



## CABINET

<b>DATE:</b>	<b>Friday, 27 June 2025</b>
<b>TIME:</b>	<b>2.30 p.m.</b>
<b>VENUE:</b>	<b>Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

### MEMBERSHIP:

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

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio record and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

If you have any queries regarding webcasting or the recording of meetings by the public, please contact Ian Ford Email: [iford@tendringdc.gov.uk](mailto:iford@tendringdc.gov.uk) or Telephone on 01255 686584

DATE OF PUBLICATION: THURSDAY, 19 JUNE 2025

## **AGENDA**

### **1 Apologies for Absence**

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

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

To confirm and sign the minutes of the last meeting of the Cabinet held on Friday 23 May 2025.

### **3 Declarations of Interest**

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

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

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

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

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

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

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

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

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

### **8 Leader of the Council's Items - A.1 - Adoption of the Freeport East Retained Business Rates Agreement and Annual Business Plan for 2025/26 (Pages 19 - 94)**

To seek Cabinet's, in principle, approval of the Freeport East Retained Business Rates Agreement, acting as the Billing Authority, in line with the Council's 'Freeport East Policy for Managing Retained Business Rates', and to set out the next steps to finalise the Agreement.

To ask Cabinet, acting as Founding Member, to approve the Freeport East Ltd Annual Business Plan for 2025/26, as required by the Members' Agreement.

### **9 Cabinet Members' Items - Report of the Economic Growth, Regeneration & Tourism Portfolio Holder - A.2 - Levelling Up Fund - Appropriation of Site for Planning Purposes (Pages 95 - 146)**

To seek Cabinet approval:-

1. to appropriate Council-owned land at High Street car park, Carnarvon Road, Clacton-on-Sea for the purposes of the Carnarvon Terrace Development;
2. of authority to grant a unilateral undertaking to the Planning Authority, to secure:-
  - (a) obligations relating to the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS); and
  - (b) Commitment to use the appropriated land solely for the delivery of affordable housing as part of the Carnarvon Terrace Development.

**10 Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.3 - Annual Housing Complaints Performance and Service Improvement Report including Self-Assessment against the Housing Ombudsman's Complaint Handling Code (Pages 147 - 200)**

To present to Cabinet the Annual Housing Complaints Performance and Service Improvement Report for scrutiny and challenge, which includes a self-assessment carried out against the Housing Ombudsman's Complaint Handling Code for 2024/25 prior to publication and submission.

**11 Cabinet Members' Items - Report of the Housing and Planning Portfolio Holder - A.4 - Outturn Performance against the Regulator of Social Housing's Tenant Satisfaction Measures for 2024/25 (Pages 201 - 216)**

To advise Cabinet of the Council's outturn performance against the Regulator of Social Housing's Tenant Satisfaction Measures for 2024/25.

**12 Cabinet Members' Items - Report of the Leisure and Public Realm Portfolio Holder - A.5 - Delivery of four new Playzone Activity Hubs for the District (Pages 217 - 242)**

Following a successful funding bid by the Council to contribute towards the delivery of four new Football Foundation Playzones in the District, this report requests Cabinet permission to accept the grant, agree the Council's financial contribution and continue the project through to completion.

**13 Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.6 - Tendring District Council (Career Track) Apprenticeships (Pages 243 - 254)**

To update the Cabinet on the activities of Career Track, the Council's apprenticeship training provider. Furthermore, this report satisfies the requirements of the Governors' framework, which aims to implement and provide a quality experience for apprentices and employers and meet the expectations of funders and regulators, whereby the Board will undertake to provide clarity between the Board and the Cabinet with a yearly update.

**14 Management Team Items**

There are no Management Team items on this occasion.

**15 Exclusion of Press and Public**



Cabinet is asked to consider passing the following resolution:

“That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 16 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A, as amended, of the Act.”

