's rural heartland in the interest of accuracy – acknowledging that a significant amount of new housing development has taken place, or is still under-construction or has planning permission in and around Manningtree, Lawford and Mistley; and certain rural villages including (but not limited to) Alresford, Elmstead Market, Great Bentley and Thorpe le Soken – with many of these developments having been granted planning permission on appeal and against local wishes. The Council might, or might not, need to review the wording of this section again following consultation on Issues and Options if, having determined how much new housing is required to meet any residual requirement for long-term growth, there needs to be a particular focus for any further growth, of a strategic nature, in the District's rural areas. This can only be determined once the growth requirements have been clarified and reasonable options have been assessed.

Objectives

Appendix 2 to this report contains a related tracked-changes version of the Local Plan's objectives that relate to the following topics:

- Objective 1: Housing Delivery;
- Objective 2: Employment/Commercial;
- Objective 3: Retail Development;

A.1 APPENDIX 2

- Objective 4: Infrastructure Provision;
- Objective 5: Education and Health;
- Objective 6: Sustainability;
- Objective 7: The Historic Environment;
- Objective 8: Biodiversity;
- Objective 9: Water and Climate Change; and
- Objective 10: Tourism Promotion.

At this point in time, Officers consider that these ten objectives, as currently written in the adopted Local Plan, remain appropriate and could reasonably be carried forward into an updated Local Plan with an extended time-frame to 2041, with only limited necessary changes. An additional objective specifically around Climate Change is also proposed. Through public consultation at Issues and Options stage and subsequent stages, the Council can invite suggestions for any changes that can be considered as the Plan emerges in more detail; but as it stands, Officers are not suggesting any significant revisions.

RECOMMENDATION

That the Planning Policy and Local Plan Committee:

- a) notes the content of this report;**
- b) considers and comments on the Local Plan Vision and Objectives and Officers' suggested updates shown, with tracked changes, in Appendices 1 and 2 to this report;**
- c) agrees for the updated Vision and Objectives, with any additional amendments discussed and agreed by the Committee, to be included for public consultation in due course as part of the 'Issues and Options' stage of the Local Plan review process; and**
- d) invites the Cabinet to comment on and amend, as necessary, the Vision and Objectives as agreed under c) above before they are published as part of the aforementioned Issues and Options consultation – to ensure and confirm alignment with the Council's corporate vision.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Ensuring the District has an up-to-date Local Plan is a high priority for the Council and the review of the Local Plan is identified as a priority within the Corporate Plan 2024-2028. On 20 December 2023, the Planning Policy and Local Plan Committee agreed a set of overarching principles that will guide the review of the Local Plan. The policies and proposals in the Council's current Local Plan is

A.1 APPENDIX 2

underpinned by an overarching vision statement and a related set of strategic objectives that were examined and found to be sound by the government-appointed Planning Inspector before the Local Plan was adopted. The vision and objectives will be revisited as part of the Local Plan review.

RESOURCES AND RISK

The overall review and update of the Local Plan will be managed by the Council's Planning Policy Team utilising funds from the agreed Local Plan budget – as set out in the report to the Planning Policy and Local Plan Committee on 20 December 2023. The update to the Vision and Objectives has been undertaken in-house as a discrete exercise by Officers without the need to engage any external support, drawing upon the content of the existing adopted Local Plan and other relevant information and knowledge available.

In putting a revised version of the Vision and Objectives out to public consultation as part of the Issues and Options and subsequent consultation stages of the review process, the Council will be inviting feedback which could include suggested changes. These would be given due consideration by the Council as part of the Local Plan review – but in line with the overarching principles agreed by the Committee in December 2023, a fundamental change in approach

The preparation of a Local Plan is guided by legislation and regulations, which inform various stages of work and consultation that must be undertaken before the plan can be lawfully adopted. Third parties can apply for a Judicial Review if they feel the Council have acted unlawfully or have not followed the correct legal process. In order to mitigate the risk of Judicial Review, officers in the Planning team will work closely with colleagues in Legal Services to ensure all relevant processes are adhered to throughout the programme of works, as well as following up-to-date advice from the Local Government Association's Planning Advisory Service.

LEGAL

Planning legislation and the National Planning Policy Framework (last updated in December 2023) place Local Plans at the heart of the planning system, so it is essential that they are in place and kept up to date. The NPPF expects Local Plans to set out a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

The terms of reference of the Planning Policy and Local Plan Committee includes the exercise of the Council's functions, powers and duties in relation to the preparation of the District Council's Local Plan, including ensuring that it meets the "tests of soundness" set out in the NPPF. This report does not require any recommendations to Full Council – but it is recommended that the outcome be reported to the Cabinet for comment, to ensure the proposed vision and objectives for the Local Plan align with the corporate priorities.

OTHER IMPLICATIONS

A.1 APPENDIX 2

Area or Ward affected: All wards.

Consultation/Public Engagement: The Local Plan Review will involve the same statutory stages of Consultation and Public Engagement as the original preparation of the Local Plan. It is recommended that the updated Vision and Objectives be published for public consultation as part of the Issues and Options stage and are revised as necessary for the subsequent Preferred Options consultation (regulation 18) and Publication Draft consultation (regulation 19). Once submitted, if the Local Plan Inspector considers that main modifications are required to make the Plan sound, a further consultation on these modifications would be required.

APPENDICES

Appendix 1 – Suggested Changes to the Local Plan’s Vision
Appendix 2 – Suggest Changes to the Local Plan’s Objectives

BACKGROUND PAPERS

None.

A.1 APPENDIX 2

APPENDIX 1: SUGGESTED CHANGES TO THE LOCAL PLAN'S VISION

Additions shown as underlined and deletions shown as ~~struck through~~.

VISION

In ~~2033~~ 2041, ~~the~~ Tendring District will be a vibrant, healthy and attractive place to live, work and visit. It will have a thriving, resilient and prosperous economy that promotes sustainable economic growth, making sustainable use of its natural and historic environments, maritime connections and popularity as a visitor destination.

~~Tendring~~ The District's residents will ~~have the opportunity~~ be able to enjoy a safe and healthy quality of life in communities that offer a range of high-quality new housing ~~which~~ that ~~meets~~ local needs, with job opportunities across a variety of employment sectors and other important services and facilities, including ~~improved~~ modern health, education and retail/leisure provision. Residents and visitors will be able to enjoy a variety of landscapes including a tidy coast, the open countryside with its elements of natural beauty, ~~a wealth of wildlife areas where biodiversity has been conserved and enhanced~~ and a diverse range of attractive historic settlements, landscapes and assets, and an integrated and expanding network of protected wildlife-rich areas which are conserved and enhanced. The District will be home to people of all ages and abilities, providing a range of activities, attractions and facilities that will appeal to the active retired, the young and residents of working age. ~~The District;~~ and will also provide for the specialist needs of all people ensuring, in particular, that children and young people have the knowledge and skills ~~to secure the opportunity~~ for a good start in life.

Tendring District's coastal area places economic, social and environmental considerations at the forefront of climate change and therefore there will be a need ~~to place~~ for adaptation and mitigation against climate change at the centre of sustainable development.

Seaside Towns

Clacton-on-Sea will have established itself as the place everyone wants to live and the economy will have seen a significant resurgence with new job opportunities; particularly in the business, retail, leisure, hospitality and health sectors. ~~With~~ This growth will have been driven, in part, by the rejuvenation of the town's attractive and safe beaches and multi-million-pound private investment in its seafront attractions (including the coastal protection scheme between Holland Haven and Clacton), alongside public investment of Levelling Up funding in redeveloping the town centre's library and civic area. The town will have seen the emergence of high-quality a variety of attractive shops, restaurants and cafes and leisure facilities in the town centre, as well as the creation of new country parks, the modernisation of premises across its business and industrial parks and the construction of hundreds of new high-quality, energy efficient, accessible and spacious and much sought-after houses, bungalows and retirement complexes, ~~the economy will have seen a significant resurgence with new job opportunities in the retail, leisure, hospitality and health sectors. The people of Clacton and the wider area will have access to a modern health facilities including the Diagnostic Centre at Clacton Hospital.~~

A.1 APPENDIX 2

Clacton will have preserved and enhanced its heritage features and ~~still~~ maintained its tourism roots, building a thriving local tourism industry. ~~But~~ as well as attracting holiday makers, the town will provide a range of activities and attractions that ~~our~~ older residents can enjoy with their children and grandchildren at the weekends and during the school holidays, and a strong evening economy where people from the town and surrounding areas will come for a fun and relaxing evening with their friends and colleagues in some of the town's new and trendy restaurants, nightclubs and entertainment venues.

In Jaywick Sands, regeneration projects will continue to raise the standard of living in this part of Clacton – building on the success of the Sunspot Workspace Scheme, renewed sea defences, improved housing conditions and the delivery of other projects the Jaywick Sands Place Plan. The people of Jaywick Sands will have seen, through the provision of a deliverable development framework, be able to enjoy a sustainable community with associated economic, community and employment opportunities.

~~The town will also have new training facilities with a centre of excellence for health and assisted living.~~

Frinton-on-Sea and Walton-on-the-Naze will enjoy year-round prosperity whilst retaining their very distinctive individual characteristics. Walton will have seen the biggest change ~~with~~ following an injection of new housing, holiday accommodation, shops and leisure attractions bringing vitality to the town centre and core visitor areas, with ~~new~~ improved medical facilities serving the resident population. Frinton will have also seen some new homes and improvements to public spaces whilst continuing to offer a unique and non-commercialised shopping and leisure experience to its residents and its visitors. Both settlements will have succeeded in preserving and enhancing their special historic character.

Harwich, Freeport East and the A120 Corridor

The Harwich area will have experienced an economic resurgence ~~with more jobs and a number of major employers operating in the area with developments including Stanton Europark, Harwich Valley and Carless making the most of the A120~~ following the designation of Harwich Port and other sites along the A120 corridor as part of 'Freeport East' (alongside Felixstowe Port and Gateway 14 in Suffolk). The tax, customs and other business incentives offered by Freeport status will have resulted in considerable private investment and new jobs for local people in industrial activities, logistics and emerging green energy sectors with new developments at Bathside Bay, Horsley Cross and other sites with good access to the A120 and the local population. Bathside Bay will be playing a critical role in the medium term, servicing the expansion, construction and maintenance of off-shore wind farms with more jobs to come in the long-term through the construction and completion of a new container port and associated small boat harbour.

~~As a result~~ The increase in work opportunities will have generated a significant demand for training facilities and new homes in the Harwich and Dovercourt area particularly for working people and families both in the local area and moving in from elsewhere. This boost in demand in the housing market will have picked up and resulted in a number of high-quality housing developments ~~will have taken place.~~ The Old Town of Harwich will offer new leisure activities and ~~a number of~~ visitor attractions associated with its maritime history, ~~including the Mayflower.~~ Dovercourt Town Centre and seafront will have also improved its offer of a year-round shopping and leisure experience

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following significant public investment through the Levelling-Up Fund in its public spaces and improved connections. These benefits will have taken place whilst continuing to preserve and enhance the town's maritime heritage through careful consideration of its associated buildings, structures and coastal landscapes.

Tendring Colchester Borders Garden Community

The Neighbouring City of Colchester will have been the focus for significant growth in jobs and housing and will have continued to develop a thriving economy that will benefit Tendring District's residents, many of whom commute into the town each day for work. A new Garden eCommunity will be developed to the east of Colchester, developed in accordance with a detailed Development Plan Document (DPD) on garden community principles, and positive collaborative working with Colchester City Council, Essex County Council and the lead developers, which takes advantage of its strategic position in relation to Colchester and its proximity to the university to maximise the economic benefits to current and future residents of Tendring. The Garden Community will provide with necessary infrastructure and facilities provided and a high-quality of built and urban design. With major investment in rapid transit services to the town centre, pedestrian and cycle connections and a new link road between the A120 and A133, the management of traffic congestion will have improved, and along with provision of upgraded broadband infrastructure and services.

The University of Essex will be one of the leading research and development facilities in the country and, as a result, businesses will have moved to the area to benefit from its expertise and improved transport links. The new garden suburb Garden Community crossing the Colchester Borough City and Tendring District boundary will be a much sought-after place to live. It will provide the right balance of jobs, housing and infrastructure in the right locations and will attract residents and businesses who value innovation, community cohesion and a high-quality environment, and who will be provided with opportunities to take an active role in managing the community to ensure its continuing success.

Residents will live in high-quality and innovatively designed homes, which accommodate a variety of needs and aspirations and are located in well-designed neighbourhoods where they can meet their day-to-day needs. There will be a network of tree-lined streets and green spaces, incorporating and enhancing existing landscape features and also accommodating safe and attractive routes and space for sustainable drainage solutions; and leisure and recreation opportunities for both residents and visitors of the garden community.

Suitable models for the long-term stewardship of community assets will be established and funded to provide long term management and governance of assets. All Garden City principles as specified in the North Essex Garden Communities Charter will be positively embraced including where appropriate, new approaches to delivery and partnership working for the benefit of the new community. Central to this will be the comprehensive planning and development of the garden community, and the aligned delivery of homes and supporting infrastructure.

Rural Heartland

In the District's substantial rural heartland, the smaller towns of Manningtree, Lawford, Mistley and Brightlingsea, along with some of the larger villages, will have seen some modest varying levels of

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new housing and employment development ~~to support~~ that have helped to support local shops and services, address local issues, provide for local needs and facilitate investment by local businesses in job opportunities. In some of the District's more remote villages, hamlets and other rural communities a flexible approach to small-scale housing development has helped keep those communities vibrant. Improvements to the telecommunications network and internet broadband services have given these areas a new lease of life with more people able to work, shop and learn from the comfort of their own home.

An increasing number of communities will be developing their own Neighbourhood Plans and promoting community-led development as a means of bringing about positive changes and meeting specific needs and aspirations of local people and businesses.

Throughout the District's countryside and farming communities, a diverse variety of employment and leisure opportunities will grown up in support of the rural economy along with significant investment in the long-term sustainability and stewardship of the environment including habitat creation to support the requirements for bio-diversity net gain.

Any new development will need to obtain the following outcomes:

1. Creating the right balance of jobs, housing and infrastructure;
2. Ensuring that development is sustainable in terms of location, use and form;
3. Balancing the development needs of the District with the protection and enhancement of the natural, historic and built environment;
4. Excellent services and facilities easily accessed by local communities and businesses;
5. More walkable places and an excellent choice of ways to travel;
6. Vibrant, well connected town and productive countryside;
7. Avoid, then mitigate and, as a last resort, compensate for adverse impacts of development on the built, historic and natural environment to achieve a net gain in biodiversity and while capitalising on these features;
8. Stronger, more self-reliant town and countryside with thriving centres;
9. Enhanced quality of life for all residents;
10. Working with partners and residents to develop a place where people really matter;
11. All new developments should ~~account for~~ reduce the causes of, adapt to and mitigate against climate change.

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APPENDIX 2: SUGGESTED CHANGES TO THE LOCAL PLAN'S OBJECTIVES

Additions shown as underlined and deletions shown as ~~struck through~~.

Objective 1: Housing Delivery

- To provide new dwellings within Tendring District up to ~~2033~~ 2041 of sufficient variety in terms of location of sites, size, types, tenure and affordability to meet the needs of a growing and ageing population in full.
- To deliver high quality sustainable new communities.

Objective 2: Employment/Commercial

- To create the conditions for economic growth and employment opportunities across a range of economic sectors including established business sectors and those sectors projected to grow in the future such as renewable energy and care and assisted living.
- To provide for the development of employment land on a variety of sites to support a diversity of employment opportunities and to achieve a better balance between the location of jobs and housing, which will reduce the need to travel and promote sustainable growth ~~up to the period of 2033~~ in the period up to 2041.

Objective 3: ~~Retail~~ Town Centre Development

- To promote the vitality and viability of the town centres through the promotion of retail and other related uses, exploiting the benefit of enhanced growth of the towns whilst retaining the best and valued aspects of their existing character, as well as responding appropriately to changes in the way people enjoy shopping and other leisure activities, and competition for trade arising from other centres, both within and outside of the district.

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Objective 4: Infrastructure Provision

- To make efficient use of existing transport infrastructure and ensure sustainable transport opportunities are promoted in all new development. Where additional capacity is required in the form of new or upgraded transport infrastructure, to ensure this is provided as necessary in connection with new development.
- To enable provision of upgraded broadband infrastructure and services.
- To ensure that new growth brings opportunities to enhance existing services, facilities and infrastructure for the benefit of existing and new communities.
- To ensure that flood defence infrastructure is considered so that future developments take into consideration the impacts of climate change.
- To ensure there is adequate capacity in the foul water sewerage infrastructure.

Objective 5: Education and Health

- To improve and provide good quality educational opportunities and prospects for Tendring's residents as part of sustainable community strategy. This includes practical vocational training and apprenticeships.
- To work with partners in the National Health Service, local health organisations, Essex County Council and local community groups to ensure adequate provision of healthcare and multi-use facilities to support growing communities.
- To work with Public Health to promote and encourage healthy lifestyles through developments and planning to ensure that the people of Tendring have opportunities to be as healthy as possible.

Objective 6: Sustainability

- To locate development within Tendring District where it will provide the opportunity for people to satisfy their needs for employment, shopping, education, and other services

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locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of the car.

Objective 7: The Historic Environment

- To conserve and enhance Tendring District's historic environment, including: heritage; respecting historic buildings and their settings; heritage assets; landscapes; links; and views.

Objective 8: Biodiversity

- To provide a network of interconnected multi-functional natural green and blue spaces which secures a net gain in biodiversity and geodiversity; promotes healthy lifestyles; and enhances the quality of the natural and built environment.

Objective 9: Water and ~~Climate Change~~ Flood Risk

- To reduce the risk of all types of flooding (~~all types~~) by securing the appropriate location and design of new development (~~including incorporating SuDs where appropriate~~), having regard to the likely impact of climate change.

Objective 10: Tourism Promotion

- To work with partners to provide an enhanced environment for tourism and the maritime sector and its associated services.

Objective 11: Climate Change

- To provide developments that reduce carbon emissions and are ready to adapt to and mitigate the effects of climate change.

CABINET

19 APRIL 2024

REPORT OF THE PORTFOLIO HOLDER FOR CORPORATE FINANCE AND GOVERNANCE

A.2 FINANCIAL PERFORMANCE REPORT 2023/24 – GENERAL UPDATE AT THE END OF DECEMBER 2023

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide a general update and overview of the Council's financial position against the 2023/24 budget and looking ahead to 2024/25 and beyond.

EXECUTIVE SUMMARY

- These regular finance reports present the overall financial position of the Council by bringing together in-year budget monitoring information and timely updates on the development of the long-term forecast.

The report is split over two distinct sections as follows:

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

- As this report is presented later than in previous years, it has been timely to also focus on the estimated outturn position and not just the position at the end of Q3, as well as looking ahead to a number of early changes to the budget in 2024/25. Section 1 of this report therefore reflects on these issues as well as their inclusion in **Appendix H** accordingly.

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

- The position to the end of December 2023, as set out in more detail within the appendices, shows that overall the General Fund Revenue Account is underspent against the profiled budget by **£3.823m**. This is primarily due to the timing of expenditure and income in addition to the items set out in **Appendix H**.
- As was the case at the end of Q2, there are only a limited number of variances that have developed during the second half of the year, given the various adjustments already 'built' into the 2023/24 base budget along with the changes highlighted at the end of the first two quarters of the year.
- However, the additional issues that have emerged or developed further during the second half of the year are discussed in more detail further on in this report.

- In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, additional details are set out later on in this report where necessary.
- Any emerging issues will be monitored and updates provided in future reports, which will include their consideration as part of updating the long-term financial forecast where necessary.
- A limited number of in-year budget adjustments are proposed as set out in **Sections 1 and 2 of Appendix H**, with an associated recommendation also included within this report. The same appendix also sets out a number of proposed budget adjustments in 2024/25, which reflect the impact from decisions relating to fees and charges along with identification of a number of additional cost pressures.
- The overall net impact of the proposed budget adjustments set out in **Appendix H** will be adjusted against the Forecast Risk Fund.
- One of the proposed adjustments in **Appendix H** relates to External Audit Fees. As set out later in this report, it is proposed to appoint BDO (the Council's outgoing External Auditors), via a procurement exemption, to undertake the necessary certification of three housing benefit subsidy returns to the Government.
- The Council has been awarded further funding as part of the second round of the Swimming Pool Support fund made available by Sport England. Additional details are set out later in this report (along with the necessary budget adjustment included within **Appendix H**), with an associated recommendation set out below to accept the funding and seek the necessary delegations to undertake the required governance activities.
- As previously requested by Cabinet, it was proposed to provide updates against two carry forwards from 2022/23 relating to the HR and Career Track Services. As set out elsewhere in this report, as work is underway to finalise the outturn position for the year, it is now proposed to provide an update that reflects the final position for the year, which will be reported to Cabinet in June / July. A recommendation is included to reflect this proposed approach.
- Although subject to the approval of the adjustments set out in **Appendix H**, it is proposed to allocate a further **£0.100m** to support the work associated with the options appraisal / tender of the Waste and Street Cleansing Contract. Additional details are set out elsewhere in this report along with an associated delegation included within in the recommendations below.
- A further recommendation is also included below to provide the necessary flexibility regarding the allocation of funding to the Levelling Up Fund project in Clacton and the Capital Regeneration Programme project in Dovercourt. Additional details are set out elsewhere in this report which highlights that no additional funding is being requested at this stage, but simply an associated delegation to enable the most advantageous allocation of funding from within the overall project budgets.

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

- A summary of the most up to date position for 2024/25 and beyond was considered by Full Council on 13 February 2024 as part of agreeing the detailed budget.
- There have been no changes made to the forecast position mentioned above, but for completeness, a summary is set out further on in this report.
- As set out in the report to Full Council on 13 February 2024, future year's estimated annual deficits remain significant against the context of the Council's overall net budget. However, along with the forecast risk fund, the forecast / budget considered by Full Council on 13 February 2024 does provide flexibility in terms of developing the required framework in which to identify the necessary savings to support an on-going financially sustainable position over the next few years and in turn the time to make better-informed decisions.
- It is important to highlight that based on the latest forecast, the Forecast Risk Fund still remains in a surplus position to support the Council's financial position over the period from 2024/25 to 2026/27.
- The level of time and resources required to not only develop the above framework but to deliver the required savings, should not be underestimated, especially when set against other existing commitments such as delivering the Levelling Up projects and Freeports. There therefore needs to be a clear focus on the timely development of the plan whilst managing competing resources over the coming months.
- As mentioned in previous reports, consideration will be given to extending the current forecast period beyond 2026/27 during the year, as the long-term forecast approach still provides an effective method of managing financial risks, and remains underwritten by the Forecast Risk Fund.
- The primary risks to the forecast remain as in earlier forecast reports and these relate to the successful delivery of the necessary savings alongside the management of emerging cost pressures.
- The challenges faced by the Housing Revenue Account also remain significant and include increased expectations and requirements that are emerging from the Social Housing Regulation Act and associated enhanced powers of the Housing Regulator. The HRA 30 Year Business plan will continue to be developed over the coming weeks / months with the aim of responding to such challenges set against the wider context of continuing to provide a financially sustainable position in the long term.

RECOMMENDATION(S)

It is recommended that Cabinet:-

- (a) notes the Council's in-year financial position at the end of December 2023 along with the latest financial update / forecast;**
- (b) approves the proposed adjustments to the 2023/24 budget, as set out in Section 1 and 2 of Appendix H;**

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

REASON(S) FOR THE RECOMMENDATION(S)

To set out the financial position for the Council and to respond to emerging issues in 2023/24 along with developing the budget and long term forecast from 2024/25.

ALTERNATIVE OPTIONS CONSIDERED

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

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

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

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

Effective budgetary control is an important element underpinning the above to ensure the financial stability of the authority by drawing attention to issues of concern at an early stage so that appropriate action can be taken.

OUTCOME OF CONSULTATION AND ENGAGEMENT

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

LEGAL REQUIREMENTS (including legislation & constitutional powers)

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

		prior to the meeting date)
Yes	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:	
<p>The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in Part 1 of the Local Government Act 1999 (“the 1999 Act”) to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. In practice, this covers issues such as how authorities exercise their functions to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services and secure value for money in all spending decisions.</p> <p>Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management. They are also required, pursuant to section 3 of the 1999 Act, to consult on the purpose of deciding how to fulfil the Best Value Duty.</p> <p>Government have recently consulted on revised Statutory Guidance on the Best Value Duty issued to local authorities in England under section 26 of the 1999 Act, which best value authorities are required to have regard to. To provide greater clarity to the sector on how to fulfil the Best Value Duty, the draft statutory guidance sets out seven overlapping themes of good practice for running an authority that meets and delivers best value. These seven best value themes build on the lessons learned from past interventions, including those which the Government published in June 2020, and reflect what most local authorities already do or are striving to achieve. While these themes are all interdependent, strong governance, culture, and leadership underpin effective partnerships and community engagement, service delivery, and the use of resources, continuous improvement is the outcome of all the themes working well together. A detailed description of these themes, including characteristics of a well-functioning local authority and indicators used to identify challenges that could indicate failure, is set out within the draft guidance and financial management and sustainability is a reoccurring expectation throughout the themes and indicators.</p>		
FINANCE AND OTHER RESOURCE IMPLICATIONS		
<p>The financial implications are set out in the body of the report.</p> <p>Although the availability of financial resources is a key component in the delivery of services there will also need to be appropriate input of other resources such as staffing, assets and IT.</p> <p>The long term approach to the forecast highlighted in this report has been discussed with the Council’s new External Auditor, albeit informally. There were no major concerns raised but they will undertake their own independent and detailed review as part of their commentary on the Council’s use of resources.</p> <p>In terms of the Council’s previous External Auditor, their work remains focused on the outstanding Statement of Accounts for 2020/21 to 2022/23. It is hoped that they will be in a position to provide their own updated commentary on the Council’s use of resources during 2024/25.</p>		

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

It is worth highlighting that it has been identified via the work associated with preparing this report that there are a number of areas of the budget where Services have committed / incurred expenditure ahead of associated actions, such as decisions to vary contracts / budgets etc. A review is therefore underway, in consultation with the Council's Monitoring Officer, alongside the work associated with finalising the outturn position for the year and further information will be presented to Members as necessary.

USE OF RESOURCES AND VALUE FOR MONEY

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

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

MILESTONES AND DELIVERY

This reports forms part of the Council's wider budget setting and monitoring processes. In respect of 2023/24, a financial outturn report is planned to be presented to Cabinet in June / July. In terms of the long term forecast, further updates will be presented to Members during 2024/25.

ASSOCIATED RISKS AND MITIGATION

In respect of 2023/24, although there are a number of budget adjustments set out within **Appendix H** along with further potential adjustments highlighted later on in this report, it is expected that any adverse issues can be accommodated within the overall existing net budget position for the year rather than having to 'call' on reserves or other one-off budgets.

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

It is also worth highlighting emerging risks associated with the establishment of the Office for Local Government (OFLOG) and the enhanced role of the Housing Regulator via the Social Housing Regulation Act. These will undoubtedly have significant financial consequences for Local Authorities, either directly or where increased capacity may be required to respond to any emerging requirements. This will be considered further as part of developing the forecast over the coming months.

As highlighted later on in this report, the Forecast Risk Fund remains available to support the longer-term approach, with the additional contributions made to the reserve in 2023/24

providing further flexibility in terms of developing the required framework in which to identify the necessary savings to support an on-going financially sustainable position over the next few years.

However, it is important to note that the Council still prudently maintains reserves to respond to significant / specific risks in the forecast such as **£1.758m** (NDR Resilience Reserve) and **£1.000m** (Benefits Reserve), which can be taken into account during the period of the forecast if necessary. The Council also holds **£4.000m** in uncommitted reserves, which reflects a best practice / risk based approach to support its core financial position.

EQUALITY IMPLICATIONS

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

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

SOCIAL VALUE CONSIDERATIONS

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

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

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

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

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

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

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

Crime and Disorder

Health Inequalities

Area or Ward affected

Please see comments above

PART 3 – SUPPORTING INFORMATION

SECTION 1 – IN YEAR FINANCIAL PERFORMANCE AGAINST THE BUDGET AT THE END OF DECEMBER 2023

The Council's financial position against the approved budget has been prepared for the period ending 31 December 2023, with updates provided against the major elements as follows:

GENERAL FUND REVENUE

As set out in the report to Full Council on 13 February 2024, a number of budget adjustments were highlighted for 2024/25, where there was an associated impact in 2023/24. At the time it was stated that these would be kept under review and formally reported to Cabinet as part of

the Q3 Financial Performance Report 2023/24. In-line with this request, these adjustments have been reviewed and included in **Section 1a of Appendix H**, with any further adjustments emerging set out in **Section 1b** of the same appendices.

As highlighted above and within earlier reports, although there are a number of adverse issues emerging as highlighted in **Appendix H** and below, it is still expected that such issues will be more than offset by favourable variances and so they will be able to be accommodated within the overall net in-year financial position of the Council.

The position to the end of December 2023, as set out in more detail in the Executive Summary attached, shows that there is an overall net underspend of **£3.823m**. Apart from the impact associated with the proposed adjustments set out within **Sections 1a and 1b of Appendix H**, a number of the variances emerging / developing to date are due to the timing of expenditure and income, one example being the timing of when housing benefit payments are made and when the money is reimbursed by the Government via the associated subsidy system.

Notwithstanding the above, it is important to highlight the following:

Homelessness net costs– demand for temporary homeless accommodation remains high. Although the service remains committed to exploring options to respond to this demand in the most advantageous way, the net budget is proposed to be increased by a further **£0.250m** as set out in **Section 1a of Appendix H**. This is being reviewed as part of the work associated with finalising the outturn position for 2023/24, which may result in a worsening of the position for the year.

Careline Net Costs - as previously requested, a detailed report is planned to be presented to Cabinet in May, which although later than originally planned, it has enabled the necessary comprehensive review of the Service to be undertaken. Although subject to this separate report, budget adjustments have been prudently made in both 2023/24 and 2024/25 to meet potential additional net costs associated with the provision of the existing service.

Crematorium Income – as discussed earlier in the year, income has not recovered over the second half of the year, with the adjustment set out in **Appendix H** therefore reflecting the estimated outturn position for 2023/24.

Energy Costs – At the end of Q2, it was reported that there was a worrying position emerging against utility budgets. However since then, and as reflected in the 2024/25 budget, prices are reducing which should enable the outturn position to be accommodated within existing budgets (supported by the associated contingency sum). Energy costs have also been further supported by the money received from the Government as part of the Swimming Pool Fund grant scheme.

Engineering Services - The In-house Engineering Team undertake a number of activities on behalf of a range of Services across the Council, including the provision of a housing repairs services for the properties held within the HRA. At the present time, work remains on-going to finalise the outturn position for the year and although subject to the recharge to the HRA for the housing repair work undertaken, there may be an adverse 'balance' that remains against this Service's budget for the year that will have to be met from within the wider Directorate position.

New Burdens Funding – The Council has received a number of new burdens grants from the Government during the year, some of which is required to meet associated expenditure. However, it is expected that a number of grants can be treated as general income where work

has been undertaken within existing resources. This remains subject to finalising the outturn position for the year, but at the present time it is expected that money will be available to support the overall budget position for 2023/24.

External Audit Work – Certification of Housing Benefit Subsidy Returns to the Government – As set out in **Appendix H**, an additional budget of **£0.123m** is proposed to meet the cost of the audit work associated with finalising the three outstanding claims for 2021/22, 2022/23 and 2023/24. The work involved is based on full testing being undertaken by the External Auditors rather than potentially a ‘retesting’ approach, as this ‘frees up’ existing Officers to work on new / amended claims for benefits that are submitted by claimants on a more timely basis.

There are currently 8 Audit Firms that DWP have listed on their register that the Council can use to undertake the necessary testing and certification work, two of which are the Council’s outgoing Auditors (BDO) along with the Council’s new Auditors (KPMG). Although Councils can appoint any of the 8 listed firms, historically many local authorities engage the Auditors who are already independently appointed to undertake the necessary Statement of Account and Value for Money work, with this latter approach taken by this Council in recent years.

With this in mind, two quotes have been obtained from the both BDO and KPMG and based on the prices received, it is proposed to appoint BDO to undertake the necessary work. The alternative price received was in excess of **£0.150m** more than quoted by BDO. When appointing BDO previously they were able to satisfactorily demonstrate that they offered value for money when compared to the previous appointed audit firm and the wider market. Therefore taking, the above into account, they are still able to offer value for money.

Although there is the risk that BDO will be unable to complete the necessary work in a timely manner given the problems the Council has faced with obtaining the necessary sign off of the Statement of Accounts for 2020/21 through to 2022/23, they have given their assurance that the work can be undertaken by the end of November 2024, which is the date put forward to the DWP as the completion date for all outstanding claims. If the work is not completed on time, then DWP can start to withhold the reimbursement of housing benefit payments made to claimants, which could present a cash flow challenge.

Although subject to the proposed budget adjustment being approved, to enable BDO to be appointed, an associated recommendation is included above, which also seeks an exemption from procurement rules as an alternative to a full tender exercise being undertaken given the points highlighted above.

If the above is agreed, the necessary assurances will be sought from BDO via the associated engagement process.

Carry Forwards from 2022/23

At its meeting on 10 November 2023, Cabinet approved a number of carry forwards along with requesting that Officers provide an update on 2 of the items approved as part of the Q2 financial performance report. As the items are now subject to the outturn process for 2023/24, it is proposed to provide an update as part of the outturn process for the year that will be presented to Cabinet in June / July. The two carry forward items were as follows:

- HR Capacity - £0.111m
- Investment in the Career Track Service - £0.046m

GENERAL FUND – CAPITAL PROGRAMME

The overall position is set out in **Appendix 1D**.

As at the end of December 2023, the programme remained broadly on target against the profiled position.

As highlighted in the previous Financial Performance Report, the Starlings Capital Scheme remains subject to a formal review, with the outcome planned to be reported within a separate report later in the year. Based on the latest anticipated position, it remains likely that additional costs may emerge as part of its completion, although this remains subject to highways related activities that involve ECC. The overall scheme budget has been supported by a further by **£0.022m** that is available from S106 contributions with the associated adjustment set out in **Section 1c of Appendix H**.

The Council has also been successful in its bid to the second round of Sport England's Swimming Pool Support Fund grant scheme. The associated projects that were included within the bid are set out in **Section 1c of Appendix H**. Similar to the first round of the scheme, the terms of the grant funding requires the Council to operate the associated facilities for a period of 3 years from the date of the agreement. It should be noted that if any of the facilities do not remain open for the specified three year period, then the Council will need to contact Sport England for their approval, or the money could be 'clawed back'.

The specific conditions in the funding agreement are as follows:

4.4 The Applicant must obtain Sport England's prior written approval before closing (or permitting the closure of) a Facility, or limiting (or permitting the limitation of) the availability of a Facility below the levels required in the Approved Application, before the end of the relevant Facility Term. [three years]

4.5 The Applicant will not sell, transfer, assign, grant or dispose of any freehold or leasehold interest in all or any part of a Facility (or permit any of those things) (a "Disposal") before the end of the relevant Facility Term, unless Sport England has given its prior approval in writing.

4.6 Sport England will consider a request for approval under clause 4.4 or clause 4.5 acting reasonably and taking into account the Applicant's plan for the provision of public access to swimming facilities in its local area. The Applicant will provide Sport England with any information that Sport England may request in order to enable it to assess the request. 4.7

4.7 The Applicant must ensure that neither the Facility Owner nor the Operator closes a Facility, limits the availability of a Facility or undertakes a Disposal before the end of the relevant Facility Term, unless Sport England has given its approval in accordance with clause 4.6.

A number of associated governance activities are underway in-line with the grant guidance, including formalising as necessary the arrangements with the operators of the Brightlingsea Lido to protect the Council as far as possible given its responsibilities under the terms of the grant. A recommendation is therefore included above to enable these arrangements to be finalised along with acknowledging the commitment to operate the associated facility for 3 years.

HRA - REVENUE

The HRA budgets for 2023/24 were subject to a number of adjustments that were set out in earlier updates to the Business Plan / Forecast that were considered by Cabinet and Full Council earlier in the year.

An overall position is set out in the Executive Summary with further details included in **Appendix C**. At the end of December 2023 the HRA is showing a net underspend of **£0.337m**, which reflects a number of variances across various HRA budgets, including income from rents, which is currently running ahead of the profiled budget.

HRA - CAPITAL PROGRAMME

The overall position is set out in **Appendix D**.

As at the end of December 2023, the programme is ahead of profile by **£0.192m**.

This budget relates primarily to the on-going major repairs and improvements to the Council's own dwellings.

As part of the adjustments referred to under the HRA Revenue section above, these also included a response to issues raised in Q1 and Q2 earlier in the year where additional capital costs were expected to be incurred. Although earlier issues have therefore now been addressed, a new issue has been identified relating to the Jaywick Sands flexible workspace scheme. Due to the extended delivery period for the project and increased network / cyber security costs, the overall project budget needs to be increased by an estimated **£0.208m**. This estimate includes a retention sum which will remain subject to the overall outturn position for the project. The necessary adjustment has therefore been included in **Section 2b of Appendix H** and it is proposed to meet the additional costs from historic new homes bonus grant amounts. A separate report is planned to be presented to Cabinet once the final costs for the project have been finalised.

In addition to the above, the Spendells House project is also facing a number of challenges, which are currently being reviewed as part of the various processes associated with finalising the outturn position for the year. An update will therefore be included within the Outturn Report that will be presented to members later in the year.

COLLECTION PERFORMANCE

A detailed analysis of the current position is shown in **Appendix E**.

As mentioned in earlier reports, there undoubtedly remains an on-going impact from COVID 19 on council tax and business rate collection performance along with the cost of living challenges currently faced by local residents. However, recovery action will continue to be taken as necessary, with the aim of maximising the level of collection performance wherever possible.

In respect of general debt, the performance this year is running slightly behind the position at the same time last year. Similarly to the position reported in earlier quarters, this is primarily due to a limited number of larger items which have now either been paid or are subject to review e.g. money owed by customers of the Council's green waste service that relates to the on-going issue highlighted earlier in the year.

TREASURY ACTIVITY

A detailed analysis of the current position is shown in **Appendix F**.

Due to a continuing advantageous cash flow position and the current elevated interest rate environment, additional investment income has been achieved over and above the earlier anticipated position set out in **Section 1a of Appendix H (£1.200m)**. A further **£0.300m** of investment income is therefore expected to be achieved, which is set out in **Section 1b of Appendix H**.

In earlier reports during the year, various details relating to the money lent to Birmingham City Council were highlighted, with the latest update included within the report associated with the Annual Capital and Treasury Strategy 2024/25 that was considered by Cabinet in March. A total of **£6.000m** had been lent to the City Council, with **£4.000m** repaid in February 2024 and the remaining **£2.000m** due for repayment in June 2024.

Proposed Budget Adjustment and Other Issue – 2024/25

As highlighted within the budget report presented to Full Council in February 2024, it was noted that there remained a number of unfunded potential cost pressures and it was proposed to review these items, but outside of the annual ‘base’ budget setting cycle, with any associated decisions subject to separate reports or included within other key financial reports during the year.

An initial review has been undertaken with a number of largely unavoidable items proposed to be funded as set out in **Section 3a of Appendix H**. Further reviews of cost pressures will be undertaken alongside future financial performance / forecast reports and/or will be subject to separate decisions during the year as necessary.

In terms of the items included within **Section 3a of Appendix H**, there is an item relating to the work associated with the review of options / tender of the Waste and Street Cleansing contract. It is proposed to set aside a further sum of **£0.100m** (this is over and above an initial sum of **£0.100m** that was set aside earlier in the year), along with a delegation to the Corporate Director Operations and Delivery to enable the money to be spent on associated activities to support the Council in securing value for money during the next contract term.

Given the overall advantageous in-year budget position in 2023/24, that is largely supported by increased treasury income as highlighted earlier, it is currently possible to fund the 2024/25 cost pressures identified as part of this initial review within the overall in-year budget position. However, it is important to highlight that this remains subject to the outturn position for the year.

In earlier reports, it was highlighted that there may be additional budget adjustments required in 2024/25 once the various fees and charges reports have been agreed and published. **Section 3a of Appendix H** therefore reflects the necessary changes emerging from these associated reports / decisions as well.

LUF/ CRP Capital Projects

This report also provides the timely opportunity to review the Levelling Up project in Clacton as well as the Capital Regeneration Programme project in Dovercourt. A detailed update report was presented to Cabinet in October 2023 that was based on developing the projects to planning permission stage, along with recognising the need to allocate resources from the total project funding available to the two schemes. The total project budget for the two schemes was highlighted as **£37,532,319** within the report, of which **£2,295,060** related to the Council’s own contribution.

The report also allocated up to **£1,898,421** of funding from the Council's own revenue contribution to the schemes in-line with the original bid submission, to enable the procurement of the necessary resources, which included both professional services and a project team. Since that date a number of separate decisions have also been made in-line with this delegation along with the completion of a number of separate governance issues associated with the delivery of both projects.

In addition to the funding already made available by the Government, they have also provided the Council with a modest amount of capacity funding to support the Council in progressing the projects.

To provide the necessary flexibility in terms of allocating funding from not only the Council's resources as highlighted above but also the total LUF/ CRP and capacity funding provided by the Government, a delegation is included within the recommendations above. It is important to highlight that it is not the intention seek approval to incur expenditure over and above the original sum of **£1,898,421** that has already been approved, but simply to provide Officers with the flexibility and option to also charge costs against the money provided by the Government where it is permissible under the terms of the grant funding and where it is advantageous to do so. This is in-line with the recognition highlighted earlier where there is now a need to allocate resources from the total project funding and not just against the Council's own contribution, which is reflected in the regular monitoring reports provided to the Government.

In accordance with the proposals set out in the October report referred to above, a further report will be brought back for consideration, which will include additional project information for approval to develop technical designs to the level of detail required to go out to the market for procurement of main build-contracts.

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

As mentioned within earlier reports, the Chief Executive continues to chair the regular Budget, Performance and Delivery meeting of Senior Managers where any emerging issues such as those highlighted above are discussed / identified / explored. This is also supported by the departmental planning process, which in turn supports the delivery of the on-going corporate investment / cost pressure plan approach.

SECTION 2 – LONG TERM FORECAST UPDATE

General Fund

The detailed budget for 2024/25 was considered and agreed by Full Council on 13 February 2024. The report considered by Full Council also included a summary of the forecast up until 2026/27. For completeness, a summary of the position presented to Full Council on 13 February 2024 is set out in the following table:

Year	Net Budget Position (including adjusting for prior year use of reserves etc. to balance the budget)*	Forecast Risk Fund - Estimated Surplus Balance at the end of the year

2025/26	£2.027m deficit	£4.166m
2026/27	£2.297m deficit	£2.118m

**includes removal of the prior year use of reserves to balance the budget and savings 'targets'.*

The development of the forecast will continue in 2024/25, set against a number of risks which were set out in earlier reports. These risks include the delivery of the required on-going savings and responding to further cost pressures, which are in addition to underlying risks such as inflation. In respect of this last item, it is useful to note that inflation is continuing to fall and it is hoped that it will start to stabilise around the Bank of England's 2% target during the year.

In terms of cost pressures, as highlighted in the report to Full Council in February, their mitigation will continue to form an important element of the long-term financial plan. The cost pressures included within the budget to date broadly reflect unavoidable items. There are therefore many potential additional financial demands that have not yet been funded, for example:

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

It is therefore proposed to continue to review potential cost pressures using a risk based approach, with any associated decisions subject to separate reports or included within other key financial reports during the year. With this on-going review approach in mind, it is positive that a number of additional cost pressures emerging for 2024/25 have been included in **Appendix H**. These are proposed to be funded from the 2023/24 overall net budget position, which in turn reduces the pressure in future years.

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

In terms of the wider financial forecast, the following commentary was included within the report to Full Council on 13 February 2024, which is worth repeating again:

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

As indicated in recent S114 notices issued by some Local Authorities, a major issue faced by Councils is not having the necessary practical and pragmatic plans in place to identify the savings required to balance their budgets. Such issues need to be factored into the development of the framework against which savings are delivered as highlighted above.

The level of time and resources required to not only develop the above framework but to also deliver the required savings should not be underestimated. Set against the ongoing delivery of existing projects such as the Levelling Up Scheme and Freeports, there needs to be a clear focus on the timely development of the plan whilst managing competing resources over the coming months.

Against the general background highlighted above, work will remain ongoing to develop the forecast, including exploring the option to extend the period it covers, which may provide further financial flexibility and support along with further opportunities to respond to the structural annual budget deficit that is still estimated to remain at the end of 2026/27.