**16     Exempt Minute of the Last Meeting (Pages 255 - 260)**

To confirm and sign the exempt minute of the last meeting of the Cabinet held on Friday 23 May 2025.

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

*The next scheduled meeting of the Cabinet is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 25 July 2025.*

#### **The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

### **Notice of Intention to Conduct Business in Private**

Notice is hereby given that, in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Agenda Item No. 16 is likely to be considered in private for the following reason:

The item detailed below will involve the disclosure of exempt information under:-

- (1) Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)); and
- (2) Paragraph 5 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

to Schedule 12A, as amended, to the Local Government Act 1972:

Agenda Item 16 - Exempt Minute of the Last Meeting

## **Information for Visitors**

#### **TOWN HALL** **FIRE EVACUATION PROCEDURE**

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

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

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

The assembly point for the Town Hall is in the car park to the left of the building as you are facing it.

Your calmness and assistance are greatly appreciated.

---

**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 23RD MAY, 2025 AT 10.32 AM  
COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15  
1SE**

**PRESENT:    PORTFOLIO:**

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

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

**In Attendance:** Chief Executive (Ian Davidson), Corporate Director (Place and Wellbeing) & Deputy Chief Executive (Lee Heley), Corporate Director (Law and Governance) & Monitoring Officer (Lisa Hastings), Corporate Director (Finance & IT) & Section 151 Officer (Richard Barrett), Corporate Director (Operations and Delivery) (Damian Williams), Corporate Director (Planning and Community) (Gary Guiver), Assistant Director (People) (Katie Wilkins), Assistant Director (Corporate Policy & Support) (Keith Simmons), Waste & Recycling Manager (Jonathan Hamlet), Leadership Support Manager (Maddie Adger), Democratic Services Officer (Bethany Jones), Leadership Support Officer (Rebecca Catchpole) and Communications Officer (James Dwan)

**1.    APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted on this occasion.

**2.    MINUTES OF THE LAST MEETING**

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

**RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 11 April 2025, be approved as a correct record and be signed by the Chairman.

**3.    DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members at this time.

---

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

The Leader of the Council referred to the following statement in relation to the Clacton Leisure Centre Heating System which had been published as part of the agenda for this meeting:-

*"On 22 April 2025 and in accordance with powers delegated to me within the Council's Constitution, as set out within Part 3 Responsibility of Functions (Scheme of Delegated Powers) – Schedule 3 (Responsibility for Executive Functions) – Section 3 (General Principles Regarding Decision Making by the Cabinet – Paragraph 4b [Part 3.29], I made an urgent decision on behalf of the Cabinet upon which I am required by those same provisions to make this public statement.*

That urgent decision related to the Clacton Leisure Centre Heating System and was as follows:-

*"That following the failure of one of two boilers serving the Clacton Leisure Centre swimming pool and accompanying changing rooms, the following decisions will agree a process to protect continuity of service, install a new boiler and accompanying plant through securing external funding and improve energy/carbon efficiency of a significant Council asset:-*