Delivering a favourable Outturn Position

The Forecast Risk Fund relies on in-year outturn contributions of **£0.250m** per annum to support the overall balance on the reserve, which in turn underwrites the various risks to the forecast.

A total of **£0.840m** has already been contributed to the Forecast Risk Fund as part of the Q1 and Q2 financial performance reports presented to Cabinet earlier in the year. Including the proposed **£0.304m** use of the fund set out in **Appendix H**, the contributions to the Forecast Risk Fund still total **£0.536m** in 2023/24. This therefore still remains ahead of budgeted contribution of **£0.250m** highlighted above and will remain subject to the outturn position for the year.

Housing Revenue Account

An updated HRA Business plan was presented to Full Council in February 2024.

There are a number of risks associated with the 30 year business plan forecast and include changes in income achieved and future rent setting policy, emergence of new or revised guidance, new legislation / burdens / regulation and changing stock condition requirements.

In view of these risks, it is important that a sufficient level of balances / reserves is available to support the HRA. HRA General Balances are currently forecast to be **£3.843m** at the end of 2024/25, which is available to support the delivery of the HRA business plan in the medium to longer term.

A 30 year HRA Business Plan is maintained on an on-going basis that continues to demonstrate the sustainability and resilience of the HRA within a self-financing environment and the ability to potentially provide opportunities for housing investment and associated housing services in the future, although it is acknowledged that the longer-term view always remains subject to the Government's housing policies and changes to the regulatory regime.

In light of the above, work remains in progress on revising the HRA 30 year Business Plan, which will inform the draft HRA budget proposals for future years, with updates planned to be presented to Cabinet during 2024/25.

PREVIOUS RELEVANT DECISIONS

Relating to Both General Fund and HRA

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

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

Relating to General Fund Only

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

Updated General Fund Financial Forecast / Budget 2024/25 – Item A.4 Cabinet 26 January 2024.

Executive’s Proposals – General Fund Budget and Council Tax 2024/25 – Item A.1 Full Council 13 February 2024.

Relating to HRA Only

Updated Housing Revenue Account Business Plan and Budget Proposals 2024/25 – Item A.6 Cabinet 15 December 2023.

Updated Housing Revenue Account Business Plan and Budget Proposals 2024/25 – Item A.7 Cabinet 26 January 2024.

Executive’s Proposals – Housing Revenue Account Budget 2024/25 - Item A.2 Full Council 13 February 2024.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

RELATING TO SECTION 1 OF THE REPORT

- Front Cover and Executive Summary
- Appendix A – Summary by Portfolio / Committee
- Appendix B – General Fund Budget Position by Department
- Appendix C – Housing Revenue Account Budget Position
- Appendix D – Capital Programme
- Appendix E – Collection Performance – Council Tax, Business Rates, Housing Rent and General Debts
- Appendix F – Treasury Activity
- Appendix G – Income from S106 Agreements
- Appendix H – Proposed Adjustments to the Budget 2023/24 and 2024/25

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Tendring District Council



Appendices Included:

Executive Summary	A summary of the overall position.
Appendix 1A	A summary of the overall position by Portfolio/Committee split by GF and HRA
Appendix 1B	An analysis by Department of all General Fund Revenue budgets.
Appendix 1C	An analysis of Housing Revenue Account Revenue budgets.
Appendix 1D	The position to date for General Fund and HRA capital projects.
Appendix 1E	Collection Performance
Appendix 1F	Treasury activity.
Appendix 1G	Income from S106 Agreements.
Appendix 1H	Proposed Adjustments to the Budget

Financial Performance Report In-Year Performance as at end of:

December 2023

(The variance figures set out in these appendices that are presented in brackets represent either a net underspend to date position or additional income received to date)

Financial Performance Report - Executive Summary as at the end of December 2023

The tables below show the summary position for the General Fund, Housing Revenue Account, Capital, Collection Performance and Treasury Activity.

General Fund - Summary by Department Excluding Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Office of the Chief Executive	(28,213,405)	(11,658,398)	(14,978,143)	(3,319,744)
Operations and Delivery	17,061,710	7,898,474	7,867,867	(30,607)
Place and Economy	11,151,695	3,694,945	3,222,205	(472,740)
Total General Fund	0	(64,979)	(3,888,071)	(3,823,092)

Housing Revenue Account

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
Total HRA	0	(6,318,250)	(6,655,179)	(336,929)

Capital

	Full Year Budget £	Profiled Budget to Date £	Actual to Date £	Variance to Profile £
General Fund	15,576,360	2,820,082	2,522,645	(297,437)
Housing Revenue Account	12,320,350	5,383,398	5,575,586	192,189
Total Capital	27,896,710	8,203,480	8,098,232	(105,248)

Collection Performance

	Collected to Date Against Collectable Amount
Council Tax	78.61%
Business Rates *	94.25%
Housing Rents	95.61%
General Debt	87.33%

Treasury

	£'000
Total External Borrowing	33,447
Total Investments	80,698

* The figure is performance against the budgeted Collection Fund amount rather than the debit collectable.

Revenue Budget Position at the end of December 2023

General Fund Portfolio / Committee Summary

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £
Corporate Finance and Governance	(464,960)	(2,647,573)	(2,549,420)	98,153
Assets	926,580	2,164,479	2,404,047	239,568
Economic Growth, Regeneration and Tourism	4,603,330	952,124	879,418	(72,706)
Environment	10,627,210	5,631,869	5,479,143	(152,726)
Leisure and Public Realm	6,359,125	1,766,712	1,046,305	(720,407)
Housing and Planning	8,604,750	4,098,072	1,921,211	(2,176,861)
Partnerships	3,553,130	2,213,352	2,088,208	(125,144)
Budgets Relating to Non Executive Functions	863,290	462,872	508,363	45,490
	35,072,455	14,641,907	11,777,274	(2,864,633)
Revenue Support for Capital Investment	2,093,080	0	0	0
Financing Items	(8,355,910)	(2,157,908)	(3,116,371)	(958,463)
Budget Before use of Reserves	28,809,625	12,483,999	8,660,903	(3,823,096)
Contribution to / (from) earmarked reserves	(14,668,055)	(122,620)	(122,616)	4
Total Net Budget	14,141,570	12,361,379	8,538,287	(3,823,092)
Funding:				
Business Rates Income	(3,058,440)	(4,046,288)	(4,046,288)	0
Revenue Support Grant	(696,440)	(546,347)	(546,347)	0
Collection Fund Surplus	(783,670)	(626,936)	(626,936)	0
Income from Council Tax Payers	(9,603,020)	(7,206,787)	(7,206,787)	0
Total	0	(64,979)	(3,888,071)	(3,823,092)

Revenue Budget Position at the end of December 2023

HRA Portfolio Summary

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £
Economic Growth, Regeneration and Tourism	0	(15,040)	(16,390)	(1,350)
Housing and Planning	(1,467,940)	(6,303,210)	(6,638,789)	(335,579)
	(1,467,940)	(6,318,250)	(6,655,179)	(336,929)
Revenue Support for Capital Investment	613,630	0	0	0
Financing Items	1,340,100	0	0	0
Budget Before use of Reserves	485,790	(6,318,250)	(6,655,179)	(336,929)
Contribution to / (from) earmarked reserves	(485,790)	0	0	0
Total	(0)	(6,318,250)	(6,655,179)	(336,929)

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2023

Department - Chief Executive, Finance, IT, Governance and Partnerships

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	12,938,680	6,757,482	6,384,898	(372,584)	
Premises Related Expenditure	498,940	373,757	380,557	6,800	
Transport Related Expenditure	119,340	107,057	100,163	(6,895)	
Supplies & Services	9,591,060	3,624,144	3,453,589	(170,554)	
Third Party Payments	117,000	87,000	87,000	0	
Transfer Payments	38,098,230	24,230,987	22,274,941	(1,956,047)	
Interest Payments	9,340	3,199	3,319	120	
Direct Capital Financing Costs	2,385,900	0	0	0	
Total Direct Expenditure	63,758,490	35,183,627	32,684,466	(2,499,160)	
Direct Income					
Government Grants	(45,622,170)	(29,465,374)	(29,379,034)	86,340	
Other Grants, Reimbursements and Contributions	(1,668,940)	(1,471,524)	(1,570,469)	(98,945)	
Sales, Fees and Charges	(1,318,190)	(965,188)	(851,464)	113,723	
Rents Receivable	(1,050)	(565)	(395)	170	
Interest Receivable	(2,417,180)	(2,390,397)	(3,312,273)	(921,876)	
RSG, Business Rates and Council Tax	(14,141,570)	(12,426,358)	(12,426,358)	(0)	
Total Direct Income	(65,169,100)	(46,719,405)	(47,539,993)	(820,588)	
Net Direct Costs	(1,410,610)	(11,535,778)	(14,855,527)	(3,319,748)	
Net Indirect Costs	(12,134,740)	0	0	0	
Net Contribution to/(from) Reserves	(14,668,055)	(122,620)	(122,616)	4	
Total for Chief Executive, Finance, IT, Governance and Partnerships	(28,213,405)	(11,658,398)	(14,978,143)	(3,319,744)	

Department - Chief Executive, Finance, IT, Governance and Partnerships

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Chief Executive and Administration	(49,570)	245,160	192,355	(52,805)	
Total for Finance and IT Management and Administration	(60)	79,037	84,560	5,523	
Total for Finance	291,650	984,704	856,298	(128,406)	
Total for Finance - Other Corporate Costs	(3,036,790)	(7,488,979)	(8,479,154)	(990,175)	This primarily reflects the position against investment income which is included within Appendix H.
Total for Finance - Financing Items	(19,202,045)	99,170	63,193	(35,977)	
Total for Finance - RSG, Business Rates and Council Tax	(14,141,570)	(12,426,358)	(12,426,358)	0	
Total for Revenues and Benefits	2,374,070	1,317,035	(830,528)	(2,147,563)	This primarily reflects the timing differences associated with Housing Benefit payments and the reimbursement by the Government via the related subsidy system.

Appendix B

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
Total for IT and Corporate Resilience	180,250	1,528,215	1,615,405	87,190	This reflects a number of overspends against a number of budgets that will be broadly addressed via the proposed adjustments set out in Appendix H. In terms of the final outturn position for the year, although some individual budgets are likely to remain overspent, the Service is taking a managed approach with the aim of accommodating this within its overall net budgeted position for the year.
Total for Health and Community	174,870	56,522	54,234	(2,289)	
Total for Governance Management and Administration	(120)	85,778	87,554	1,777	
Total for Legal	25,140	316,050	316,712	661	

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
Total for Communications	1,750	74,093	70,256	(3,836)	
Total for Democratic Services and Elections	1,860,380	1,113,217	1,167,435	54,217	
Total for Corporate Procurement and Contracts	(76,010)	67,870	56,165	(11,705)	
Total for Partnerships Management and Administration	(110)	70,462	178,084	107,622	
Total for Customer and Commercial	(14,850)	135,495	57,564	(77,931)	
Total for People	(8,710)	302,305	325,758	23,453	
Total for Organisational Development	313,670	129,000	163,462	34,462	
Total for Health and Community	1,568,530	631,433	476,924	(154,509)	
Total for Customer Contact	44,480	502,380	492,690	(9,689)	
Total for Careline and Community	1,481,640	519,013	499,249	(19,764)	
Total for Chief Executive, Finance, IT, Governance and Partnerships	(28,213,405)	(11,658,398)	(14,978,143)	(3,319,744)	

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2023

Department - Operations and Delivery

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	6,839,130	5,108,147	5,250,466	142,318	
Premises Related Expenditure	2,348,000	1,659,167	1,443,227	(215,940)	
Transport Related Expenditure	556,890	391,727	362,780	(28,947)	
Supplies & Services	5,413,080	2,453,369	2,939,948	486,579	
Third Party Payments	6,826,710	4,567,927	4,558,299	(9,628)	
Transfer Payments	378,900	286,688	1,015,716	729,029	
Total Direct Expenditure	22,362,710	14,467,026	15,570,436	1,103,411	
Direct Income					
Government Grants	(1,405,460)	(1,127,610)	(1,115,541)	12,069	
Other Grants, Reimbursements and Contributions	(1,520,970)	(944,693)	(987,929)	(43,237)	
Sales, Fees and Charges	(4,927,750)	(4,048,145)	(5,108,562)	(1,060,417)	
Rents Receivable	(417,100)	(331,824)	(394,185)	(62,361)	
Direct Internal Income	(166,390)	(94,040)	(96,352)	(2,312)	
Total Direct Income	(8,437,670)	(6,546,311)	(7,702,569)	(1,156,258)	
Net Direct Costs	13,925,040	7,920,714	7,867,867	(52,847)	
Net Indirect Costs	3,136,670	(22,240)	0	22,240	
Total for Operations and Delivery	17,061,710	7,898,474	7,867,867	(30,607)	

Department - Operations and Delivery

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for CD Operations and Delivery Management and Administration	4,440	249,270	299,004	49,734	
Total for Building and Public Realm Management and Administration	1,050	67,518	216,642	149,124	
Total for Public Realm	1,552,750	796,922	538,164	(258,757)	This primarily reflects a favourable position against the parking income budgets. It is expected that this favourable position will remain when the outturn for the year is finalised.
Total for Waste and Recycling	5,961,720	3,321,597	3,347,159	25,562	
Total for Property and Projects	800,420	10,243	(166,764)	(177,008)	
Total for Development and Building Management	2,260	23	168	145	
Total for Coastal and Engineering	3,164,680	1,238,042	1,071,837	(166,205)	
Total for Open Space and Transport	1,081,890	356,502	332,284	(24,218)	
Total for Housing and Environment Management and Administration	614,520	116,843	136,038	19,195	

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
Total for Housing	1,371,480	664,826	1,150,321	485,495	The variance primarily reflects the current increased cost of homelessness, with a proposed adjustment set out within Appendix H. The final position for the year remains subject to a number of associated 'closure of account' processes, but it is still expected that any remaining adverse position can be accommodated within the Council's overall budgeted position for the year.
Total for Environment	2,506,500	1,076,689	943,014	(133,675)	
Total for Operations and Delivery	17,061,710	7,898,474	7,867,867	(30,607)	

Corporate Budget Monitoring - General Fund Budget Position at the end of December 2023

Department - Place and Economy

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	5,537,530	4,112,942	4,234,696	121,754	
Premises Related Expenditure	1,695,775	1,326,971	1,366,154	39,183	
Transport Related Expenditure	40,650	30,581	16,781	(13,800)	
Supplies & Services	5,876,520	2,189,056	1,998,450	(190,606)	
Third Party Payments	870	0	0	0	
Total Direct Expenditure	13,151,345	7,659,550	7,616,081	(43,470)	
Direct Income					
Government Grants	(704,780)	(704,780)	(673,099)	31,681	
Other Grants, Reimbursements and Contributions	(40,830)	(34,830)	(107,011)	(72,181)	
Sales, Fees and Charges	(4,167,590)	(3,186,661)	(3,573,000)	(386,339)	
Rents Receivable	(49,150)	(38,335)	(40,152)	(1,817)	
Direct Internal Income	0	0	(615)	(615)	
Total Direct Income	(4,962,350)	(3,964,606)	(4,393,876)	(429,271)	
Net Direct Costs	8,188,995	3,694,945	3,222,205	(472,740)	
Net Indirect Costs	2,962,700	0	0	0	
Total for Place and Economy	11,151,695	3,694,945	3,222,205	(472,740)	

Department - Place and Economy

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Place and Economy Management and Administration	(150)	99,690	98,754	(936)	
Total for Planning Management and Administration	(153,590)	1,339,008	1,284,631	(54,377)	
Total for Planning Development	2,091,980	(522,602)	(424,478)	98,125	This broadly reflects the reduction in income relating to Planning and Building Control, with associated adjustments set out within Appendix H.
Total for Local Plan and Place Shaping Management and Administration	(120)	71,843	77,582	5,740	
Total for Strategic Planning	642,110	192,703	6,767	(185,935)	This reflects the timing of expenditure against the Local Plan Budget.
Total for Place	50,620	10,062	7,535	(2,527)	
Total for Economic Growth	3,773,810	619,298	565,238	(54,060)	
Total for Sport and Leisure Operations	3,708,665	1,360,431	1,128,799	(231,633)	This reflects a favourable position emerging against the various leisure facilities. This position is subject to finalising the outturn position for the year, but a favourable position is likely to remain.
Total for Tourism Arts and Events	1,038,490	452,671	384,848	(67,823)	
Total for Economy, Culture and Leisure Management	(120)	71,843	92,528	20,685	
Total for Place and Economy	11,151,695	3,694,945	3,222,205	(472,740)	

Corporate Budget Monitoring - Housing Revenue Account Budget Position at the end of December 2023

Housing Revenue Account

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<u>Analysis by Type of Spend</u>					
Direct Expenditure					
Employee Expenses	2,200,170	1,193,437	1,148,446	(44,991)	
Premises Related Expenditure	4,069,560	2,889,995	2,943,623	53,628	
Transport Related Expenditure	37,870	28,402	23,171	(5,231)	
Supplies & Services	722,630	394,155	325,520	(68,635)	
Third Party Payments	61,030	0	0	0	
Transfer Payments	17,000	12,750	24,925	12,175	
Interest Payments	1,205,860	563,344	551,023	(12,321)	
Direct Capital Financing Costs	2,027,930	0	0	0	
Total Direct Expenditure	10,342,050	5,082,084	5,016,709	(65,375)	
Direct Income					
Government Grants	0	0	0	0	
Other Grants, Reimbursements and Contributions	(8,440)	(330)	(38,118)	(37,788)	
Sales, Fees and Charges	(586,460)	(440,299)	(492,127)	(51,828)	
Rents Receivable	(14,581,680)	(10,959,705)	(11,141,636)	(181,931)	
Interest Receivable	(138,260)	0	(6)	(6)	
Total Direct Income	(15,314,840)	(11,400,334)	(11,671,888)	(271,554)	
Net Direct Costs	(4,972,790)	(6,318,250)	(6,655,179)	(336,929)	
Net Indirect Costs	5,458,580	0	0	0	
Net Contribution to/(from) Reserves	(485,790)	0	0	0	
Total for HRA	0	(6,318,250)	(6,655,179)	(336,929)	

Housing Revenue Account

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
<u>Analysis by Service/Function</u>					
Total for Finance - Financing Items	1,953,730	0	0	0	
Total for CD Operations and Delivery Management and Administration	(66,370)	(84,000)	(105,895)	(21,895)	
Total for Development and Building Management	5,277,040	2,924,459	2,982,203	57,744	
Total for Housing	(7,164,400)	(9,143,669)	(9,515,097)	(371,428)	This broadly reflects a number of favourable variances emerging such as the position against the rental income budget. The various activities associated with the 'close down of the accounts' is underway for 2023/24, with the position for the year therefore remaining subject to these processes.
Total for Economic Growth	0	(15,040)	(16,390)	(1,350)	
Total for HRA	0	(6,318,250)	(6,655,179)	(336,929)	

Corporate Budget Monitoring - General Fund Capital Programme Position at the end of December 2023

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
Expenditure					
Assets Portfolio					
IT Core Infrastructure Rolling Replacement	98,480	68,960	68,964	4	This reflects the position at the end of December 2023 - the most up to date position indicates that this budget will be fully spent as part of finalising the outturn position for 2023/24.
Office Rationalisation	108,340	12,110	17,563	5,453	Works are ongoing at Mill Lane and Northbourne Depot, with the in-house engineering team balancing the delivery of this project alongside coastal protection works.
Carnarvon House Demolition	346,360	4,930	4,928	(2)	The demolition phase of the project is complete, with the remaining funding being considered as part of the wider LUF scheme.
Laying Out Cemetery	133,110	24,710	30,515	5,805	Work to date reflects a number of activities such as surveys and impact assessments and it is expected that the delivery of the scheme will be subject to a separate report during 2024/25.
Public Convenience Works	40,000	20,150	20,151	1	
Weeley Crematorium Works	160,300	87,080	87,072	(8)	Works remain on-going into 2024/25.
Total for Assets Portfolio	886,590	217,940	229,193	11,253	

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
Corporate Finance and Governance Portfolio					
Agresso e-procurement	84,000	0	0	0	Service currently exploring best use of available budget. Options appraisal likely to be undertaken alongside finance system upgrade works currently scheduled for Autumn 2024/25.
Total for Corporate Finance and Governance Portfolio	84,000	0	0	0	
Economic Growth, Regeneration and Tourism Portfolio					
SME Growth Fund Capital Grants	43,250	0	0	0	
Starlings and Milton Road Redevelopment	742,450	371,690	371,685	(5)	
Rural England Prosperity Fund	164,830	0	0	0	Commitments and spending against this budget have been incurred during quarter 4
Total for Economic Growth, Regeneration and Tourism Portfolio	950,530	371,690	371,685	(5)	
Housing and Planning Portfolio					
Replacement Scan Stations	12,000	0	0	0	
Housing in Jaywick	274,200	0	0	0	
Private Sector Renewal Grants/Financial Assistance Loans	287,170	0	0	0	
Disabled Facilities Grants	10,702,520	788,463	789,027	565	
Private Sector Leasing	75,660	0	0	0	
Empty Homes funding	152,220	0	0	0	
Total for Housing and Planning Portfolio	11,503,770	788,463	789,027	565	

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
Leisure and Public Realm Portfolio					
Tokely Road, Frating - Playground Equipment	142,490	0	0	0	Works complete with service now awaiting final invoices from our contractor. Final position on this project expected to be confirmed as part of the 2023/24 Outturn Report.
Projects associated with the Vista Road Land Swap	334,290	0	0	0	This item consists of multiple delivery strands as set out in the original decision. This line of the budget therefore represents the expected delivery of the associated projects during the latter stages of the programme of works.
Cricket Net Practice System (Land Transfer)	68,500	68,500	69,982	1,482	Project Complete. Service to fund minor overspend from existing budgets as part of the outturn 2023/24.
Footway Installations (Land Transfer)	75,520	75,520	75,623	103	Project Complete. Service to fund minor overspend from existing budgets as part of the outturn 2023/24.
Active Ageing Outdoor Gym	70,000	0	0	0	The tender process for delivery of this project is currently underway.
Replacement of beach hut supports - The Walings	11,620	0	0	0	Service currently exploring best use of available budget in line with the existing beach huts strategy.
Northbourne Depot Extension Works	31,400	31,400	22,483	(8,917)	Project Complete.
Cliff Park Rockery Works	66,500	0	1,920	1,920	Work on this project now commenced and will continue into 2024/25.
CLC - Replacement of All Weather Pitch	393,310	393,310	294,901	(98,409)	Project Complete with the total project costs remain subject to finalising the outturn position for 2023/24
Clacton Skate Park Improvement Scheme	300,000	300,000	265,320	(34,680)	Project Complete with the total project costs remain subject to finalising the outturn position for 2023/24

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
CLC - Pool Cameras	4,010	4,010	3,200	(810)	Project Complete with the total project costs remain subject to finalising the outturn position for 2023/24
Swimming Pool Covers	100,000	100,000	0	(100,000)	Project Complete with the total project costs remaining subject to finalising the outturn position for 2023/24 as the main element of expenditure has been incurred in Q4
Seafronts - Beach Patrol Vehicles & Equipment	25,730	25,730	25,730	0	
New Beach Huts	64,600	0	0	0	Service currently exploring best use of available budget in line with the existing beach huts strategy.
Works at Halstead Road Play Area, Kirby	1,290	450	450	0	
Changing Places Facility, Frinton on Sea	77,570	77,570	68,491	(9,079)	
Changing Places Project	290,400	290,400	229,537	(60,863)	
Marine Parade, Clacton - Playground Equipment	80,000	75,100	75,103	3	
Total for Leisure and Public Realm Portfolio	2,137,230	1,441,990	1,132,740	(309,250)	
Partnerships Portfolio					
Careline - Replacement Telephone System	14,240	0	0	0	
Total for Partnerships Portfolio	14,240	0	0	0	
Total Approved General Fund Capital	15,576,360	2,820,082	2,522,645	(297,437)	

Corporate Budget Monitoring - Housing Revenue Account Capital Programme Budget Position at the end of December 2023

	2023/24 Current Full Year Budget £	2023/24 Profiled Budget to date £	2023/24 Actual to date £	2023/24 Variance to Profile £	Comments
Improvements, enhancement & adaptation of the Council's housing stock	7,097,870	2,819,795	2,798,244	(21,551)	
Spendells House Project	1,327,170	216,970	216,970	0	Please see main body of the report for further details
IT Upgrade & Replacement	2,300	0	0	0	
Disabled Adaptations	400,000	283,853	404,068	120,216	
Jaywick Sands - Flexible Workspace Project	1,742,830	1,742,830	1,848,004	105,174	Please see Appendix H for further details
HRA - New Build & Acquisitions - To Be Allocated	1,430,230	0	0	0	
HRA - Acquisitions - Council Dwellings	309,550	309,550	297,900	(11,650)	
HRA - Acquisitions - Non-Dwellings	10,400	10,400	10,400	0	
Total Housing Revenue Account Capital Programme	12,320,350	5,383,398	5,575,586	192,189	

New-Build and Acquisitions - Subject to 1-4-1 Pooling Retained Receipts Regulations

	Required Expenditure to meet DLUHC Target by the end of the financial year:				
	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
Capital Receipts	0	343,507	142,810	449,310	667,801
TDC Funded	0	778,995	214,035	673,965	1,001,702
Cumulative Expenditure	0	1,122,502	356,845	1,123,275	1,669,503
Committed Receipts	0	343,507	142,810	291,467	0
Uncommitted Receipts	0	0	0	157,843	667,801
Total Receipts	0	343,507	142,810	449,310	667,801

Collection Performance : Position at the end of December 2023

The collection performance against Council tax, Business Rates, Housing Rents and General Debt collection are set out below.

Council Tax			Business Rates		
	2022/23	2023/24		2022/23	2023/24
Quarter 1	27.33%	27.78%	Quarter 1	32.61%	33.73%
Quarter 2	53.77%	53.04%	Quarter 2	67.25%	69.47%
Quarter 3	79.34%	78.61%	Quarter 3	95.38%	94.25%
Quarter 4	93.90%		Quarter 4	101.42%	
Housing Rents			General Debt		
	2022/23	2023/24		2022/23	2023/24
Quarter 1	97.76%	96.25%	Quarter 1	76.39%	71.24%
Quarter 2	96.39%	95.86%	Quarter 2	86.89%	84.96%
Quarter 3	97.03%	95.61%	Quarter 3	88.12%	87.33%
Quarter 4	97.10%		Quarter 4	91.57%	

Treasury Activity : Position at the end of December 2023

Key Treasury Management Performance Data and Prudential Indicators are set out below.

TREASURY ACTIVITY

Borrowing	Opening Balance 1 April £'000	Borrowing to date £'000	Borrowing Repaid to date £'000	Balance to Date £'000	Comments
Long Term PWLB Borrowing - GF	136	0	4	132	
Long Term PWLB Borrowing - HRA	34,563	0	1,248	33,315	
TOTAL BORROWING	34,699	0	1,252	33,447	
Investments	Opening Balance 1 April £'000	Investments to date £'000	Investments Repaid to date £'000	Balance to Date £'000	Comments
<i>Investments less than a year</i>					
Investments with UK Government via Treasury Bills/Investments with DMO, and Local Authorities and other public bodies	68,800	376,000	374,500	70,300	Overall investments have increased slightly over the reporting period due to the timing of the Council's cash flow such as expenditure budgets behind profile or income being received ahead of expenditure. More local authorities have been borrowing, but the investments with the DMO have fallen now that all of the BEIS unspent business rates grant has been returned.
Investments with UK financial Institutions (including Money Market Funds)	10,411	36,623	36,636	10,398	
Investments with non-UK Financial institutions	0	0	0	0	
Total Investments for less than a year	79,211	412,623	411,136	80,698	
<i>Investments for longer than a year</i>	0	0	0	0	In respect of investments with UK financial institutions, at the end of the period, investments were held with 5 counterparties, including 2 Money Market Funds.
TOTAL INVESTMENTS	79,211	412,623	411,136	80,698	
Interest Paid / Received	Full Year Budget £'000	Profiled Budget to Date £'000	Actual to Date £'000	Variance to date £'000	Comments
Interest Paid on Borrowing - GF	9	3	3	0	The weighted average rate of interest on the Council's GF borrowing is currently 7.04%. (on an accrued basis).
Interest Paid on Borrowing - HRA	1,206	563	551	(12)	The weighted average rate of interest on the Council's HRA borrowing is currently 3.57%. (on an accrued basis)
Interest Received on Investments	(1,757)	(1,652)	(3,135)	(1,483)	The weighted average rate of interest being received on the Council's investments is currently 4.61%. (on an accrued basis)
PRUDENTIAL INDICATORS					
	Approved Indicator £'000	Highest amount reached in the period £'000	Comments		
Authorised limit for external borrowing	75,609	34,699			
Operational boundary for external borrowing	65,584				

Income from S106 Agreements

Information in respect of S106 income has been split across two areas below - Where money has been formally allocated / being spent and where money remains unallocated / uncommitted.

Where related to capital schemes - see Appendix D for overall scheme progress.

ALLOCATED / BEING SPENT

Scheme Type	Amount Committed / Planned to be Spent in 2023/24
	£'000
GF Revenue Schemes	315
GF Capital Schemes	410
HRA Capital Schemes	308
TOTAL	1,033

UNALLOCATED / UNCOMMITTED TO DATE

Permitted Use as per S106 Agreement	Amount Held / 'Spend by' Date			
	Less than 1 Year £'000	1 to 2 Years £'000	2 to 4 Years £'000	4 years + £'000
Regeneration Programme and Other Initiatives	0	0	2	0
Affordable Housing	0	0	0	1,175
Town Centre Improvements	0	0	22	0
Conservation	0	0	0	337
Open Space *	30	7	71	2,382
TOTAL	30	7	95	3,894

* For schemes with a 'spend by' date of less than one year, this money must be spent as follows:

Open Space

£30,000 by November 2024

Proposed Adjustments to the In-Year Budget December 2023

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
SECTION 1 - GENERAL FUND IN-YEAR BUDGET ADJUSTMENTS 2023/24			
Section 1a - GENERAL FUND REVENUE - 2023/24 Savings and Cost Pressures Identified as part of 2024/25 Budget Process (reported to Full Council on 13 February 2024)			
Savings			
Insurance - Non Premium Budgets	(41,320)		
Treasury Income		(1,200,000)	
Employee Costs - Pension Contributions	(5,720)		
Corporate Financial Strategy Allowance	(86,160)		
Revenues & Benefits - Project / Agency Staff Costs	(125,000)		
Back to Business Legacy Budgets	(138,410)		
Unapplied Accelerated Delivery Budget	(143,910)		
Reserves Adjustment - Carnarvon House		(11,090)	
Cost Pressures			
External Audit Fees	77,000		
Taxi Testing - Reduced Income		25,000	
Modern.gov IT costs	10,000		
BT phone line discount no longer available	17,000		
IDOX Contract	41,630		
Homelessness Costs	250,000		
External Audit Certification Work	35,000		
Lone Worker Devices	20,000		
Office Security	10,000		
Port Health Responsibility Costs	40,000		
Careline Net Costs	120,000		

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
Garden Waste - Potential Unrecoverable Debt		70,000	
Waste & Street Cleansing Contract Inflation	108,000		
Reduced Planning Income		200,000	
Reduced Building Control Income		50,000	
Member Investigation Costs	12,000		
North Essex Parking Partnership (NEPP) - Potential Budget Deficit	100,000		
Section 1a Total	300,110	(866,090)	
Section 1b - GENERAL FUND REVENUE - Additional Items Emerging 2023/24			
Page 83 Reduced Crematorium Income		149,000	As reported at then end of Q2, the facility was experiencing a reduction in income. Although it was recognised that income may recover over the second half of year, this has not been the case with the figure included reflecting the estimated outturn position for the year.
Treasury Income		(300,000)	Additional income over and above the £1.2m included in section 1a above has been earned due to favourable cash balances / interest rates.
Housing Benefit Subsidy Claim - External Audit Fee Increase	123,000		Following further review, the cost associated with the External Audit Certification work is significantly higher than historically charged and therefore over and above the initial estimate set out in Section 1a above. The amount included represents the cost of bringing 3 years worth of outstanding claims up to date that has been caused by the on-going external audit delays. The impact in future years will be considered as part of developing the long term forecast. Please see the main body of the report for additional details including the associated procurement exemption request.
Reduced Land Charges Income		26,000	This largely reflects the wider / adverse economic environment, with the same issues impacting on planning and building control income above.

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
Employee Costs	(100,000)		This reflects a number of latest vacancy savings accrued after allowing for other associated employee cost adjustments such as pension financial strain and the annual pay award. As highlighted in earlier reports, the pay award for the year has been managed within the overall employee budgets for the year rather than emerging as an overall cost pressure.
Leisure Centre VAT on Income		110,420	Due to on-going uncertainty relating to VAT chargeable on leisure activities, the original favourable position reflected in earlier Financial Performance reports is proposed to be 'reversed'. However the matter remains under on-going review and will be revisited as part of future financial performance / forecast reports.
Tending Garden Communities - Expenditure	73,550		This relates to expenditure associated with work undertaken on behalf of partners.
Tending Garden Communities - Income		(73,550)	This relates to the reimbursement by partners of the costs highlighted above.
Public Convenience Expenditure	50,000		Additional costs have been incurred across the various Facilities across the District. This will be kept under review to determine if there is any longer term impact which would need to be considered as part of the development of the long term forecast.
Section 1b Total	146,550	(88,130)	
Section 1a and 1b Grand Total	446,660	(954,220)	
Section 1c - GENERAL FUND CAPITAL			
Weekly Food Waste Collection - Project Costs	277,370		To support the Government's intention to provide weekly food waste collections to all households nationally, they have provided initial grants to LA's to cover associated capital costs. This proposed adjustment therefore recognises this funding within the budget. However further consideration on the use of this money will be undertaken alongside the current options appraisal work currently being undertaken to determine the future of the Waste and Street Cleansing arrangements at then end of the current contract term.
Weekly Food Waste Collections Government Grant		(277,370)	

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
Swimming Pool Fund II Grant Schemes:			
Frinton and Walton Pool - Air Handling Units	59,500		This reflects the Services successful bid to the Government as part of the second round of funding made available by the Government. Please see the main body of the report for further details.
Frinton and Walton Pool - Building Management System	35,000		
Brightlingsea LIDO (Capital Grant)	41,650		
Swimming Pool Fund II Government Grant Income		(136,150)	
Starlings Capital Project - Increase Project Budget via S106 Funding	22,000		It is proposed to utilise existing S106 funding in accordance with the associated agreement to support this project - Please see the main body of the report for further details relating to this scheme.
Use of S106 funding to support the above Starlings Project		(22,000)	
Section 1c Total	435,520	(435,520)	
SECTION 2 - HRA IN-YEAR BUDGET ADJUSTMENTS 2023/24			
Section 2a - HRA REVENUE			
None			
Section 2b - HRA CAPITAL			
Increased Costs of Delivering the Sunspot Flexible Workspaces in Jaywick Sands	208,000		Additional expenditure (including estimated contract retention sums) will be incurred to successfully deliver the project that broadly reflect the extended time required to deliver the scheme along with key IT costs associated with the on-going management of the units etc. A final report is planned to be presented to Members shortly that will set out the situation in more detail including the final retention sum paid.
Funding of above - NHB		(208,000)	It is proposed to fund the above via the New Homes Bonus which is currently supporting the 'Housing in Jaywick' Scheme within the General Fund. This will remain subject to review as part of finalising the outturn position for 2023/24, with any additional budget / technical changes that may be required being reported in the associated report accordingly.
Section 2b Total	208,000	(208,000)	

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
SECTION 3 - GENERAL FUND BUDGET ADJUSTMENTS 2024/25			
Section 3a - Budget Adjustments Following Approval of Fees and Charges			
Leisure Facilities Increased Estimated Income		(102,000)	
Use of Increased Income above - Supporting Maintenance Costs	77,000		
Use of Increased Income above - Establish a 3G Pitch 'Sinking Fund'	25,000		This reflects the requirements of the funding agreement with the Football Foundation
Parking Services Increased Estimated Income		(50,000)	
Use of Income above to support car park maintenance costs	50,000		
Total Section 3a	152,000	(152,000)	
Section 3b - Additional Cost Pressures Identified for Funding in 2024/25			
REVENUE			
Career Track Net Revenue Position	25,000		The Service remains committed to delivering a net neutral position, which may take longer than initially anticipated. This adjustment therefore reflects the potential for a continuing 'subsidy' position to remain in 2024/25, with the longer term position being considered alongside the development of the forecast. A report providing a detailed Service update is set out elsewhere on the agenda.
Weeley Council Offices Costs	65,000		This reflects the continuing cost of ownership, which includes items such as business rates and utility standing charges. Once ownership is transferred in accordance with the associated agreement then these costs will no longer be payable. The position will be kept under review in 2024/25 and as part of developing the long term forecast.
Implement Beach Patrol Recommendations	60,000		This reflects the costs associated with implementing recommendations from a recent review in partnership with the Royal Life Saving Society UK (RLSS). These additional costs relate to the 2024 season, with the longer term options subject to review during the year.

Appendix H

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
Supporting the Retender of the Waste and Street Cleaning Contract	100,000		It is proposed to set aside a further sum of money (over and above an earlier amount of £100k) to support the work associated with developing the options / specifications / tender of the Waste and Street Cleaning Contract. Please see the main body of the report for further details including a proposed delegation within the recommendations.
Clacton Leisure Centre Gym Changing Investigation	25,000		It is proposed to undertaken some initial investigatory works to inform potential future decisions relating to this facility. Potential associated / remedial works could be in excess of £500k, which will be subject to a separate report informed by this proposed investigatory work.
Continuation of contribution for the Harwich PCSO	24,650		It is proposed to set aside the required funding in 2024/25 subject to a separate report that is planned to be presented early in 2024/25.
Fixed Term Family Support Officer	48,750		It is proposed to set aside the required funding for this post to potentially continue in 2024/25. The use of this money will be subject to a separate report that is planned to be presented early in 2024/25.
Fixed Term Housing Early Intervention Officer	43,610		It is proposed to set aside the required funding for this post to potentially continue in 2024/25. The use of this money will be subject to a separate report that is planned to be presented early in 2024/25.
T4 Growth Fortnight	9,000		It is proposed to set aside this funding to continue to support this event in 2024/25. The longer term position will be considered as part of developing the forecast during the year.
Budget to support seasonal demand for Horticultural and Open Space services	40,000		It is proposed to support additional work during the year, with any longer term impact planned to be considered alongside the development of the long term forecast.
CAPITAL			
IT Equipment Replacement - Laptops	100,000		There is currently a significant demand for replacement laptops, especially as Microsoft support for Windows 10, which is installed on a large number of existing laptops, ends in 2025. Setting aside a longer term contribution to a 'laptops replacement fund' will be considered as part of the development of the wider forecast.

Appendix H

Description	Expenditure Budget £	Income Budget £	Reason for Adjustment
Town Hall Boiler / Heating (ASHP) including BMS	200,000		A replacement heating system within the Town Hall has now become urgent, with the amount included reflecting an initial estimated cost. The associated works will be subject to the necessary procurement process during the year.
Walton Lifestyles Roof Repairs	6,000		To support necessary works at this Leisure Facility.
Clacton Pool leaks - remedial works	40,000		This proposed adjustment represent the cost of an initial survey and potential 'light' remedial works. However, subject to the outcome of the survey, the cost of remedial work options could be higher (potentially over £200k). A further report may therefore be necessary once the planned survey has been undertaken.
Clacton Leisure Centre Saunas Refurbishment	25,000		To undertaken the necessary remedial / refurbishment of this facility.
Total Section 3B	812,010	0	
TOTAL ALL SECTIONS BEFORE FUNDING ADJUSTMENT	2,054,190	(1,749,740)	
Funding Adjustment - Use of Forecast Risk Fund	0	(304,450)	
TOTAL ALL SECTIONS AFTER FUNDING ADJUSTMENT REQUIRED TO DELIVER A BALANCED POSITION	2,054,190	(2,054,190)	

CABINET

19 APRIL 2024

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

A.3 CONSIDERATION AND ADOPTION OF A TENANT INVOLVEMENT POLICY AND ANTI-SOCIAL BEHAVIOUR POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

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

- Tenant Involvement Policy
- Anti-Social Behaviour Policy.

EXECUTIVE SUMMARY

This report presents two housing policies for approval. These policies formalise the work that is already undertaken in the Housing and Environment service and build upon previously agreed and implemented policies.

The purpose of the Tenant Involvement Policy is to set out the Council's overall approach to tenant involvement and defines the vision and priorities for that engagement. It aims to set out the direction for tenant involvement and supports the Council's commitment to involving tenants in shaping and scrutinising services.

The purpose of the Housing Anti-Social Behaviour Policy is to set out our approach to deterring and tackling anti-social behaviour (ASB) in the neighbourhoods where we provide social housing. It details how we will provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to us and by signposting victims and perpetrators to agencies who can give appropriate support and assistance.

These policies meet the requirements set out in the Regulator of Social Housing's revised Consumer Standards that came into effect from 1 April 2024.

RECOMMENDATION(S)

That Cabinet:

- 1) considers and agrees to adopt the Tenant Involvement Policy and Anti-Social Behaviour Policy;**
- 2) authorises their direct implementation; and,**
- 3) delegates authority to the Corporate Director (Operations and Delivery) to make future updates or amendments to the policies in consultation with the Portfolio Holder responsible for Housing.**

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations are to ensure that the policies are appropriately adopted, in accordance with the Council's Constitution, and to evidence compliance with

regulatory standards.

ALTERNATIVE OPTIONS CONSIDERED

The only alternative option considered was to not implement these policies.

The Regulator of Social Housing requires landlords to show how they have sought out and considered ways to improve tenant engagement. A Tenant Involvement Policy allows the Council to define a clear purpose for tenant involvement and to demonstrate that it is actively seeking to improve the way it engages with tenants to ensure that the tenant voice is heard and plays an important part in shaping and scrutinising the housing service.

The Regulator of Social Housing requires registered providers to work in partnership with appropriate local authority departments, the police and other relevant organisations to deter and tackle ASB and hate incidents in the neighbourhoods where we provide social housing.

The absence of suitable policies also makes the day to day operation of the service more difficult with the potential for inconsistencies in approach and increases the likelihood of complaints.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

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

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

OUTCOME OF CONSULTATION AND ENGAGEMENT

Consultation and engagement has been undertaken with members of the Council's Tenants Panel.

The Council is committed to engaging with and listening to residents as we implement these policies and tenants will be involved in the development of the Action Plan that accompanies the Tenant Involvement Policy and in the monitoring of this.

We will regularly engage with our Tenants Panel to review performance statistics relating to residents' satisfaction with our approach to handling ASB.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	X Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the	13 November 2023

		Council (must be 28 days at the latest prior to the meeting date)	
<p>The Social Housing Regulation Act 2023 builds upon the existing regulatory framework for housing and introduces revised standards that come into force on 1 April 2024. These standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.</p> <p>The Anti-Social Behaviour Policy also fulfils the requirements of Section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) with regard to the publication of anti-social behaviour procedures by a Local Authority Landlord and The Anti-Social Behaviour, Crime and Policing Act 2014 which provides Social Housing providers and partners with a range of powers to tackle ASB.</p>			
x	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
<p>Policies relevant for housing tenants and how the Council's properties should be used and what is expected, do not take precedence over the terms and conditions of the tenancy agreement, which are enforceable. The policies compliment the tenancy agreement and relate to service operations.</p>			
FINANCE AND OTHER RESOURCE IMPLICATIONS			
<p>There are no significant financial implications associated with the adoption of these policies as they formalise existing arrangements which are currently funded via existing budgets in the Housing Revenue Account.</p> <p>However, it is anticipated that the implementation of the revised Consumer Regulations and the actions required to meet these will have a financial impact in the longer term.</p>			
X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:		
<p>There are no further comments over and above those set out elsewhere in the report.</p>			
USE OF RESOURCES AND VALUE FOR MONEY			
<p>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;	The Council has an adopted Financial Strategy.		
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,	The Council has a mature constitutional structure and framework of policy for decision-making. It is intended that the appended policies will augment that framework.		
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council has an adopted Financial Strategy.		