- (a) the Portfolio Holder for Leisure and Public Realm agrees the strategy set out in this report for addressing the boiler failure at Clacton Leisure Centre, following an action set out for delivery in the Council's Sport and Activity Strategy;*
- (b) on behalf of the Cabinet and using the special urgency powers, in accordance with Parts 3.31 and 5.8, the Leader of the Council and Portfolio Holder for Finance and Governance, in consultation with the Portfolio Holder for Leisure and Public Realm agree for the Council to accept Salix Funding to the value of £1,204,481 and enter into the Funding Agreement, as set out in Appendix A, for the purpose of purchasing and installing a new Boiler and associated plant for Clacton Leisure Centre; and*
- (c) subject to (a) and (b), the Portfolio Holder for Economic Growth, Tourism and Regeneration together with the Portfolio Holder for Leisure and Public Realm agree to allocate £164,248 from the Community Regeneration Partnership Funding, as the Council's contribution to the purchase of a new boiler at Clacton Leisure Centre;*
- (d) subject to (a) & (b) above, that the installation of a new boiler system for Clacton Leisure Centre is added to the Capital Programme in 2025/26 with a total budget of £1,368,730;*
- (e) that the Leader of the Council and Portfolio Holder for Finance and Governance agrees to carry forward £45,000 from the former Joint Use Sports Centre budget from the 2024/25 financial year into 2025/26, and allocates this towards a budget which can fund a temporary oil-fired boiler system for Clacton Leisure Centre at short notice, as an interim measure, in the event of a failure of the remaining boiler prior to the project being completed;*
- (f) subject to (d) above, that the Leader of the Council and Portfolio Holder for Finance and Governance agrees an exemption to procurement is agreed to allow the Council to appoint its term contractor, Lindsey Group, to provide the temporary boiler, associated plant and labour;*
- (g) following (f) it is noted that the Assistant Director Sport, Leisure and Health will develop the procurement strategy for the commissioning of the contractors required to deliver the installation of a new boiler system within the milestones, as required by the Funding Agreement.*

(h) *It is understood that the decisions above are made in the context that the Council is bound by the Salix Funding agreement from the grant start date until 3 years after the project is completed."*

My reasons for taking that urgent decision were as follows:-

*"Due to the requirement under the funding agreement to sign the funding agreement within 10 days, this request to you as the Chairman of the Resources and Services Committee, will agree to the 'special urgency' procedure being enacted, as listed in Rule 15 of the Access to Information Procedure Rules in Part 5 of the Council's Constitution. The response to this application was due in May 2025, so although this item has been listed on the Forward Plan, 28 days will not be passed in time.*

*Any delay in signing the agreement may result in the Council losing the external funding secured, which totals £1,204,481."*

Following consultation, the Chairman of the Resources and Services Overview and Scrutiny Committee kindly agreed that the Special Urgency Procedure as set out in Overview and Scrutiny Procedure Rule 15 (Part 5.8), could be used, insofar as it only applied to my decision as the Leader of the Council as set out in paragraph (f) above.

Details of my urgent decision were also publicly reported to Members at the meeting of the Full Council that took place on Tuesday 20<sup>th</sup> May 2025.

That concludes my statement on this matter."

## **5. ANNOUNCEMENTS BY CABINET MEMBERS**

### **ADEPT (Association of Directors of Environment, Economy, Planning & Transport) President's Awards Ceremony**

The Deputy Leader of the Council & Economic Growth, Regeneration & Tourism Portfolio Holder (Councillor I J Henderson) reported that the above event in London had been attended by himself as well as the Corporate Director (Place & Wellbeing) & Deputy Chief Executive (Lee Heley). Tendring District Council had picked up a highly commended award for Sunspot as well as being put into Category One (Delivering Sustainable Growth) which included delivering net zero, building resilience, address inequalities, delivering services and infrastructure, housing, transport, waste, economic development, planning and growth, staff policies and procurement which was in partnership with Essex County Council.

### **Tendring4Growth**

Councillor I J Henderson further informed Cabinet that the Economic Growth team had grown the Tendring4Growth brand over the last 3 years which meant that there was now an expectation amongst the local business community for the team to continue to deliver high value information, resources, events and opportunities. In order to meet those expectations, the team had been working on developing a website which was now live, and which contained information on how businesses could access free business advice and support through COLBEA which was being funded by the UK Shared Prosperity Fund.

---

Ribbon cutting at the new Innovation Hub

Councillor I J Henderson reported that he had had the pleasure of cutting the ribbon at the new Innovation Hub in Parkeston, which was now also the Freeport East Headquarters. A report had identified that Harwich was a prime location for bringing together a cluster of forward-thinking businesses and organisations involved in clean energy to drive forward economic growth in the area. This marked a milestone, not just for Freeport East, but for Harwich and the wider region.

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

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

**7. MATTERS REFERRED TO THE CABINET BY A COMMITTEE**

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

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

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

**9. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.1 - RURAL ENGLAND PROSPERITY FUND (REPF) TRANSITION YEAR 2025/26**

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.1) which recommended for Cabinet's approval the acceptance of the Rural England Prosperity Fund (REPF) transition year 2025/26 allocation to the Council which totalled £197,761.00, and which also recommended an approach to its spend, building on the successes of the previous REPF programme over the past two financial years, which aligned with Tendring District Council's (TDC) External Funding Framework.

Cabinet was reminded that the REPF programme, established in 2022 by Central Government, was part of a wider programme which had allocated funding nationwide to Councils for locally led delivery. Funding had been delivered via the Multiply, REPF, and Shared Prosperity Fund (UKSPF) Programmes. The REPF covered the majority of the Tendring District, however Clacton-on-Sea and Holland-on-Sea were not classed as rural and were therefore not eligible to apply for any of this funding.

It was reported that the 2024/25 REPF had now closed, though a transition year had been announced (in March 2025) for 2025/26 ahead of the longer-term funding arrangement to be announced in the Government's Spending Review 2025.

Cabinet was informed that via an updated funding formula, this Council had been allocated £197,761.00 (made up of all capital funding) to be allocated to grants/projects across two themes in 2025/26, which were unchanged from the previous programme and were supported by sub-themes as follows:

- Communities and Place
  - Healthy, Safe, and Inclusive Communities
  - Thriving Places

- Supporting Local Business
  - Support for Business

Members were made aware that, with regard to monitoring, the Department for Environment, Food and Rural Affairs (DEFRA) had issued certain interventions, objectives, outputs and outcomes, a copy of which was attached as Appendix B to the Portfolio Holder's report (A.1). Monitoring would continue to take place in the same way as previously administered, with six-monthly updates reported to Government via the Delta system. This programme allowed for spend, outputs, and outcomes to be reported to Government and to be signed off by the Council's statutory Section 151 Officer.

Some of the standard questions from DEFRA for 2023-2025 had been as follows:

- *Spend to date against the investment priorities and forecast;*
- *Summary of progress with an overall Red, Amber, Green (RAG) rating of the progress and trend, plus, short narrative progress summary update (250 words maximum); and*
- *Forecast underspend at the end of the financial year.*

It was felt that, over the past two years of grant funding, the REPF had proven to be highly successful for both businesses and community groups in Tendring. The benefits for businesses had included:

- *Revitalising pub kitchens, enabling them to serve home-cooked food, which had significantly increased footfall and popularity.*
- *Facilitating business expansion by providing funding for new websites, a machine tool controlled by a computer (CNC machines), 3D printers, ERP systems, and other essential machinery.*

Community groups had also derived substantial benefits, including:

- *Provision of special equipment for SEN children, allowing them to participate in activities alongside their peers.*
- *Upgrading swimming pool equipment, ensuring accessibility for all.*
- *Restoration of an old swimming pool for community use.*
- *Replacement of radio equipment for a local community radio station following an arson attack.*

Cabinet was told that in years 2023/24 (year one) and 2024/25 (year two), the REPF had financed the following projects:

- *Twenty-eight existing rural businesses, with a total funding of £359,000.*
- *Twenty-three new and improved community infrastructure projects, with a total funding of £251,000.*

It was reported that feedback from grant recipients had underscored the positive impact of the REPF, with many reporting they had been able to "employ more staff," "take on more work," and "have been able to complete jobs more efficiently."

The REPF grants awarded over the past two years were therefore expected to have a lasting positive impact on both businesses and residents of the District.

Cabinet was advised that, as a result of such success, the following two grant schemes were recommended to continue and to be open for applications for a period of two months using the same criteria, as set out in Appendix A to the Portfolio Holder's report (A.1), and in the light of the Government's expectations for the scheme.