MILESTONES AND DELIVERY	
<p>If Cabinet agrees to the adoption of these policies, they will come into immediate effect, subject to call-in.</p> <p>An action plan will be developed to support the Tenant Involvement Policy, in partnership with tenants.</p> <p>The review of the policies will be carried out periodically as indicated with a delegation to the Corporate Director – Operations and Delivery to make future changes and updates to the policy in consultation with the Portfolio Holder responsible for Housing.</p>	
ASSOCIATED RISKS AND MITIGATION	
<p>The policies are designed to assist the Council in meeting the Regulator of Social Housing’s revised Consumer Standards with came into effect on 1 April 2024.</p> <p>Failure to meet these standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.</p> <p>The adoption and implementation of the policies is aimed at minimising the risks of non-compliance.</p>	
EQUALITY IMPLICATIONS	
<p>In line with the Public Sector Equality Duty, within these policies the Council has due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>An Equality Impact Assessment has been carried out in connection with both of these policies.</p>	
SOCIAL VALUE CONSIDERATIONS	
<p>Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower tenants.</p>	
IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030	
<p>The implementation of these policies does not present a direct impact on the Council’s target for net zero greenhouse gas emissions from its business operations by 2030. The Council will be mindful of energy efficiency measures, wherever relevant, in the implementation of these policies.</p>	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>	
Crime and Disorder	<p>The Anti-Social Behaviour Policy addresses the issues of anti-social behaviour. The Tenant Involvement Policy aims to improve tenants’ satisfaction with their homes and communities which could contribute to reduced crime and disorder.</p>
Health Inequalities	<p>The Tenant Involvement Policy aims to improve tenants’ satisfaction with their</p>

	homes and communities.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
Area or Ward affected	All
PART 3 – SUPPORTING INFORMATION	
BACKGROUND	
<p>The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.</p> <p>In June 2017, the fire at Grenfell Tower fire exposed a range of issues with social housing and, following extensive consultation with social housing tenants across the country, the Government published a Social Housing Green Paper ‘A new deal for social housing’ in August 2018. This paper aimed to rebalance the relationship between residents and landlords.</p> <p>This was followed in November 2020 by the Social Housing White Paper which committed to improve the national regulatory system for social housing to make landlords more accountable and to improve the formal national ombudsman complaint system.</p> <p>This White Paper also included a ‘Charter for Social Housing Tenants’ and this contains the following seven commitments that social housing tenants should expect from their landlord:</p> <ul style="list-style-type: none"> ➤ To be safe in their home ➤ To know how their landlord is performing ➤ To have their complaints dealt with promptly and fairly ➤ To be treated with respect ➤ To have their voice heard by their landlord ➤ To have a good quality home and neighbourhood to live in ➤ To be supported to take a first step to ownership. <p>The subsequent Social Housing (Regulation) Act 2023 lays the foundations for changes to how social housing is managed. It includes increased regulation of social landlords and new rules for protecting tenants from serious hazards in their homes. Many of the provisions in the Act are responses to the tragedies of the 2017 Grenfell Tower fire and death of two-year old Awaab Ishak, who died in 2020 from exposure to serious mould.</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.</p> <p>The Consumer Standards are:</p> <ul style="list-style-type: none"> ➤ Safety and Quality Homes ➤ Transparency, Influence and Accountability 	

- Neighbourhood and Community
- Tenancy

These standards aim to foster better relationships between landlords and tenants, improve housing conditions, and enhance overall service delivery and they came into effect on 1 April 2024

In relation to the Transparency, Influence and Accountability Standard, the required outcomes that are specifically relevant to tenant involvement are that registered providers must:

- Take tenants' views into account in their decision-making about how landlord services are delivered and communicate how tenants' views have been considered.
- Communicate with tenants and provide information so tenants can use landlord services, understand what to expect from their landlord, and hold their landlord to account.
- Collect and provide information to support effective scrutiny by tenants of their landlord's performance in delivering landlord services.

The required outcomes that are specifically relevant to ASB are that registered providers must:

- Have a policy on how they work with relevant organisations to deter and tackle ASB in the neighbourhoods where they provide social housing.
- Clearly set out their approach for how they deter and tackle hate incidents in neighbourhoods where they provide social housing.
- Enable ASB and hate incidents to be reported easily and keep tenants informed about the progress of their case.
- Provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to them.
- Support tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance.

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.

The Housing Ombudsman Service will continue to be the appropriate route for providing redress for individual tenant complaints. However, its Complaints Handling Code first introduced in 2020, becomes statutory from 1st April 2024 and provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient. A legal duty is also placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord.

Information about a potential issue with a landlord in relation to any of the standards

can be notified to the Regulator in a variety of ways including via their routine inspections, self-referrals from landlords, referrals made by a stakeholder (including tenants) or information shared by the Housing Ombudsman.

Where the Regulator judges there to be serious failings in a landlord delivering the outcomes of their standards, they will hold them to account. The Regulator will work with landlords so that they make self-improvements and address relevant failures.

However, they also have a range of powers available to them which they may decide to use if they consider appropriate to do so. For example, where it is considered that a landlord is unwilling or unable to deliver the outcomes of the Regulator's standards.

CURRENT POSTION

The proposed new policies are attached.

The purpose of the Tenant Involvement Policy is to:

- Set out our commitment to tenant involvement including the reasons why we involve tenants
- Make sure that the needs of tenants are at the centre of what the housing service delivers
- To build respectful and trusting relationships between residents and staff
- Set out our priorities in relation to tenant involvement
- Set out the ways in which we will involve tenants and ensure that they are part of our decision making and service improvement processes
- Set out how our performance will be monitored, reviewed and published
- To comply with the statutory requirements, legislation and good practice relating to tenant involvement.
- To improve our tenants understanding and satisfaction with the housing services we deliver

The purpose of the ASB Policy is to:

- Take firm action against any person found responsible for ASB where it is affecting land or property that we manage
- Use a wide range of preventative and diversionary activities to provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to us
- Work in partnership with the Police and other relevant organisations to deter and tackle ASB and hate incidents in the neighbourhoods where we provide social housing
- Enable ASB and hate incidents to be reported easily and keep tenants, leaseholders and any other victims informed about the progress of their case
- Supporting tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and

assistance

- Record rationale in accordance with the Public Sector Equality Duty (s.149 of the Equality Act 2010).
- Promote our policy, raise awareness, and publicise successful cases
- Provide clear information to witnesses, victims, perpetrators, and alleged perpetrators
- Work with or signpost perpetrators to appropriate agencies to change their behaviour and minimise reoffending/enforcement action
- We will collate ASB cases relative to our size as a landlord by calculating the number ASB and hate incidents opened per 1,000 homes.
- To comply with the statutory requirements, legislation and good practice relating to ASB.
- To improve our tenants understanding and satisfaction with the housing services we deliver

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

Appendix A – Tenant Involvement Policy
Appendix B – Anti-Social Behaviour Policy

REPORT CONTACT OFFICER(S)

Name	Emma Norton
Job Title	Senior Housing Manager
Email/Telephone	enorton@tendringdc.gov.uk



Tendring
District Council

TENANT INVOLVEMENT POLICY
April 2024



A.3 APPENDIX A

Tenant Involvement Policy

Introduction

We believe that Council tenants are the experts on living in council homes and, as a landlord, we must listen, understand and work in partnership with our tenants to make sure our services are continually improving and that we provide decent homes in thriving communities.

We want our tenants to feel empowered to hold us to account and to have opportunities to become actively involved in shaping the housing service. Effective tenant engagement can bring benefits not only to our tenants but also to the Council by ensuring we develop policies and services that meet the needs and aspirations of our tenants, creating genuine opportunities for them to influence decisions, and increase levels of satisfaction.

Purpose of this policy

- Set out our commitment to tenant involvement including the reasons why we involve tenants
- Make sure that the needs of tenants are at the centre of what the housing service delivers
- To build respectful and trusting relationships between tenants and staff
- Set out our priorities in relation to tenant involvement
- Set out the ways in which we will involve tenants and ensure that they are part of our decision making and service improvement processes
- Set out how our performance will be monitored, reviewed and published
- To comply with the statutory requirements, legislation and good practice relating to tenant involvement.
- To improve our tenants understanding and satisfaction with the housing services we deliver

Aims and objectives

- To promote existing, and develop new opportunities for, tenant involvement.

We want to use our everyday interactions and tenant involvement delivery methods to ensure that all tenants and prospective tenants are aware of how they can be involved in shaping our housing services

- To improve the way we communicate with and interact with our tenants

We want to capture a range of views and make it easy for our tenants and customers to speak to us. To help us do this, we also want to improve our understanding and knowledge of the needs of individual residents to make sure that everyone is heard, listened and responded to.

- To increase the opportunities for residents to influence the service in a real and meaningful way

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We want to involve and integrate tenants across the service at all levels but particularly where decisions are being made. We will also provide feedback to demonstrate how tenants have been involved in decisions making.

- To provide transparent, open and accessible information about our performance

We want to make sure that all our tenants and prospective tenants know how our housing service is performing and how they can challenge us when things are not working as they should.

Scope of Policy

This policy applies to both Tendring District Council tenants, prospective tenants and leaseholders. Any reference to tenants includes leaseholders.

Legal and regulatory context

- Housing Act 1985

This provided secure tenants of local authorities in England with a wide range of legal rights in respect of tenant involvement including the right to be consulted on matters of housing management and a right to information about housing tenancies and the allocation of homes.

- The Housing (Right to Manage) (England) Regulations 2012

The Right to Manage, first introduced in 1994, offers tenants the option to form a Tenant Management Organisation (TMO) and take over responsibility for managing housing services, such as repairs, caretaking, and rent collection from their landlord.

- Charter for Social Housing Tenants

The Government's 2020 white paper 'The Charter for Social Housing Tenants' built on the lessons learnt from the Grenfell Tower fire and this contains seven commitments that social housing tenants should expect from their landlord. These are:

- To be safe in their homes
- To know how their landlord is performing
- To have complaints dealt with fairly and promptly
- To be treated with respect
- To have their voice heard by their landlord
- To have a good quality home and neighbourhood
- To be supported to take the first steps into home ownership

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➤ Social Housing Regulation Act 2023

This legislation 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.

The standards and the areas they relate to are:

Safety and quality	• Stock Quality; Decency; Health and Safety; Repairs, Maintenance and Planned Improvements; Adaptations
Tenancy	• Allocations and Lettings; Tenancy sustainment and evictions; Tenure; Mutual Exchange
Neighbourhood and community	• Safety of shared spaces; Local co-operation; Anti-social behaviour and hate incidents; Domestic abuse
Transparency, Influence and Accountability	• Fairness and respect; Diverse needs; Engagement with tenants; Information about landlord services; Performance information; Complaints

This legislation also gave the regulator new powers that mean it will move from a reactive approach to consumer regulation, where it could only investigate issues when there was 'a serious detriment' to tenants for example a serious health and safety breach, to a proactive approach. This will be led by a regular programme of landlord inspections.

In relation to the Transparency, Influence and Accountability Standard, the required outcomes relevant to tenant involvement are that registered providers must:

- Treat tenants and prospective tenants with fairness and respect.
- Take action to deliver fair and equitable outcomes for tenants and, where relevant, prospective tenants.
- Take tenants' views into account in their decision-making about how landlord services are delivered and communicate how tenants' views have been considered.
- Communicate with tenants and provide information so tenants can use landlord services, understand what to expect from their landlord, and hold their landlord to account.
- Collect and provide information to support effective scrutiny by tenants of their landlord's performance in delivering landlord services.

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➤ Housing Ombudsman

The Complaint Handling Code, first introduced by the Housing Ombudsman in 2020, becomes statutory from 1st April 2024 and provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient.

In addition, a legal duty is placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord. This means that landlords will be required to submit their self-assessment to the Housing Ombudsman each year.

What is tenant involvement?

Tenant involvement is a term used to cover many different activities within a housing service through which tenants can contribute to how the service is delivered.

Tenant involvement is about tenants taking part in the decision making process and influencing choices which affect the services, homes and communities in which they live. It is an evolving two way process of communication between tenants and their landlord.

We want to ensure that tenants are provided with a wide range of options for involvement and engagement at different levels, including both formal and informal settings in person and on line.

Benefits of tenant engagement

In addition to the legal and regulatory context, there is a strong business case for involving tenants. 'Successful businesses in all sectors have a common theme – they know, understand and respond to their current and future customers. They do this by developing approaches and mechanisms to engage with service users.' (New Approaches to Tenant Scrutiny, Chartered Institute of Housing).

The main benefits of tenant involvement are:

- Improved levels of tenant satisfaction with their homes and neighbourhoods
- Learning from the experiences of tenants to inform the continuous improvement of housing services
- By understanding what tenants want and the problems they are facing, services can be tailored appropriately
- Identification of neighbourhood issues that need resolution
- Tenants are able to scrutinise and challenge the services we offer
- Services are delivered in a more efficient and cost effective manner
- Mutual trust, respect and understanding is developed
- The Council and its tenants become aware of each other's perspectives

A.3 APPENDIX A

- Tenants are given an understanding of what a housing provider must consider when delivering a service
- Having informed and knowledgeable tenants who have the skills and confidence to influence decision.
- Tenants have the opportunities to develop new skills, knowledge and confidence that can help in other areas of their life

Supporting a tenant involvement culture

Tenant involvement can only be effective where landlords are committed to and have a culture of involving tenants in their decision making process and where these principles are adopted throughout the housing service.

Tenant involvement comes from and promotes a culture of mutual trust, respect and partnership between tenants and the landlord. It exists when these interests work together towards a common goal of better housing conditions and housing services.

Tenant involvement is not the responsibility of one member of staff or team, but is an expectation of all members of staff involved in the delivery of housing services.

The key elements of a successful tenant engagement culture are that:

- Tenant engagement should be a continuous process where participants share information and ideas, working towards a common understanding of problems and agreeing solutions
- Tenant involvement should be easy and accessible allowing tenants to choose their own level and type of involvement
- All participants need to have all the information available to consider issues properly and this needs to be clear, timely and accessible
- Tenants should have enough time to consider issues properly.
- The purpose and benefit of involvement is made clear to all staff involved in the delivery of housing services
- Decision-making processes should be open, clear and accountable
- Feedback should be provided to demonstrate how views have been taken into account.

Barriers to engagement

We recognise there can be barriers that prevent tenants from getting involved and it is important that we identify these barriers and consider how they can be overcome. These barriers include but are not limited to:

- Lack of skills, training and/or the confidence needed or perceived to be needed
- Understanding published information

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- Time, work, family and caring constraints
- Transport, travel and other expenses

To help address these, we want to offer solutions and opportunities so that tenants find it as easy as possible to get involved. The solutions we offer include, but are not limited to:

- Providing training and support for tenants who would like to engage in any way
- Providing information in a range of formats to make sure it can be understood by all
- Making sure information is provided in a timely way, allowing tenants a reasonable and appropriate period to understand the information before commenting or giving feedback
- Arranging transport and / or covering the financial costs incurred by tenants and leaseholders in carrying out their roles
- Offering a wide range of engagement methods to suit all lifestyles
- Arranging meetings and events at times and locations, or online, which are accessible and safe for tenants
- Providing practical support for established tenants groups and other involved tenants

Options for tenant involvement

We accept that not all tenants will want the same level of involvement in all areas of the housing services we provide. The level of involvement that tenants are interested in may simply mean being kept informed or providing feedback about specific housing issues or they may want to have a more detailed involvement in the decision making process, as illustrated in the table below:

Informed	•Tenants are told what is happening but have no real influence. A one way flow of information.
Consulted	•Tenants are asked for their feedback on ideas and asked for their suggestions. However, the final decision remains with the Council.
Involved	•Tenants are asked to make suggestions and influence outcomes.
Influencing	•Tenants views are heard across the service and they have some influence over decision making.
Tenant led	•Tenants inform key decision making and help set priorities. At this level, tenant involvement is consistently applied throughout the service.

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We will work with our tenants to develop a structure giving a range of opportunities for them to get involved as much or as little as they want.

Training for tenant engagement

For this policy to be successful it will be important that staff and tenants have the right skills and approach. This will require a comprehensive training programme to help develop the right culture within the housing service and to equip tenants with the necessary understanding of the service.

This will include:

- Induction and regular refresher training for all members of staff involved in the delivery of housing services so that they understand the benefits of tenant involvement and their role in promoting and enabling this
- Ensuring that all staff are aware of this policy and have the skills and knowledge to implement it
- Delivery of relevant courses and training to assist and enhance tenants involvement and to allow them to become more effective in their role

Resources for tenant involvement

To encourage and support tenants and leaseholders to be involved, we will:

- Reimburse reasonable travel expenses and/or provide transport to events or meetings
- Reimburse tenants and leaseholders for child and dependency care costs to enable attendance at meetings or consultation events
- Provide refreshments at meetings and other consultation event;
- Hold prize draws, where considered appropriate, for tenants and leaseholders responding to surveys
- Provide for the translation or interpretation of documents/information at meetings, where needed
- Provide grants to resident's associations that meet our recognition criteria
- Organise events across the district to reach out and engage as many tenants and leaseholders as possible
- Continue to have a designated annual budget for tenant and leaseholder involvement activities
- Provide Locally Determined Environmental Improvement budgets to tenants groups meeting our eligibility criteria

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Measuring Quality and Performance

It is important that tenants hold us to account, that we do what we say we will do and our performance against the priorities set out in this policy are visible to tenants, leaseholders and other key stakeholders.

To do this we will:

- Develop an action plan to meet the aims and objectives of this policy
- Develop a set of key performance indicators to measure key aspects of this policy
- Involve tenants in the development and monitoring of our action plan and performance indicators
- Regularly report on our progress to all tenants

As part of the new regulatory regime for housing, providers are also required to collect specified data in relation to their performance known as Tenant Satisfaction Measures. Of the 22 Tenant Satisfaction Measures, 12 are perception measures that are informed by an annual tenant satisfaction survey and the ones most relevant to tenant involvement are:

- Overall satisfaction with the service provided
- Satisfaction that the landlord listens to tenant views and acts upon them
- Satisfaction that the landlord keeps tenant informed about things that matter to them
- Agreement that the landlord treats tenants fairly and with respect

We have to submit this information to the Regulator of Social Housing each year and will also publish our results on our website and in our tenant newsletter.

Complaints Procedure

The Council's Housing Complaints Policy is available to any tenant or prospective tenant who is dissatisfied with any aspect of the housing services we provide.

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

Equalities Statement

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

We want all our tenants to have the opportunity to be involved, regardless of age, disability, ethnicity, gender, sexual orientation, marital status or civil partnership, pregnancy or maternity status. Discrimination on the basis of any of these grounds is not acceptable.

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

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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

Review of policy

The policy will be reviewed every two years in consultation with tenant representatives, staff, other stakeholders, including the Portfolio Holder responsible for Housing, unless there are any reasons, such as legislative or regulatory which necessitate a review prior to this.



Tendring
District Council

HOUSING ANTI-SOCIAL BEHAVIOUR POLICY

April 2024



A.3 APPENDIX B

HOUSING ANTI-SOCIAL BEHAVIOUR POLICY

Introduction

Tendring District Council believes that no one should have to experience anti-social behaviour (ASB). This policy sets out how we will meet our duty to respond to ASB affecting tenants, leaseholders, and neighbours of homes we manage, by outlining the activities and responsibilities involved in our handling of reports in accordance with legislation and guidance. This policy also provides an ongoing commitment to tackle ASB by ensuring that, with our colleagues and partners, we provide a co-ordinated and comprehensive approach using appropriate tools and powers to deliver an effective service across the community. We will ensure that all reports of ASB are treated seriously and addressed firmly, fairly and proportionately as part of the delivery of an effective value for money service across the community to meet the demands and expectations of our customers.

Purpose of this Policy:

This policy sets out Tendring District Council's Housing Service approach to dealing with ASB, the principles that shape it and ensures that when our customers report a problem, we recognise the importance of addressing it. We are committed to making our communities safer places to live, free from serious nuisance and ASB and ensuring there is no detrimental effect to quality of life. We remain focused on providing an excellent level of housing management that allows residents to enjoy their lives without negatively impacting on others or being affected themselves by their neighbours. We want to work closely with residents to create communities where people want to live and to ensure that, with our colleagues and partners, we provide a co-ordinated and comprehensive approach that delivers our customers an effective service.

Policy aims:

We aim to:

- Take firm action against any person found responsible for ASB where it is affecting land or property that we manage.
- Use a wide range of preventative and diversionary activities to provide prompt and appropriate action in response to ASB and hate incidents, having regard to the full range of tools and legal powers available to us.
- Work in partnership with the Police and other relevant organisations to deter and tackle ASB and hate incidents in the neighbourhoods where we provide social housing.
- Enable ASB and hate incidents to be reported easily and keep tenants, leaseholders and any other victims informed about the progress of their case.

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- Supporting tenants who are affected by ASB and hate incidents, including by signposting them to agencies who can give them appropriate support and assistance.
- Record our rationale in accordance with the Public Sector Equality Duty (s.149 of the Equality Act 2010).
- Promote our policy, raise awareness, and publicise successful cases.
- Provide clear information to victims, witnesses, perpetrators, and alleged perpetrators.
- Work with or signpost perpetrators to appropriate agencies to change their behaviour and minimise reoffending/enforcement action.
- We will collate ASB cases relative to our size as a landlord by calculating the number of ASB and hate incidents opened per 1,000 homes.

Scope of Policy

As a Social Landlord we have a duty to respond to ASB affecting properties, land and assets that we own or manage. This policy informs Council tenants and other residents what ASB is and sets out the guiding principles for those officers who handle the ASB. It outlines what we want our services to achieve for people experiencing ASB and sets out the principles of level and quality we aim to provide.

What is anti-social behaviour

- ASB is defined, as *“Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”* (The Anti-social Behaviour, Crime and Policing Act 2014). ASB is further defined, under this Act, as follows:
 - For the purposes of an application to the courts by a housing provider, Local Authority or the Police for a Civil Injunction: *“Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”*.
 - Directly or indirectly relates to or affects the housing management functions of a housing provider or Local Authority: *“Conduct capable of causing housing related nuisance or annoyance to any person”*. *“Consists of or involves using or threatening to use housing accommodation owned or managed by a relevant landlord for an unlawful purpose”*. (Anti-social Behaviour Act 2003, Anti Social Behaviour, Crime and Policing Act 2014)
 - For the purposes of ASB case reviews (the Community Trigger): *“behaviour causing harassment, alarm or distress to members or any member of the public”*.

Examples of ASB include:

- Noise nuisance,

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- Intimidation and harassment (threats and physical attacks),
- Hate Incidents,
- Using our property in connection with an illegal activity,
- Alcohol or substance abuse,

This list is not exhaustive and other types of behaviour may be classed as ASB and trigger action by us or another agency.