REPF for Businesses £120,000.00

*"The Rural England Prosperity Fund Business Grants Scheme"* allowed for rural businesses across the District of Tendring ('rural' as defined by DEFRA's Magic Maps platform) to apply for between £5,000 and £20,000 for capital works to diversify or expand their operations or adopt new technologies to the business.

Members were advised that grants must be matched with at least 25 percent funding from private sources (so, if the total project cost was £10,000, a REPF grant could fund a maximum of £7,500). Match funding could be either revenue or capital. £20,000 in grant funding was the maximum a business could receive from this Scheme, but it was not a cap on the total project cost.

REPF for Communities £77,761.00

*"The Rural England Prosperity Fund Community Grants Scheme"* allowed for rural not-for-profit organisations across the District of Tendring ('rural' as defined by DEFRA's Magic Maps platform) to apply for between £1,000 and £20,000 for capital works to improve perceptions of their local area, increase use of existing facilities and support local community programmes.

Members were made aware that there was no match funding requirement as standard, however REPF could only support capital works. £20,000 in grant funding was the maximum an organisation could receive from this Scheme, but it was not a cap on the total project cost.

All projects within both grants had to be delivered by 31<sup>st</sup> March 2026.

It was believed that over the past two years, the successful implementation of the REPF had laid a strong foundation for continued progress. The strategic provisions established during this period had been instrumental in ensuring that the grants provided under the REPF would continue to deliver substantial benefits. Those grants were designed to maximise their positive impact on both businesses and residents within the designated REPF area. By fostering economic growth and enhancing community well-being, the REPF was poised to create a lasting legacy of prosperity and development for all stakeholders involved.

In order to ensure that the grants would continue to give maximum impact for both businesses and residents in the designated REPF area and to create a valuable opportunity to address the unmet demand from the previous funding round, ensuring that the needs of those who were previously underserved were met but also to enhance the overall effectiveness and reach of the Council's funding initiatives:-

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

**RESOLVED** that Cabinet –



- a) formally accepts £197,761.00 from the Rural England Prosperity Fund for 2025 to 2026;
- b) approves the allocation of £120,000.00 for the Rural England Prosperity Fund Business Grants Scheme and further approves the allocation of £77,761.00 for the Rural England Prosperity Fund Community Grants Scheme;
- c) approves the criteria for the assessment of grants for both Schemes under the Rural England Prosperity Fund, as set out in Appendix A to the Portfolio Holder's report (A.1);
- d) authorises the Portfolio Holder for Economic Growth, Regeneration and Tourism and the Portfolio Holder for Arts, Culture and Heritage to approve the award of grants to organisations under the Rural England Prosperity Fund in line with its sister fund's (the UK Shared Prosperity Fund) criteria; and
- e) acknowledges that the documentation to accept the grant funding from Government will require signing by the Council's Section 151 Officer, and which will be undertaken following that Officer's consultation with the Portfolio Holder for Economic Growth and Tourism.

**10. MANAGEMENT TEAM ITEMS - REPORT OF THE MONITORING OFFICER - A.3 - LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN FINDING**

Cabinet was reminded that the Constitution (Article 12.03(a)) required the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission had given rise to maladministration. This report concerned actions that the Local Government & Social Care Ombudsman had determined were maladministration/service failings by this Council. This report was also required under section 5A of the Local Government and Housing Act 1989 in view of the aforementioned decision in this matter by the Local Government & Social Care Ombudsman. The case in question considered by the Housing Ombudsman was as set out below.

Members were informed that the complaint had concerned a parent with two children who the Council had been able to house in temporary accommodation in the spring of 2024. At the time, and in view of the difficulty in finding suitable private rented or social housing to meet the family's needs, the parent and their children had been placed in bed and breakfast accommodation. The bed and breakfast accommodation sourced by the Council had provided them with an ensuite bedroom and a shared communal kitchen. The stay in this accommodation had continued for 10 weeks and 3 days.