Tenant responsibilities

We will enforce the obligations of our tenancy agreement which outlines that tenants must:

- Not use the property, its communal areas, any neighbouring areas or any garage for any illegal purpose.
- Be responsible for the behaviour of all people, including children, who live in or visit the property in communal areas (stairs, entrance halls, gardens and parking areas) and in the locality (play areas, streets, community buildings and facilities and all other council estates in Tendring).
- Not cause or allow anyone living in or visiting the property to cause, or to act in a way likely to cause a nuisance, annoyance or disturbance to anyone.
- Not cause or allow those living in or visiting the property to do anything that could harass neighbours or anyone in the locality, including employees, agents and contractors for whatever reason. This includes harassment on the grounds of race, colour, ethnic origin, nationality, gender, sexual orientation, disability, age, religious, political or other belief that may interfere with their peace, comfort and convenience or cause offence.
- Not use threatening behaviour, violence or abuse (psychological, physical sexual, financial or emotional) against any other person lawfully entitled to live in the property.
- Not use violence, threats or intimidation towards any person to try to remove them from the tenancy or cause them to leave.

Leaseholder responsibilities

Leaseholders have restrictions imposed in respect of the use of their premises and whilst individual leases vary, they commonly detail that the property is not to be used for any purpose that is illegal or immoral, or from which a nuisance can arise to any other person or property in the neighbourhood.

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Reporting ASB

We will encourage people to report ASB and make it possible for them to do this using a range of methods including verbally, in writing, online or via a third party (e.g. elected representatives or partnership agencies). All ASB reports will be treated seriously, addressed firmly, fairly, and proportionately. However, we are not an emergency response service, the Police are the lead response and investigatory service for criminal offences, so incidents where there is an immediate risk of harm to person or property, criminality, or the fear of violence must be reported to the Police or other appropriate emergency service. The Council work closely with the Police and will consider criminal behaviours when investigating an ASB case or hate incident.

Hate incident.

A hate incident is *“any criminal offence which is perceived by the victim, or any other person, to be motivated by hostility or prejudice based on a person’s actual or perceived race, religion/faith, sexual orientation, disability, or transgender identity”*.

- Race (e.g. skin colour, ethnicity, citizenship).
- Religion (e.g. faith, atheism, targeting religious premises).
- Sexual orientation (e.g. gay, bisexual, pansexual).
- Transgender identity (e.g. transgender, agender, demi-gender).
- Disability (e.g. learning needs, mental health, physical impairment).

Hate incidents can take many forms:

- Physical attack, damage to property, offensive graffiti, arson.
- Threat of attack, offensive letters or e-mails, abusive phone calls, offensive leaflets, posters and malicious complaints.
- Verbal abuse, insults, intimidation, abusive gestures, bullying at school or in the workplace.

We encourage victims of hate incidents, or those that know of someone who is, to report it. We will work alongside agencies including the Police, Victim Support, HIRC (Hate Crime Incident Reporting Centre), Community Safety Partnership and Outhouse East to investigate and help resolve any hate incident. We will also supply the ‘Stop Hate Crime’ information that offers further help and support.

The Housing Team provides a variety of ways for tenants to report ASB and Hate Crime:

- By emailing housingASB@tendingdc.gov.uk
- Online [Tending District Council | Hate crime \(tendingdc.gov.uk\)](https://www.tendingdc.gov.uk/hate-crime)

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- Telephone: 01255 686488
- In person at our Reception, Council Offices, 88-90 Pier Avenue, Clacton which is open Monday, Tuesday and Wednesdays between 10am and 1pm
- To Council officers, support workers or carers using any of the methods above.
- You can contact your local councillors to ask them questions about what's happening in your area or to share a concern.

Handling complaints of ASB

We will:

- Register each case, give it a unique reference number and a named case officer.
- Set out an initial plan of action,
- We will acknowledge and respond to complaints in writing within 10 working days (or in appropriate cases by telephone within 24 hours). We will also carry out a Risk Assessment which will identify a response timescale in accordance with the following priorities:
 - For serious behaviour, hate incidents or where there is considered to be an immediate threat of violence or major disorder – within 1 working day.
 - For behaviour of a serious nature affecting more than one other property or having serious impact upon an individual tenant – within 7 working days.
 - For less serious behaviour amounting to neighbour or general nuisance – within 14 working days.
 - For other less serious behaviour or minor breaches of the tenancy agreement that require officer intervention – within 21 working days.

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We will:

- Inform complainants how we intend to deal with their report of ASB or a hate incident and tell them of the measures that are available to resolve their complaint and provide a realistic expectation of the likely outcome.
- Complete a Risk Assessment.
- Investigate the report, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses.
- Investigate the circumstances and seek to understand all the facts of any reports.
- Ensure cases are not open longer than is deemed necessary and inform the complainant of progress at appropriate stages in the investigation.
- Explain our reasons should we choose to take no further action on a report of ASB and advise on self-help or other alternative courses of action including private legal proceedings whenever it is possible and appropriate to do this.
- Continue to treat all reports as live until, in the opinion of the lead officer, they can be closed and the complainant notified.
- Take any necessary early action to protect people and property.
- Take formal action when the ASB is serious or persistent or when it threatens individuals' health and safety.
- Consider and adjust our approach as necessary when a victim or a perpetrator is a vulnerable person.
- With the consent of those people involved, refer suitable cases to mediation.
- Respond promptly to complaints about our service and advise anyone not satisfied with the way in which their report was handled as to how to make a formal complaint via the Tendring District Council Housing Complaints Procedure.
- Provide a mechanism for victims of ASB to ask for a review of their case where they feel that either no action or inadequate action has taken place to tackle the reported problem (the Community Trigger).
- Participate in permanent or ad-hoc multi-agency groups dealing with specific ASB issues.
- Ensure that staff dealing with ASB are qualified, trained, understand and follow agreed policies and procedures.
- Use all available and appropriate legal tools and powers to address and resolve ASB but seek to always resolve cases at the lowest level of intervention.

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Prevention and Early Interventions

We will use prevention and early intervention measures:

- **Acceptable Behaviour Contract (ABC):** An ABC is a voluntary written agreement between the individual committing ASB (and their parent/carer if they are under 18), the Council and the Police and although not legally binding, can be used as evidence of non-compliance if breached. The contract is a promise that the individual will not carry out certain acts which could be seen as anti-social and may include support for the individual in tackling their behaviour. The contract terms will be agreed with the individual through face-to-face meetings at which behaviours are discussed and their impact recognised. It is not always necessary to use an ABC before taking other action (e.g. where the behaviour is very serious) but it is a step that would be considered in most cases.
- **Parenting Contracts:** In some cases, it may be appropriate for a parent to enter into a Parenting Contract where the parent agrees to certain measures to try and stop the ASB being caused by their child.
- **Good Neighbour Agreements:** An agreement made within a block or estate to commit to being neighbourly to ensure that each resident is aware of the expectations from their community.
- **Early referrals:** To ensure that an early referral for support is made when a resident is requiring help. Examples include hoarding, addictions, mental health or physical disability and referrals may be made to support agencies such as Social Care, mental health, drug and alcohol support services.
- **Mediation:** Mediation is a safe and supportive process we recommend to settle disputes between neighbours or two or more people. It involves appointing a mediator, who is an independent and impartial third person, to help the parties talk through the issues, negotiate, and come to a mutually agreeable solution. Mediation is usually much quicker and much less expensive than going to Court, so it can be a more efficient way of resolving disagreements and allow everyone to move on from the problem sooner.
- **Community Action Days:** The opportunity for local people to feel empowered to tackle issues that matter to them and deliver noticeable improvements to their neighbourhood. Working alongside partners can help deliver long-lasting improvements and inspire many more people to have pride in where they live.
- **Tenant Engagement:** The levels of involvement that we aim to provide will include:
 - Provision of information - where we send a letter or other means of correspondence to let our residents know what is planned.

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- Consultation - where we ask for our residents views and comments and take these into account before making a decision.
- Participation - where decisions are made jointly.
- Co-regulation - monitoring performance and promoting transparency.

Enforcement options

Whilst we will aim to resolve cases at the lowest level of intervention, enforcement options available to us include (but are not limited to):

- **Civil Injunction.** An injunction is a court order prohibiting a person from committing certain acts. If any injunction is breached, this could be considered as contempt of Court, and the Council can apply for this contempt to be punished by a fine or committal to prison. It may also be possible to obtain a power of arrest and exclusion zone (including exclusion from someone's home), as part of the injunction if the individual has used or threatened violence or there is a significant risk of harm to others. In very serious cases it may be possible to apply for an injunction without telling the perpetrator that the Council is applying to Court for an order.
- **Community Protection Notice (CPN):** To stop a person aged 16 or over, business or organisation committing ASB which spoils the community's quality of life. Council Officers, Police Officers and other designated Officers can issue a CPN. The test is that the behaviour has to have a detrimental effect of the quality of life of those in the locality, be of a persistent or continuing nature and be unreasonable. A warning is issued first informing the perpetrator of the problem behaviour, requesting them to stop, and the consequences of continuing. A CPN (Notice) will be issued including a requirement to stop things, do things or take reasonable steps to avoid further ASB. This can allow Councils to carry out works in default on behalf of a perpetrator. Breach of the CPN is a criminal offence. A fixed penalty notice can be issued of up to £100 if appropriate. A fine of up to level 4 (for individuals) or £20,000 for a business.
- **Closure Power:** To allow the police or Council to quickly close premises which are being used, or likely to be used to commit nuisance or disorder. Power to close premises for up to 48 hours out of Court (Closure Notice) or up to 6 months via the Court (Closure Order).
- **Possession Proceedings:** We may ask the Court to end the tenancy. The procedure that we follow in connection with possession proceedings will depend upon the type of tenancy. We currently offer Introductory, Secure and Non-Secure Tenancies. Copies of the different tenancies are available on our website, via email or in person at our Reception, Council Offices, 88-90 Pier Avenue, Clacton which is open Monday, Tuesday and Wednesdays between 10am and 1pm

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- **Mandatory possession:** A power which offers protection and faster relief to victims by quickly evicting the most anti-social tenants. We can apply for it on one of our properties where ASB is causing nuisance or disorder such as noisy premises, environmental pollution, drug/alcohol related ASB.

When dealing with incidents of ASB, the needs of the wider community will always be of paramount concern. If we have been unable to resolve incidents with less formal responses or these actions would be inappropriate, we will seek to resolve the problem by taking enforcement action. If the urgent protection of the complainant or other member(s) of the public is required, we will consider legal action as the first option. Consideration will always be given to issues such as disability, mental health problems or drug and alcohol abuse on the part of the alleged perpetrators. Where these matters are identified, the intervention and support of relevant partner agencies will be sought. The need to contribute to the active rehabilitation of those convicted of ASB offences to prevent recurrence is also recognised, and we will support and cooperate with appropriate partner agencies to maximise the potential to try and change behaviours.

Partnership working

We play a lead role in the Community Safety Partnership which brings together local partners to formulate and deliver strategies to tackle crime and disorder in their communities. We will participate in relevant strategic or preventative initiatives and work with partners to provide professional advice and support as required, so that we can act confidently to prevent or tackle ASB.

Safeguarding

Concerns for children, young people and vulnerable adults will be handled in line with Tendring District Councils Safeguarding Policy which sets out how the officers should respond to a report of abuse or neglect to a child, young person, or adult with unmet care and support needs. It is not uncommon for safeguarding concerns to arise at the initial report stage or during an ASB investigation. The requirements of the Safeguarding Policy take primacy over this policy.

How we will monitor the success of our ASB service?

We will gain customer feedback through surveys of users of the ASB service to rate their satisfaction with the service, act on any negative feedback and to improve our service.

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Complaints Procedure

The Council's Housing Complaints Policy is available to any resident who is dissatisfied with the handling of their issue.

General Data Protection Regulations

All reports of ASB that include identifiable personal information will be processed in accordance with the requirements of the Data Protection Act 2018 and the UK General Data Protection Regulations. We will only disclose or share personal information where we are required to do so by law or where a lawful exemption applies; for example, for the purposes of a prosecution, a safeguarding concern, where it is in the public interest or with the person's consent. Personal information is processed by Tendring District Council for a number of purposes. These can be found in the Privacy Notices which are available on the Council's website at www.tendringdc.gov.uk/privacy or on request at our public reception areas.

Equalities Statement

The Council is committed to treating all customers fairly and with respect and professionalism. To this end the Council will ensure that no individual is discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including political opinions), sex or sexual orientation and that, in the application of this Housing Anti-Social Behaviour Policy, the Council will comply with their duties under the Equality Act 2010 and specifically our Public Sector Equality Duty (Section 149) under which a public authority must work consciously to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics. To enable customers to have clear information and equal access to our ASB service information will be made available in a range of appropriate languages and formats, when requested.

Legal and regulatory context

This Policy fulfils the requirements of Section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) with regard to the publication of anti-social behaviour procedures by a Local Authority Landlord and The Anti-Social Behaviour, Crime and Policing Act 2014 which provides Social Housing providers and partners with a range of powers to tackle ASB. This policy is compliant with the Regulator of Social Housing's Safety and Quality Consumer Standards published on 1 April 2024:

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References

General Data Protection Regulations 2018
ASB Crime and Policing Act 2014
Equalities Act/Public Sector Equality Duty 2010
Malicious Communications Act 2007
Freedom of information Act 2005
Mental Health Act 2005
Homelessness Act 2002
Crime and Disorder Act 1998
Human Rights Act 1998
Local Government Act 1997
Protection from Harassment Act 1997
Environmental Protection Act 1990
Children's Act 1989
Public Order Act 1986
Regulator of Social Housing Safety and Quality Consumer Standards 2024
Section 4A Public Order Act 1986
Telecommunications Act 1984
Code of Practice for Social Landlords on Tackling Racial Harassment.

Related Documents

Tendring Council Introductory and Secure and Non-Secure Tenancy Agreement
Tendring Council Corporate Anti-Social Behaviour Policy
Tendring Council Housing Complaints Procedure

Review of policy

The policy will be reviewed every two years in consultation with tenant representatives, staff, Portfolio Holder for Housing and other stakeholders unless there are any reasons, such as legislative or regulatory changes, requiring that it be reviewed earlier.

CABINET

19 APRIL 2024

REPORT OF PORTFOLIO HOLDER FOR PARTNERHIPS

A.4 GRANT FUNDING REVIEW

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report highlights the spending that has occurred in 2023/24, and further work will be required to determine any potential future allocation of grant funding.

This report is to partly meet the decision of Cabinet on 21 July 2023 (minute no. 22), in respect of Citizen's Advice Tendring, which requested a review of grant funding across the Council and a report following the review be presented to Cabinet considering the options available during 23/24 in readiness for the commencement of 24/25.

EXECUTIVE SUMMARY

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

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

This report identifies the 2023/24 funding provision and proposes recommendations in relation to the further work required going forward.

Further to the review, a policy could be developed to support the governance around the allocation of grant funding.

RECOMMENDATION(S)

It is recommended that Cabinet:-

- a) notes the contents of this report including the Allocation of Funding for 2023/24 as set out in Appendix 1;
- b) delegates authority to the Portfolio Holder for Partnerships to continue with the requested review in order to determine what priorities the Council could support through external funding in the future;
- c) subject to (b), such review will include engagement with Officers and the relevant Portfolio Holders, to understand existing schemes and determine proposals for the future, taking into account service provision, subsidy control implications, the Council's financial position and delivering the Council's Corporate Plan;

- d) subject to (c), following completion of the review a further report will be presented to Cabinet in readiness for the budget process for 2025/26; and
- e) in light of the revised approach for the review, recommends to the Community Leadership Overview and Scrutiny Committee that their work on reviewing grant schemes operated by the Council ceases in order to prevent a duplication of Council resources on this subject.

REASON(S) FOR THE RECOMMENDATION(S)

Considering funding already allocated will assist in determining the types of funding the Council may wish to provide in the future. A further review which analyses any gaps in service provision across the organisation will also assist in understanding what funding the Council may wish to provide to meet the Corporate Plan.

ALTERNATIVE OPTIONS CONSIDERED

To not review existing funding and to continue allocating funding under existing methods. This is not possible due to the previous decision of Cabinet and consideration of a new Corporate Plan and priorities. Governance arrangements for existing schemes also need to be reviewed.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The provision of grant funding contributes to the priorities in terms of raising aspirations and creating opportunities, as funding can be used to help support residents to reach their potential, for example, through the High Street Accelerator Schemes or the Shared Prosperity Fund. Funding could also be allocated to support the heritage offer.

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)

A report has been sent to Community Leadership Overview and Scrutiny who are setting up a working party to consider the provision of grants.

It is however currently proposed that as the review requested by the Executive is ongoing, Cabinet recommends to the Community Leadership Overview and Scrutiny Committee that the Grant working party does not proceed, as it will be duplication of the work to be undertaken by The Executive. Any decision in relation to this is to be taken by the Overview and Scrutiny Committee.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO (this report is a review of previous funding /grants)	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision	

	<p>published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</p>	
<p>The allocation of funding must follow good governance procedures to ensure effective use of public money and to ensure that external funding meets grant requirements.</p> <p>The Council in giving financial assistance, directly or indirectly, from public resources, which includes funds must satisfy itself whether the support they are proposing to provide amounts to a subsidy under the UK subsidy control rules established under the Subsidy Control Act 2022 (“the Act”). A ‘subsidy’ is where a public authority provides support to an enterprise that gives them an economic advantage, meaning equivalent support could not have been obtained on commercial terms. This could include, for example, a cash payment, a grant, a loan with interest below the market rate or the free use of equipment or office space.</p> <p>To enable the Council to assess whether the support they are proposing is a ‘subsidy’, as defined in the Act, it must apply a four limbed test. Financial assistance will be considered a subsidy where it satisfies all four of the ‘limbs’ of the test. Limb A is satisfied because the Council is a public authority providing financial assistance to external bodies. The Council must have regard to the Statutory Guidance issued in November 2022, and updated in June 2023, by the former Secretary of State for the Department for Business, Energy & Industrial Strategy under section 79 of the Act.</p> <p>All allocations of funding should therefore be considered in relation to whether the Act applies. If funding does constitute a subsidy, then a subsidy scheme will usually be required to allow any payment unless exemptions apply.</p> <p>How funding is allocated may ensure it is not subject to the requirements of the Act. For example, if a procurement exercise is undertaken, because the Council is requiring the provision of services to be delivered, or there is an open call for bids to a fund, there is no distortive effect on competition as it is free for a wide range of organisations to apply.</p> <p>External funding received will have provisions for how the money is spent, either as grant conditions or, for example, via a Memorandum of Understanding and all spending must be in accordance with these provisions.</p> <p>When the Council receives external funding decisions are required to formally accept the same, highlight the relevant Corporate Plan priorities, the conditions of doing so and the implications on the Council with regards to governance and delivery.</p> <p>Appropriate approval routes for spending must be obtained, if necessary, at a Member level, for example, via a Portfolio Holder decision or consultation, and spending must also be supported by the relevant Officer decision(s).</p>		
<p>X</p>	<p>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</p>	
<p>As indicated in the Report to Cabinet in July 2023, it is important for the Council to undertake a review to ensure that the external funding which the Council is providing complies with the Council’s legal requirements taking into consideration subsidy control, procurement</p>		

obligations and governance arrangements. It is noted this was required before the start of 24/25, therefore this report to Cabinet will allow a fresh decision to be made setting a revised timescale.

As stated within the body of this report, the Community Leadership Overview and Scrutiny Committee will need to decide what action it wishes to take in respect of its working party to review Council operated grant schemes, in light of the Cabinet's revised approach, if approved.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The Council allocates a significant amount of funding each year, either from external funding provided or internal resources. It needs to ensure that this is being allocated in accordance with the provisions of any external funding agreements and in line with Council priorities.

The Council allocates significant funding via grants, either from its own resources or following the receipt of money from partners. Consideration needs to be given to what the Council currently funds and what it wishes to fund in the future. The allocation of internal Council resources also needs to be considered in terms of the savings requirements.

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

The approach proposed provides a timely opportunity to review a number of current and historic transactions in the context of the need to demonstrate value for money and taking a pragmatic view in recognising the underlying transactions and balancing the commissioning of supplies / or services with the appropriateness or otherwise of grant funding or other financial support that is used to support the Council in delivering its priorities and objectives via the various economic / charitable and voluntary sectors within the local area.

The proposed review, which will include the work of the Community Leadership Overview and Scrutiny Committee should provide a renewed approach to the delivery of this important element of the Council's activities with the above in mind, which will not only apply to historic transactions, but also to future activity as well.

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>Funding may be provided from external sources and needs to be managed in terms of allocation and whether funding is recurrent. Alternatively, the Council may allocate from its own resources, although this must consider any savings requirements. Sustainability should be considered within the work that is funded, and future funding is not assured.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Funding governance is currently done via a number of routes, which vary depending on the types of funding and amount of money allocated. Routes include officer decisions through to Member approval, for example, by</p>

	Portfolio Holder decisions and, on some occasions, Cabinet. Identifying good governance criteria to be used across departments would help aid good allocation of funding.
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.	This report seeks to identify existing funding allocations as a basis for starting to review what the Council wishes to fund in the future for effective use of resources.
MILESTONES AND DELIVERY	
Each individual amount of funding will need to be allocated within a specific time period and therefore generates its own milestones to effectively allocate the resources.	
Delivery of all funding should also include a review to ensure the resources have achieved the aim of the funding or to understand what improvements could be made.	
ASSOCIATED RISKS AND MITIGATION	
There is a risk if funding is allocated without reference to the Council's objectives in the Corporate Plan, it may not meet the Council's aims, and similarly, funding needs to be allocated in a coordinated way to ensure it is consistent across the Council.	
EQUALITY IMPLICATIONS	
A review of existing funding allocations and consideration of the types of funding the Council wishes to allocate going forward will allow consideration of equality of access and help to deal with inequality.	
SOCIAL VALUE CONSIDERATIONS	
The allocation of funding provides an opportunity to address wider social value considerations and those applying for funding can be asked to demonstrate the wider impact the use of the funding may have.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
Allocation of funding can be in accordance with the Council's aim to be net zero by 2030 for the types of funding that may have implications for net zero, and this criteria can be included in a policy.	
Funding may be allocated to a wide variety of projects and not all funding will have a direct impact on the Council's net zero approach.	
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	Depending on the type of funding allocated, it may have an impact on crime and disorder and will be in accordance with the Council's priorities.
Health Inequalities	Grant funding is likely to be wide in its nature; however, in accordance with the Council's priorities and in delivering partnership work, it is likely that some funding will be allocated to help address health inequality, and in particular, funding can be beneficial in addressing overall

	inequality.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	All allocations of funding must comply with the Subsidy Control Act 2022, either by being outside the Act, for example, via an open call process to allocate funding or if it constitutes a subsidy, it must be in accordance with a subsidy control regime.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

At the Cabinet meeting on 21 July 2023, a report covered funding provided to Citizen’s Advice Tendring as part of the core grant and funding for the mental health hub and the associated subsidy scheme. As part of the recommendations on this report, Cabinet approved a review of grant funding across the Council and requested a report following the review be presented to Cabinet considering the options available during 23/24 in readiness for the commencement of 24/25.

The focus of this report is on grant funding to the voluntary and community sector, as wider funding such as allocation of disability facility grants or use of health inequalities funding to support wider inequality work is subject to separate governance procedures.

Reference has been made to the Community Leadership Overview and Scrutiny Committee in respect of reviewing grant funding and a Task and Finish Group set up. As this is now being considered by The Executive it is currently proposed that a recommendation goes to the next Community Leadership Overview and Scrutiny Committee that the Task and Finish Group does not proceed as it will be duplication of the work undertaken by the Executive. Any decision in relation to this is to be taken by the Overview and Scrutiny Committee.

Grant Funding

The allocation of funding is currently broad, including the Tendring Community Fund, Citizen’s Advice Tendring, Shared Prosperity Funding, the Community Asset Rent Offsetting Scheme, discretionary business rate relief, Members schemes and allocating health inequalities funding for food and fuel vouchers. Appendix 1 provides more detail on the funding allocated.

A review of the types of funding available that could be given out over a year period (some funding is allocated over a number of years) identified in the region of £750K is allocated from Council resources and external funding is in the region of £1M. Some of this funding is not necessarily directed to the voluntary and community sector, as, for example, the Shared Prosperity Fund has also been used to support the Starlings project.

The funding allocated by the Council is broad and has a variety of approval routes.

Citizens Advice Funding – this is ongoing funding allocated each year. No criteria or application form are used to allocate the funding; however, it is subject to grant agreements (led by the Council for the core funding and currently the Integrated Care Board for the mental health hub funding as part of a wider funding partnership). Funding provisions are currently agreed at a Cabinet level.

Tendring Community Fund – this fund, which allocated money in 2023, is no longer active. The allocation of funding was done via a set of criteria and an application form, assessed by a Member panel with final approval from the Portfolio Holder for Partnerships. A grant offer letter or grant agreement supported each allocation of funding.

Public Health Funding – the most recent allocation is to ongoing work undertaken by the Council, for example, the Dig for Jaywick project.

Community Safety Partnership funding for community projects is allocated by the Police, Fire and Crime Commissioner, and therefore governance is via their office, and the allocation of funding must be in accordance with the criteria they set.

Joint Use Facilities funding is allocated via a set of criteria and an application form and then supported by portfolio holder approval.

Shared Prosperity Fund – some of this funding is allocated directly to Council projects, for example, around the Starlings site and where funding is provided as grants, there are specific criteria, the use of an application form, scoring criteria and an award process.

For small event grants and sports participation grants, criteria are published, organisations apply and funding is then allocated and supported by a grant offer letter.

Town Centre Grants (£10K) and Local Cultural and Education Partnership funding (£10K) are more responsive in nature and are used on demand, usually for relatively low value. They seek to provide grant offer letters.

Rural England Prosperity Fund – this has published criteria and organisations apply and then recommendations to the Portfolio Holder and Leader for allocation and grant offer letters provided.

Harwich Ferry is funded on an ongoing basis and although this is not via a set of criteria or an application form, it is subject to a wider funding agreement with partners that sets out the allocation and the agreement between funders. Similarly, the Community Rail Partnership works on this type of model. Both allocations are of low value, with the highest being £2100.

Discretionary Rate Relief – this is often ongoing support for organisations that have received support previously. It is used to support with rate bills for certain non-profit making bodies. There is criteria and an application form for the initial application.

Rough Sleeper Grant – although this funding is allocated to a voluntary or community organisation in terms of Anglia Care Trust, this is undertaken through a routine procurement approach.

Community Asset Rent Offsetting Scheme – no new applications have been accepted for this scheme in the last four years. When they could apply, it was via an application form and needed to demonstrate community benefit and if the criteria were met, they could be considered to access the scheme.

Future Considerations

Having reviewed the existing funding provided, consideration needs to be given to what type of work the Council wishes to fund in the future. It is proposed that Officers provide information about the gaps in service provision and a further report will be submitted to Cabinet.

There is some historic funding where organisations have been funded annually over a longer period of time, such as the discretionary rate relief or CAROS scheme.

In other cases, such as with the Tendring Community Fund, the criteria are set at the time of determining how to allocate the funding.

A review of the areas the Council wishes to fund will provide a more transparent and consistent approach to delivering funding to areas the Council determines are important.

Once the focus has been determined, this can be supported by criteria and governance, for example, through the use of a grant policy.

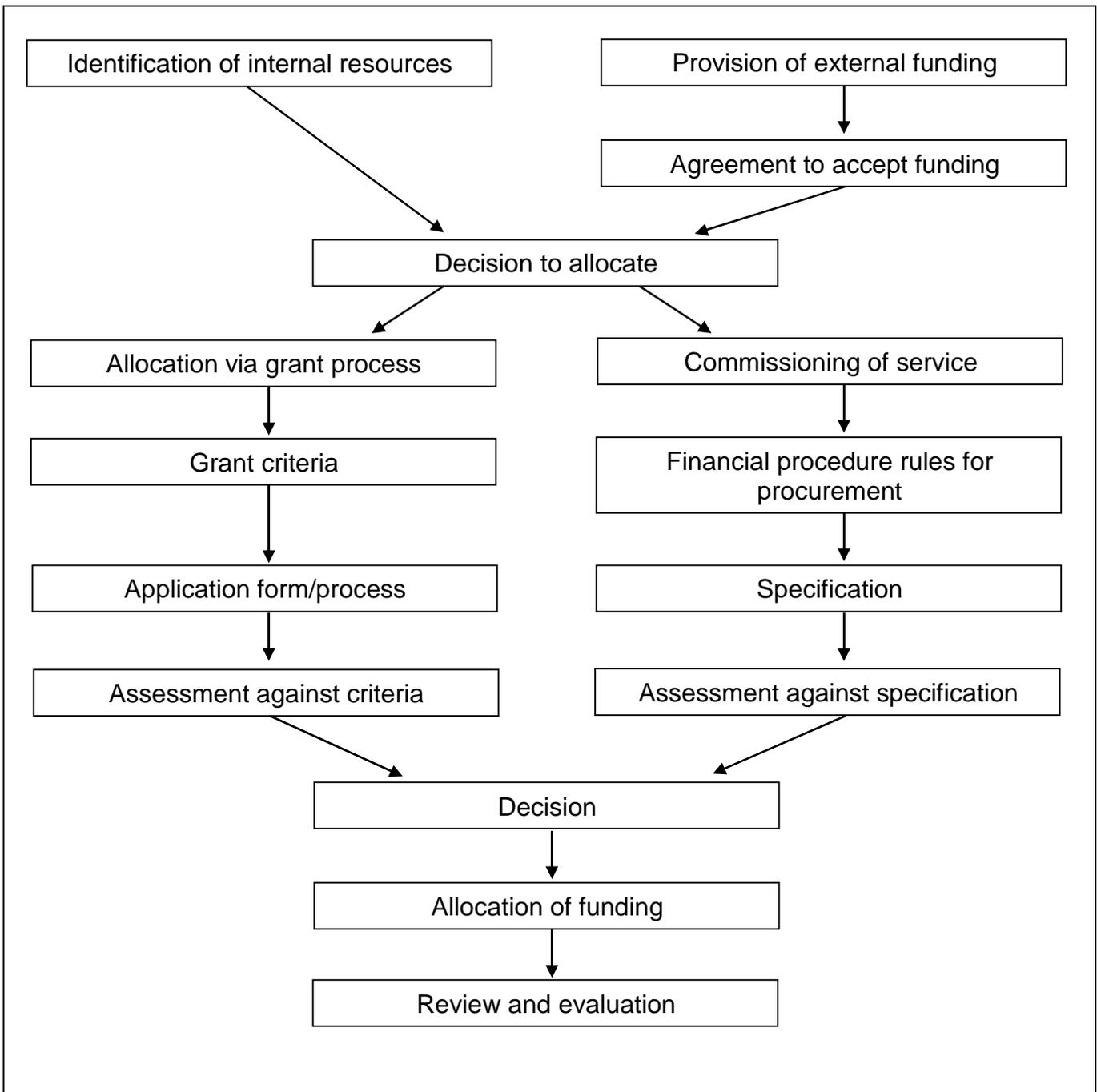
As part of this process, differentiation between the allocation of grants and contracts for services will need to be undertaken. A grant is a financial transfer used to fund an activity that is in alignment with the Council's objectives.

A contract for services is where a level of service is defined and commissioned via a procurement route.

As part of the process for determining the focus for funding it is proposed that delegation is provided to the Portfolio Holder, Partnerships for authority to determine the acceptance of funding and allocation of funding. This will allow for effective receipt and allocation of resources to those areas which Cabinet determines are important. This will also allow for effective responses to developing need.

Funding Allocation Process

The receipt and allocation of funding is identified in the following flow chart below both from the perspective for external provision of funding and also in relation to the allocation of internal resources.



PREVIOUS RELEVANT DECISIONS

At the Cabinet meeting on 21 July 2023, a report covered funding provided to Citizen’s Advice Tendring as part of the core grant and funding for the mental health hub and the associated subsidy scheme. As part of the recommendations in this report, Cabinet approved a review of grant funding across the Council and requested a report following the review be presented to Cabinet.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix 1 Allocation of Funding 2023/24

REPORT CONTACT OFFICER(S)	
Name	John Fox
Job Title	Head of Health and Community
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A.4 APPENDIX

Grant Funding

Funding	Where did the funding come from?	Funding amount	Amount spent	Amount remaining	Governance or decision to allocate this funding	What has the funding been used for?	Subsidy Control considerations
Citizen's Advice Tendring	Council resources	£144,000	£144,000		Cabinet approval to create a Subsidy Scheme in order to award the funding	Core funding for advice services	The funding has been awarded as a Subsidy Scheme which was approved by Cabinet in July 2023
Citizen's Advice Tendring	Council resources	£23,000	£23,000		Cabinet approval to create a Subsidy Scheme in order to award the funding	Mental Health Hub	The funding has been awarded as a Subsidy Scheme which was approved by Cabinet in July 2023
Member Small Grants - Coronation	Council resources	£7,300	£7,300		-	To support Coronation events	Very low value (maximum £200) and often allocated to town and parish councils or small community organisations
Member Small Grants - Jubilee		£43,000	£43,000		-	To support Jubilee events	Often allocated to town and parish councils and small community organisations
Tendring Community Fund	Council resources	£456,000	£442,133	£13,867	The creation of the fund was approved on 21 February 2020 by Cabinet as part of the Council's approval of its budget.	To award a series of grants to community groups and organisations to support community interventions across Tendring.	The Council considers that any financial assistance given under the Tendring Community Fund will not be considered a subsidy because it uses an open call application process and assessment. Minimal Financial Assistance - As an extra measure, we are asking all applicants to confirm that they have not received more than £315,000 in total in the current financial year and two preceding financial years.
Health Inequality and Healthy Housing Funding	Integrated Care Board and Health and Wellbeing Alliance	£600K + £165K	Ongoing	Ongoing	Cabinet acceptance of funding and approval via Alliance Board and Portfolio Holder Partnerships	Health inequalities e.g. fuel poverty officer, Housing and benefits early intervention officer and food and fuel vouchers for CVS Tendring	Compliant as identified in reports approved by Heads of Legal, Finance and Portfolio Holder for Partnerships, no subsidies have been paid as it is used for Council activity or where passed to the voluntary sector it was for direct allocation of vouchers, or for commissioned services at Essex County Council.

Primary School Wellbeing Hubs	Integrated Care Board and Health and Wellbeing Alliance	£68K	Ongoing	Ongoing	Grant agreement from ICB following application process	Wellbeing hubs in primary schools	Passed to schools which can apply to join the scheme and will be accepted so essentially an open call process
Public Health Grant	Essex County Council	£20K for post, £21K for projects	On going	Ongoing	Currently spent on Council activities for example Dig for Jaywick	Internal projects e.g. Dig for Jaywick and Tendring Junior Ambassadors	Internal use so no subsidy control issues
Police Fire and Crime Commissioner (PFCC) funding	Police Fire and Crime Commissioner	CCTV £319K, £25K Community Safety Partnership Delivery Group	Ongoing	Ongoing	CCTV - Cabinet approval, Delivery Grant is under governance from PFCC	CCTV and grants for priorities as highlighted by PFCC	Under the auspices of PFCC
Leisure club support	Council resources	£25K	Ongoing	Ongoing		To support sports clubs following coming out of the joint use facilities at Brightlingsea and Harwich	Open call for clubs affected
Grant funding to Community Rail Partnership and Harwich Ferry	Government	Rail £2100, Ferry £1500	All allocated		Agreements across joint partners funding both activities	Contribution to the Rail Partnership and also the Ferry	Both activities are undertaken only by the organisation receiving funding
Shared Prosperity Funding	Government	£1.18M over 3 years	Ongoing	Ongoing	Allocated to internal projects such as Starlings. For wider applications criteria and application process and agreed by Leader	Internal projects and funding community activity	Community activity funding allocated via an open call process

Rural Prosperity Fund	Government	£600K over 2 years	Ongoing	Ongoing	Some direct allocation for Council work e.g. charging points, wider grants by criteria as set by DEFRA and application process and approved at Portfolio Holder level	Council activities such as charging points and rural community support	Open call process
Town Team Partnership	Government	£15.8K	Ongoing	Ongoing	Funding can only be drawn down if meets criteria set by Government	Town Team Partnership support	Can only be allocated in accordance with Government criteria
Discretionary Rate Relief	Council resources	£30K	Ongoing	Ongoing	Have to meet criteria and initial application form although some in receipt of this funding are now longstanding	Rate relief for organisations showing community benefit	Originally open call and must meet criteria
Community Asset Rent Offsetting Scheme	Council resources	Approximately £80K	Ongoing	Ongoing	Scheme closed to new applicants and initial application process for those currently in receipt of benefit with associated criteria	Offset rents on Council owned facilities	Scheme now not open to new applicants
Better Care Fund - DFG	Essex County Council	£2,000,000 per year	50% per year		Funding allocated from Government under the financial assistance policy	Home improvements and adaptations to support people being discharged from hospital.	Client applied for grant and pays the contractor directly.
Capital funding for home improvements	Council resources	£600,000	N/A	All		This funding is currently not being used following advice from Richard Barrett	

Homelessness prevention grant	Government	£800,000	Spent during year	N/A		This funding is used for homelessness support directly to individuals.	Individuals only qualify if they are homeless or at risk of homelessness.
Rough sleeper grant	Government	£30-40,000				Used to commission Anglia Care Trust to deliver rough sleeper outreach project.	Procured
Peabody - homeless prevention grant to fund Derek Crosfield House	This comes from the homelessness prevention grant	£30,000				Grant provided to support mothers	Under discussion
Jaywick Healthy Housing Initiative	SNEE ICB	£900,000	Ongoing		Accepted by Cabinet	Funding internal staff to undertake housing improvement in Jaywick	Internal
Sanctuary Scheme	This comes from the homelessness prevention grant					Arrangement with organisations to support with domestic violence.	More info

CABINET

19 APRIL 2024

REPORT OF PORTFOLIO HOLDER FOR PARTNERSHIPS

A.5 TENDRING DISTRICT COUNCIL (CAREER TRACK) APPRENTICESHIPS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The purpose of this report is to provide Cabinet with an update on the work of Career Track, the Council's Apprenticeship training provider. The report seeks Cabinet approval to continue its support for Career Track and to acknowledge outcome of the recent Ofsted visit.

EXECUTIVE SUMMARY

Career Track was established within Tendring District Council in 1983. Since then it has continuously provided apprenticeship opportunities within the organisation and for other external employers.

The Council's sustained commitment to the Career Track apprenticeship programme has been a central plank of its work to develop a more skilled workforce and to "grow our own" employees of the future within Tendring.

Career Track directly impacts on the raising aspirations and creating opportunities theme in the Council's 2024 Corporate plan. The plan states that residents will be supported to reach their potential and realise their opportunities by working with businesses and improving access to skills, learning and training. Career Track Apprenticeships provide employment opportunities to Tendring residents and support businesses to thrive.

The total population of the Tendring district is estimated at 146,561 people. Tendring has the lowest figure for job opportunities per head of working age population in Essex. 34.3% of Tendring residents aged 16+ have no formal qualifications, this is higher than the average for England (22.5%).¹ The national average of school leavers achieving 5 GCSEs is 56%, East Tendring is 48.15%, West Tendring is 61.61% and South Tendring is 47.43%.² Career Track apprenticeships positively influence Post 16 employment and educational attainment.

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

As part of its commitment to providing work and learning opportunities for those who may otherwise struggle, Career Track has always been strongly supported by the Council. It is seen as a key mechanism for young people across the District to work and have a career within Tendring.

¹ <https://data.essex.gov.uk/dataset/e1k1p/tendring-jsna-profile-2019> pg 28

² <https://www.cvtendring.org.uk/wp-content/uploads/2022/02/Start-Well-CYP-CAM-deep-dive-Sep-21-final-for-publication.pdf> pg 5

Career Track does not operate to make a profit, it receives funding via the ESFA to deliver apprenticeships however, this does not cover its full costs. The shortfall is predominately as a result of increased costs since 2017, there has been no change in the fees allowable as set by government when the current apprenticeship system was created seven years ago.

The national downturn in the number of people taking up apprenticeships is reflected in Career Track facing an increased challenge with gaining the engagement of employers. To assist with mitigating the revenue shortfall Career Track provides apprenticeships predominantly for other local authorities. This creates an additional revenue stream to further support the provision of the service.

As has always been the case, there are a number of other apprenticeship providers within the area, the most notable of which are Colchester Institute and Adult Community Learning (ACL) which is part of Essex County Council. Nationally with increased regulation over recent years the overall number of independent training providers has reduced. Locally for example Catten College, which had been trading for more than 30 years, closed in 2019. However, with distance learning increasingly offered the total variety of options has increased as some providers now offer apprenticeship training throughout the country.

In order to enable other local authorities to meet their organisational apprenticeship procurement requirements it is becoming clear that there is a need to review the current operating model for Career Track. The Council will need to review these terms and conditions, responsibilities and obligations and seek Cabinet approval with an associated business case going forward.

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

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

As well as providing an overall update this report updates Cabinet on the Ofsted visit in November 2023 which resulted in Career Track receiving a 'Good' rating from the inspectorate. Ofsted graded Career Track as a 'requires improvement' provider in 2021; when they visited the following year they were able to identify that 'reasonable progress' had been made. The full inspection in November has completed the re-inspection cycle and leaves Career Track in a strong position going forward.

RECOMMENDATION(S)

It is recommended that Cabinet:

- 1. continues to support the Career Track function as a mechanism to contribute to the Council meeting its corporate priorities;**
- 2. acknowledges that the long term cost of providing a 'subsidy' will need to be considered as part of developing the long term financial forecast, but noting that the Career Track Service will continue to work towards reducing the overall subsidy required where possible, with a**

- future report being presented to Cabinet on alternative solutions;
3. notes the wider update about the Career Track Service including the OneFile eportfolio system;
 4. endorses and approves the appointment of the governors to the Governance Board; and
 5. welcomes the outcome of the Ofsted visit.

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations enable Career Track to maintain their 'Good' Ofsted grade and continue to contribute to the economic, health and social wellbeing of the District.

ALTERNATIVE OPTIONS CONSIDERED

An alternative option is to cease the Career Track Apprenticeship programme. This would result in a significant impact on the local community, including local employers, Tendring young people and their families and to those employers and young people in the wider areas as highlighted above.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's previous Corporate Plan 2021-2024 put Community Leadership through Partnerships and A Growing and Inclusive Economy at the heart of everything we do, and within that it has a focus on education through the following priorities:

- Develop and attract new businesses;
- support existing businesses;
- more and better jobs;
- education - for improved outcomes.

The Corporate Plan from 2024 continues the Community Leadership theme with Career Track able to make a direct contribution to

- Raising aspirations and creating opportunities in Tendring.

Career Track's vision is to be recognised as a 'Good' provider of apprenticeships; engaging learners in the development of workplace knowledge, skills and behaviours that enable them to actively contribute to the economic, health and social wellbeing of the district:

- To educate, engage and inspire;
- to inform, advise, support and mentor;
- to establish and maintain high quality standards in apprenticeship training;
- to safeguard and promote the welfare of our learners.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Communication with apprentices, supervisors, employers and other partners is key, particularly following the Ofsted visits; stakeholder briefings were held in 2022 to ensure employers are kept up to date with progress and were able to make an important contribution to the future development of Career Track. During 2023 Career Track held a Celebration of Success during National Apprenticeship week and celebrated its 40th Birthday. Career Track has also supported employers on a more bespoke basis with one to one sessions, particularly on the development of the curriculum and using the OneFile software.

A survey for the academic year 2022/2023 was undertaken with learners and employers. The results show that all employers agree or strongly that their apprentice is acquiring the knowledge, skills and behaviours they need for their chosen next steps. They also agreed that Career Track works well with their organisation to review individual apprentice progress and to plan their future training needs.

Learners agreed that their apprenticeship programme meets their needs, the feedback they receive helps them to improve and they are able to give their views about things that affect them and they feel listened too.

The board of governors have recently met with a number of apprentices to carry out a consultation and engagement exercise via a series of discussions to gain feedback about their apprenticeship experience. The results from this are being taken into account for future developments of the service and for the Council's support for apprentices and supervisors.

The most recent Ofsted inspection has identified that apprentices enjoy their learning and feel valued by staff whom they respect. Apprentices are highly motivated to successfully complete their training and make good progress.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	NO	If Yes, indicate which by which criteria it is a Key Decision	<input type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

The legal powers being relied upon to support the provision of a Career Track Service to external organisations was not confirmed in the previous report to Cabinet however, it is considered that Local Authorities (Goods and Services) Act 1970 power which enables local authorities to provide administrative, professional and technical services can be relied upon for services to local authorities and public bodies. Any payment terms must be set out in a written agreement. The impact of this power is that the commissioning authority may need to go through a procurement process depending upon their constitution and requirements, which could explain the use of procurement frameworks in future arrangements. The 1970 Act is the bedrock of trading within the public sector and there is a substantial experience of its operation however, it is limited in scope, for example, it does not allow trading with the private sector or the public at large.