Cabinet was cognisant that bed and breakfast accommodation could only be used for households which included a dependent child (or children) when no other accommodation was available and then for no more than six weeks. Bed and breakfast accommodation covered accommodation which was not self-contained, not owned by the Council or a registered provider of social housing and where the toilet, washing, or cooking facilities were shared with other households (Homelessness (Suitability of Accommodation) (England) Order 2003 and Homelessness Code of Guidance paragraph 17.35).

It was reported that the Ombudsman had recognised the difficulty the Council had had in finding suitable accommodation for the family and that it had taken steps to increase its supply of temporary accommodation. However, the law and guidance were clear that bed and breakfast accommodation should only be used for a maximum of six weeks for families. On that basis, the Ombudsman had found maladministration by the Council in respect of the four weeks and three days the family were in bed and breakfast beyond the permitted six weeks.

The Ombudsman had then considered the extent of the injustice in this particular case in respect of those 4 weeks and 3 days and had determined the payment that should be made to the parent.

Cabinet was advised that the Council had made representations to the Ombudsman concerning their draft decision and the Ombudsman had made changes from the draft to the final decision. However, notwithstanding those changes, the Ombudsman had not adjusted the level of payment it recommended in this case. In recognition of the stated maladministration and the distress that the complainant would have experienced, the Ombudsman had recommended an apology be sent to the complainant and a payment of £1,000 be made to them. The final decision notice from the Ombudsman had been dated 19 March 2025.

Members were informed that, both the apology and the payment to the complainant had been actioned. The decision to authorise the payment had been made on 8 April 2025 and the individual had received the necessary payment.

Cabinet was reminded that the Council had, since the opening of the Spendells House Temporary Accommodation facility in late 2024, been able to reduce the number of families being housed temporarily in bed and breakfast where the stay in that accommodation was over six weeks. However, the demand for temporary accommodation, the supply of suitable accommodation and the financial position of the Council might well mean that situations occurred whereby families might have to be housed in bed and breakfast for more than the six weeks permitted.

Having duly considered the Monitoring Officer's report on this matter:-

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

**RESOLVED** that Cabinet formally receives and notes the Monitoring Officer's report (A.3) and, in particular, the findings/orders/recommendations from the Local Government & Social Care Ombudsman in the case covered by that report, the compliance with those matters by the Council and the wider learning points set out therein.

#### **11. EXCLUSION OF PRESS AND PUBLIC**

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

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 13 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A, as amended, of the Act.

**12. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT & ICT PORTFOLIO HOLDER - B.1 - UPDATE ON THE WASTE AND RECYCLING COLLECTION AND STREET SWEEPING CONTRACT PROCUREMENT**

**RESOLVED** that Cabinet -

- (a) notes the indicative annual costs emerging at this stage in the procurement process, as set out in the Portfolio Holder's report (B.1);
- (b) notes the financial position that the Council finds itself in and associated risk, uncertainty and associated value for money matters;
- (c) acknowledges that, as a direct implication of the Local Government Reorganisation programme for Greater Essex, the Council should no longer be pursuing a contract term for eight years plus and that a shorter term is necessary;
- (d) notes that through any proposed Local Government Reorganisation, a Shadow Authority for the Unitary Authority could be in place by April 2027, and be able to consider major contracts and liabilities together with the Sovereign Council, but that there is still significant uncertainty around any proposals and timetables;
- (e) notes the contents of the Legal Advice received by the Council's external solicitors, Sharpe Pritchard, as set out in full in Appendix A to report B.1;
- (f) undertakes an assessment of the risks identified together with the required mitigation measures, as set out in the aforementioned Appendix A and the body of the report (B.1);
- (g) subject to the above, determines whether to recommend proceeding with consideration of Option 1 (being confirmed in Part A following further information being taken into account through the content of that report (A.2)); and
- (h) authorises the Corporate Director (Operations and Delivery), in consultation with the Leader of the Council, the Portfolio Holders for Environment & ICT and Assets & Community Safety, and the Section 151 and Monitoring Officers to exercise a degree of flexibility with regards to the contract term following the dialogue sessions, to ensure the Council can deliver a statutory service from April 2026, to be included within the Invitation to Submit Final Tenders (which includes the detailed specification), without the need to revert to Cabinet.