Section 93 of the Local Government Act 2003 introduced powers which enable local authorities to charge in function related activities provided the authority is not under a duty to provide the function. Under the Act, Councils can decide to charge for any discretionary services, which includes those provided on the basis of the general power of competence. The Act does not apply to services which a local authority is mandated or has a duty to provide. Also, the recipient of the discretionary service must have agreed to its provision and to pay for it.

The 2003 Act power cannot be used where charging is prohibited or where another specific charging

regime applies. Charging is limited to cost recovery. Local authorities wishing to engage in commercial activity with the private sector in their discretionary services will need to rely on other powers such as the trading powers under section 95 of the 2003 Act. It is understood that no additional fee is being charged and the payment of the services being provided is restricted to the national apprenticeship levy arrangements.

The General Power of Competence was introduced under the Localism Act 2011 and gives local councils the ability and flexibility to make decisions to do anything that an individual can do (provided it is not unlawful).

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

The structure and contractual arrangements required to support how the service will be delivered in the future, ensuring financial sustainability, may require future decisions at Cabinet level, however this will be determined once the review within the service is undertaken through 2024/25. It is important that the relevant legal powers being relied upon are recorded in the future arrangements.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance and other resources: The net direct cost of the Career Track service in 2024/25 is budgeted at £26,410 as agreed by Council at its 13th February 2024 meeting. Although the Service continues to take steps to reduce this ‘subsidy’, the actual outturn for previous years have reflected the need to fund increased annual ‘subsidy’ positions. In 2023/24 a one-off budget adjustment of £25k was included to recognise that the ‘subsidy’ was estimated to be in excess of £40k in that year. Although this remains subject to the outturn position for 2023/24, the long term cost of providing a ‘subsidy’ will need to be considered as part developing the long term forecast, although it is important to repeat the earlier point that the Service continue to work towards reducing the overall subsidy required where possible.

The service benefits from the voluntary input and support of its governors, notably the three independent governors referred to within this report. They are a valuable resource for guidance, monitoring and development of the service.

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

The Section 151 Officer has reviewed and provided additional comments and data to enhance the contents 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;	Tendring District Council (Career Track) Apprenticeship Governance Board Terms of Reference
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Tendring District Council (Career Track) Apprenticeship Governance Board Terms of Reference. Future decisions on the use of procurement frameworks to deliver the service to other public sector organisations will be required at Cabinet level, with a supporting business case.
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.	Tendring District Council (Career Track) Apprenticeship Governance Board Terms of Reference

MILESTONES AND DELIVERY	
<p>The progress of Career Track is monitored at the termly governance meetings and recorded formally with a continued yearly report to Cabinet.</p> <p>Ofsted visited Career Track in November 2023 and undertook a full inspection – the outcome of this is that Career Track is now a ‘Good’ provider and has a positive report to support this.</p>	
ASSOCIATED RISKS AND MITIGATION	
<p>Career Track needs to maintain its recently achieved ‘good’ grading in order to continue providing apprenticeships, and to maintain the approved provider status with the ESFA/DfE. The work identified and undertaken in the development plan, the now established governance board and the outcome of the recent inspection have shown that the areas that required improvement have been addressed and implemented.</p>	
EQUALITY IMPLICATIONS	
<p>Having undertaken an equalities impact assessment, the conclusion is that the proposal does not impact on the protected characteristics.</p>	
SOCIAL VALUE CONSIDERATIONS	
<p>Career Track offers apprenticeship opportunities to people and employers from the Tendring district, adding money back into the local economy. This in turn improves health and wellbeing, increases self-esteem, raises educational attainment and enhances employability skills and experience; providing a positive example to others.</p>	
IMPLICATIONS FOR THE COUNCIL’S AIM TO BE NET ZERO BY 2030	
<p>No direct impact.</p>	
OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>	
Crime and Disorder	No direct implications.
Health Inequalities	No direct implications.
Area or Ward affected	All wards

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>Career Track is the name used by Tendring District Council for its apprenticeship service.</p> <p>In the last 10 years over 500 people have taken part in a Career Track apprenticeship programme; current success rates for the end of the 2022/2023 academic year are 80%.</p> <p>Following a recent survey of all employers with Career Track apprentices, 100% said they would recommend Career Track. In addition, learners have provided positive feedback on how the apprenticeship meets their needs, that they have increased their knowledge and skills and are well informed about the career choices available to them.</p> <p>Career Track currently delivers apprenticeships in Customer Service Practitioner Level 2, Customer Service Specialist Level 3, Business Administrator Level 3, Team Leader/Supervisor Level 3 and</p>

Public Service Operational Delivery Officer at Level 3. As one of a few public sector providers of the Public Service we are receiving an increased interest in provision in this particular apprenticeship and are seeking to provide a positive response to enquiries within the capacity of the service.

Career Track had its first full inspection by Ofsted between 3rd and 5th November 2021 following the Education Inspection Framework. Career Track had previously had a successful Ofsted Monitoring Visit (a more 'light touch' inspection in June 2019). The full report following the November Inspection was published on 24 December 2021. The findings of the report graded Career Track as 'Requiring Improvement'. Following this grading, Tendring District Council implemented a comprehensive Development Plan to address the improvement areas identified by Ofsted.

An internal Development Group was established to monitor the progress against the actions identified within the Development Plan, the group met five times and following significant progress were able to sign off the Development Plan at in June 2022.

An online portfolio software application was introduced, called OneFile which now is the main conduit for the delivery of the curriculum for each apprenticeship standard. A number of apprentices have now completed their apprenticeship using the OneFile delivery method. A governance board was established from the Development Group, to date this group has just started its second academic year of governance meetings. (further information on the governance board is in appendix 1).

In October 2022 Career Track were visited again by Ofsted for a Monitoring Visit, following the full inspection the previous year. The inspectors concluded that Career Track had made 'reasonable progress' in the three themes that were inspected and has identified the impact of the changes made.

Career Track developed a Self Assessment Report and continued with the Development Plan to ensure quality improvement continued against the Education Inspection Framework in preparation for the next inspection. This took place in November 2023 and Career Track was graded a 'Good' provider.

In 2022 the governance board was established. Its membership is currently as follows:-

Name	Job Role/Organisation	Board Function
Cllr. Gina Placey	Portfolio Holder for Partnerships, Tendring District Council	Chair
Ian Davidson	Chief Executive, Tendring District Council	Representative
Anastasia Simpson	Assistant Director, Partnerships, Tendring District Council	Representative
Richard Barrett	Assistant Director, Finance and IT, Tendring District Council (deputy for Ian Davidson)	Representative
Carol Magnus	Organisational Development Manager, Tendring District Council	Representative
Debianne Messenger	Work Based Learning Manager, Tendring District Council	Representative
Robin Harbord	Acting Strategy Development Lead in Education, Essex County Council	Independent
Jess Douglas	Strategic People and Performance Manager, Colchester City Council	Independent
Hassan Shami	Commissioner for Skills, Essex County Council	Independent

The addition of the three independent governors not only ensures that Career Track is subject to external rigour they also bring a wealth of experience, knowledge and support which assists with the

leadership and effective governance of the service.

In order to provide apprenticeships the organisation has to continue to be an Approved Training Provider with the ESFA/DfE. Approximately every three years providers have to re-apply to remain on the Register, usually referred to as the RoATP (Register of Approved Training Providers). Since this requirement was introduced Career Track has been through the re-application process twice, most recently in July 2022. A successful application is essential for the continuation of Career Track.

All approved providers are subject to inspection from Ofsted. On Inspection, Ofsted grades the organisations it inspects as Excellent; Good; Requires Improvement; or Inadequate. Its Inspection Reports are published here www.ofsted.gov.uk/reports

An Ofsted Inspection with an 'Inadequate' rating would usually result in withdrawal of contract from the ESFA. When applying to be on the RoATP providers are asked to provide information on their Ofsted rating and details of actions to address areas identified as Requires Improvement or Inadequate. The ESFA may take this into account when deciding whether to re-approve a training provider.

Career Track were inspected by Ofsted in November 2023 and received a 'Good' outcome. The inspection recognised the work that has been undertaken and support by Cabinet over the last two years.

The report includes the following positive statements identified during the inspection

- Apprentices develop a broad range of knowledge, transferable skills and professional behaviours required to work successfully with colleagues and clients.
- Apprentices develop confidence in communicating with clients and are proud of how their social skills have improved.
- Apprentices benefit from the help and encouragement they receive from their colleagues in the workplace.
- Apprentices feel safe. They know who to contact if they feel unsafe or have any concerns.
- Apprentices' learning is well sequenced.
- Leaders have high expectations for their apprentices.
- Leaders have developed ambitious programmes that meets the needs of the employers it serves.
- Programmes provide a good route to employment and further training for local residents who have low prior-educational achievement and/or low ambition.
- Managers ensure that apprentices are prepared well for life in modern Britain.
- Assessors provide clear careers information advice and guidance to the apprentices at the start of the apprenticeship and throughout the programme.
- Governors have appropriate expertise and experience to support and challenge leaders effectively to improve the quality of education.
Governors understand their responsibilities to enhance the effectiveness of Career Track and ensure that leaders meet their statutory responsibilities

Numbers and clients

There are currently 37 apprentices on the programme and this is now steadily increasing. Within Tendring District Council the numbers of apprentices dipped whilst major restructures were taking place. Now that these have been concluded apprentice recruitment has become a priority. Vacancies are advertised regularly and apprentices join the programme and successfully achieve on a weekly basis.

Apprentices are placed with a number of local authorities including Maldon, Braintree and Colchester. Career Track has recently been approved as a provider for all Suffolk authorities to deliver the Public

Service Operational Delivery Officer (PSODO) Apprenticeship Standard and is working with Suffolk County Council and Babergh and Mid Suffolk.

In addition Career Track has apprentices with some local businesses and it also provides apprenticeships for care experienced young people at the Virtual School, Kent (run by Kent County Council).

The vacancies at other local authorities are taken up by people in those local areas.

PREVIOUS RELEVANT DECISIONS

In March 2022 Career Track provided an update to Audit Committee following the inspection in November 2021, further Audit Committee updates followed in June and September 2022.

In October 2022 Cabinet were updated on the activities and progress since the Ofsted Inspection visit in November 2021.

Cabinet resolved to continue its support for Career Track and their priorities, noted the implemented progress of the Career Track Apprenticeship Scheme since the Ofsted Report in December 2021 and approved the Terms of Reference of the Career Track Apprenticeship Governance Board.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are none.

APPENDICES

Appendix A Governance Terms of Reference
Appendix B Ofsted Inspection Report

REPORT CONTACT OFFICER(S)

Name	Debianne Messenger
Job Title	Work Based Learning Manager
Email/Telephone	dmessenger@tendringdc.gov.uk 01255 686313

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Terms of Reference

Tendring District Council (Career Track) Apprenticeship Governance Board

About Career Track

Career Track is a training service provided by Tendring District Council delivering all-age apprenticeship programmes for a number of local authorities within Essex and beyond as well as for private sector providers and the NHS. It aims to offer employer partners easy access to quality training and vocational qualifications relevant to national, industrial, commercial, and professional practice standards.

Role of the Board

The aim of the Apprenticeship Governance Board is to achieve effective governance, that:

- sets the tone from the top and ensures that delivery matches up with an organisation's values and ethos.
- provides strategic direction and control to Career Track by creating robust accountability, oversight and assurance for educational outcomes and financial performance.
- requires confidence and ability to challenge conventional wisdom, ask tough questions and nurture strong relationships.

To implement and provide a quality experience for apprentices and employers and meet the expectations of funders and regulators, the Board will undertake to:

- Formulate and agree the vision and strategy as part of the People Strategy including defining the ethos and policies of Career Track
- Provide clarity between the Board and the Cabinet with a yearly update
- Adopt a financial approach and funding plans which ensure sustainability. Demonstrate assurance that public funds are well spent, the Board will be transparent and openly accountable
- Share information and horizon scan to inform and future-proof organisational strategy
- Ensure exceptional teaching, training, and learning by adopting effective underpinning policies and systems
- Ensure that the needs of our learners and employers are met through monitoring of performance data which also encourage and facilitate the learner and employer voice
- Meet and aim to exceed statutory responsibilities for equality and diversity and for ensuring that all learners are safe
- Ensure delivery is compliant to the ESFA funding rules and in line with the accountability framework
- Determine effective governance arrangements, regularly reviewing governance performance and effectiveness

Name	Job Role/Organisation	Board Function
Cllr. Gina Placey	Portfolio Holder for Partnerships, Tendring District Council	Chair
Emma Haward	Leadership Support Officer, Tendring District Council	Secretariat / Note taker
Ian Davidson	Chief Executive, Tendring District Council	Representative
Anastasia Simpson	Assistant Director, Partnerships, Tendring District Council	Representative
Richard Barrett	Assistant Director, Finance and IT, Tendring District Council (deputy for Ian Davidson)	Representative
Carol Magnus	Organisational Development Manager, Tendring District Council	Representative
Debianne Messenger	Work Based Learning Manager, Tendring District Council	Representative
Robin Harbord	Acting Strategy Development Lead in Education, Essex County Council	Independent
Jess Douglas	Strategic People and Performance Manager, Colchester City Council	Independent
Hassan Shami	Commissioner for Skills, Essex County Council	Independent

Term, Frequency, Duration and Location

- This Terms of Reference is effective from August 2023 and will be formally reviewed every 12 months.
- Board meetings will be held termly (in October 2023, February and June 2024 and held via Teams unless otherwise arranged)
- Meetings will be 2 hours in length.
- Informal training/update sessions will be held in between governance meetings (in August, December 2023 and April 2024, face to face unless otherwise arranged)
- 50% attendance at meetings throughout a twelve month period will be the minimum attendance level (2 out of 3 formal meetings, and 1 out of 3 informal meetings).
- In the case of special circumstances attendance can be waived.
- Extraordinary meetings will be called where necessary.

Agenda

Board meetings will use a standing agenda as follows:

Item 1:	Welcome and apologies
Item 2:	Previous meeting review of actions
Item 3:	Thematic Updates <ul style="list-style-type: none"> a. Business Development / Employer Engagement b. Funding and Finance c. Quality d. Our People e. Policy and Legislation f. Safeguarding and Prevent g. Risk, Compliance and Complaints
Item 4:	Matters Arising
Item 5:	Risk Register Review
Item 6:	Any other business

Topics for item 4 - Matters arising, will be generated by Board members following a call for items 2 weeks ahead.

Any papers and reports to support items will be shared with Board Members at least 1 week prior to the meeting.

Document Storage

All Board reports, papers, minutes and action logs will be stored on the network within the Career Track g drive. These can easily be made available upon request to relevant stakeholders i.e., Ofsted, , DfE, ESFA.

Decision Making

Apprenticeship Board decisions will normally be reached by consensus and only in exceptional circumstances should a formal vote be necessary.

All decisions will be recorded in the notes/minutes.

Where a vote is used, all members have equal voting rights, a decision will be reached by majority vote. The result of the vote, alongside its subsequent decision, and minority views will be recorded in the minutes/notes. Invited attendees will not have voting rights.

Lines of Reporting

The Board will directly report into Cabinet on a yearly basis, with a formal update and progress report.

Governance Code

Career Track has adopted the AELP Governance Code. It is based on the following expectations of good governance, which illustrate the values and beliefs of the provider’s non-executive directors, directors, and trustees, or equivalent:

- Putting the learner, apprentice, and employer first.
- Promoting high expectations and ambitions for learners, apprentices, and staff.
- Listening to learners, employers, and staff.
- Promoting inspirational training, teaching, and learning and assessment.
- Creating a safe environment for learners and apprentices to train, learn and develop.
- Providing strong strategic leadership and challenge to the senior team.
- Demonstrating accountability to all stakeholders, including publishing accurate and timely information on performance.
- Ensuring the achievement of equality of opportunity, diversity, and inclusion throughout the organisation.

Effective Behaviours and Personal Attributes for Board Members

The personal attributes of Board Members are as important as their skills and knowledge. As ethical standards expected of public office holders, we commit to the Nolan Principles. They are:

Selflessness	Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
Integrity	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
Objectivity	In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
Accountability	Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
Openness	Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
Honesty	Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
Leadership	Holders of public office should promote and support these principles by leadership and example.



Conflict of Interest

All Board Members must declare any personal or business interests which may conflict with their responsibilities as a member of the Board with oversight of Career Track.

Quorum

The quorum necessary for the transaction of business shall be 4 members.

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Inspection of Tendring District Council (Career Track)

Inspection dates: 22 to 24 November 2023

Overall effectiveness	Good
<hr/>	
The quality of education	Good
Behaviour and attitudes	Good
Personal development	Good
Leadership and management	Good
Apprenticeships	Good
Overall effectiveness at previous inspection	Requires improvement

Information about this provider

Tendring District Council (Career Track) is an apprenticeship provider based in Clacton-on-Sea, Essex. It has 29 apprentices on standards-based apprenticeships. 21 apprentices are studying at level 3 and eight at level 2. Around two thirds of the apprentices are female and four are under the age of 19.

At the time of the inspection, Career Track had apprentices studying standards in customer service, business administration and public services. The apprentices on level 2 are studying the customer service practitioner standard. Most apprentices on level 3 are studying the public service operational delivery officer standard.

Most Career Track apprentices are employed at borough and district councils in Essex, with the majority of these employed by Tendring District Council. Apprentices are also employed at local authorities in Kent and Suffolk. In addition, a few apprentices work in small businesses in the area.

What is it like to be a learner with this provider?

Apprentices enjoy their learning and feel valued by staff whom they respect. Apprentices are highly motivated to successfully complete their training and most make good progress.

Apprentices develop a broad range of knowledge, transferable skills and professional behaviours required to work successfully with colleagues and clients. This prepares them well to undertake a range of roles in the council departments, where most are employed. As a result, most apprentices secure employment at the end of their apprenticeship.

Apprentices develop confidence in communicating with clients and are proud of how their social skills have improved. Apprentices' organisational skills and resilience are developed through projects and events they manage for example, organising and running a visit to county park day for young people in care.

Apprentices appreciate the support provided by experienced and qualified assessors who plan well-structured and logically sequenced activities that build on learning that has gone before.

Apprentices benefit from the help and encouragement they receive from their colleagues in the workplace. Many of these colleagues were also apprentices and subsequently did well in their careers. These colleagues demonstrate the opportunities available on completion of the apprenticeship, which motivates apprentices to work hard and succeed.

Apprentices feel safe. They know who to contact if they feel unsafe or have any concerns.

What does the provider do well and what does it need to do better?

Leaders have high expectations for their apprentices. They have developed ambitious programmes that meets the needs of the employers it serves. Programmes also provide a good route to employment and further training for local residents who have low prior-educational achievement and/or low ambition.

Leaders and assessors work well with apprentices and employers to tailor courses to ensure that they best meet the needs and aspirations of the apprentices and relates well to their job roles. For example, apprentices develop skills in audit practices and data analytics. They also develop the technical skills to enable them to support clients off-site.

Apprentices' learning is well sequenced. Managers ensure that apprentices' skills and knowledge are developed logically and grow in complexity over time. For example, progressing from simple administrative tasks such as email in-box management to

more-complex tasks of using professional software systems and progressing on to developing skills in invoicing.

Managers do not ensure that employers are consistently involved in the review meetings to assist in the planning and monitoring of apprentices' progress. As a result, employers are not always aware of the work-based learning opportunities they could provide for their apprentices to support their progress. When communication between assessors and employers is effective it results in apprentices undertaking activities that support their learning while also ensuring the apprentice is an asset to the employer.

Assessors check apprentices' understanding well, correct misconceptions and provide clear feedback to them to help them improve their work. This includes helping apprentices to improve their English skills. Assessors support the development of apprentices' vocational vocabulary effectively. For example, developing apprentices' confidence in using correct technical terminology when dealing with information technology issues.

The tuition that assessors provide to apprentices is effective in developing apprentices' skills and knowledge. The teaching, which is often on a one-to-one basis is tailored to meet apprentices' specific needs. Assessors provide apprentices with a wide range of well-researched resources to support the apprentices learning. Assessors make the most of naturally occurring opportunities to develop relevant, work-related knowledge. For example, upcoming elections are currently being referenced including voting, party politics and the importance of the political landscape to themselves and their families.

Managers ensure that apprentices are prepared well for life in modern Britain. Many apprentices deepen their understanding of democracy through helping with registration and poll counts at elections. Apprentices participate in a local air show and are fully briefed on the risks and safeguarding issues, including bomb awareness associated with that event.

Assessors provide clear careers information advice and guidance to the apprentices at the start of the apprenticeship and throughout the programme. This helps to ensure that most gain employment at the end of their apprenticeship.

Leaders do not ensure that assessors receive focused and highly effective development of their teaching skills. Also, assessors are not routinely observed to identify areas for development in their practice. However, leaders do develop assessors' specialist vocational knowledge and skills to help them support apprentices' personal development. This includes training on topics such as developing assertiveness.

Governors have appropriate expertise and experience to support and challenge leaders effectively to improve the quality of education. They understand their responsibilities to enhance the effectiveness of Career Track and ensure that leaders meet their statutory responsibilities.

Safeguarding

The arrangements for safeguarding are effective.

What does the provider need to do to improve?

- Identify areas for development in assessors teaching and provide them with opportunities to develop further their teaching skills.
- Ensure that employers are consistently involved in the review meetings so that assessors can inform them of the work-based learning opportunities required.

Provider details

Unique reference number	54781
Address	Town Hall Station Road Clacton-on-Sea Essex CO15 1SE
Contact number	01255 686313
Website	www.tendringdc.gov.uk
Principal, CEO or equivalent	Ian Davidson
Provider type	Independent learning provider
Date of previous inspection	3 to 5 November 2021

Information about this inspection

The inspection team was assisted by the work-based learning manager, as nominee. Inspectors took account of the provider's most recent self-assessment report and development plans, and the previous inspection report. The inspection was carried out using the [further education and skills inspection handbook](#) and took into account all relevant provision at the provider. Inspectors collected a wide range of evidence to inform judgements, including visiting learning sessions, scrutinising learners' work, seeking the views of learners, staff and other stakeholders, and examining the provider's documentation and records.

Inspection team

Roger Pilgrim, lead inspector	Ofsted Inspector
Alison Davies	Ofsted Inspector

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