**13. READMISSION OF THE PRESS AND PUBLIC**

Following the consideration of the matters set out in Minute 12 above, it was moved by Councillor M E Stephenson, seconded by Councillor I J Henderson and **RESOLVED** that the press and public be readmitted to the meeting.

**14. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT & ICT PORTFOLIO HOLDER - A.2 - UPDATE ON THE WASTE AND RECYCLING COLLECTION AND STREET SWEEPING CONTRACT PROCUREMENT**

---

Cabinet considered a report of the Environment & ICT Portfolio Holder (A.2) which provided it with an update following receipt of detailed submissions from bidders at the Invitation to Submit Detailed Solutions (“ISDS”) stage of the procurement process. The report also set out options for the way forward and sought Cabinet’s agreement to a revised set of Core Specification Principles based upon the following circumstances:

- Greater Essex was now part of the Government’s Priority Programme for Devolution which included responding to Local Government Reorganisation (LGR), and which had been announced since the commencement of the procurement process and the risk and uncertainty that this brought; and
- the detailed solutions received from the bidders had indicated a contract price that was not affordable to the Council.

Cabinet recalled that, at its meeting held on 26 July 2024, it had agreed to the commencement of a procurement process to appoint a contractor to deliver the Council’s waste and recycling collection and street cleaning service from 2026 onwards, based upon a set of principles, which had translated into a specification for detailed solutions to be submitted against.

Members were reminded that the Council’s project team had been supported throughout the procurement process by four external organisations, chosen for their experience in supporting similar procurements elsewhere.

It was reported that the procurement process had largely adhered to the timeline previously suggested and that it was now well under way and the first detailed solutions had been submitted by the bidders. However, the price for those detailed solutions was not affordable by the Council, being potentially over £7m per annum above the current associated budgets.

Cabinet was informed that now that the detailed solutions had been submitted, Officers would be entering into competitive dialogue discussions with each individual bidder, after which the Council’s requirements would be finalised, and final detailed solutions (tenders) would be invited. As part of the process so far, Officers had provided feedback to the bidders involved on their submissions to date and had held two dialogue sessions with them aimed at reducing the contract price. Whilst price reductions were possible, they would not bring the price to a level that was affordable to the Council over the proposed contract term.

Members were aware that, since the commencement of the procurement process, central Government had announced proposals for Devolution and Local Government Reorganisation (LGR) and that this Council, being part of Greater Essex, was now on the Government’s Priority Programme. LGR, in particular, had cast a question over whether this Council should now, at this stage, be entering into a minimum eight-year contract when the councils it was likely to be merged with operated different delivery models for services for waste including in-house provision. The new unitary authority was also likely to become both a waste collection and a waste disposal authority (as defined in the Environmental Protection Act 1990).

It was felt that a shorter contract term would allow the new unitary authority the scope to determine how such services would be aligned much earlier in its life, potentially realising better value for money and greater efficiencies sooner. Those were options

explored earlier in the process but before Greater Essex had been invited to submit LGR proposals.

Cabinet had been made aware that the Council had received External Legal Advice on options on the way forward, which had been contained within a separate "Part B" report (due to legal professional privilege), and that Cabinet had ensured that an assessment of the advice, analysis of the risks and their mitigations had been undertaken prior to the recommendations set out in this Portfolio Holder report (A.2) being determined.

It was recommended by the Portfolio Holder that the Core Specification Principles be altered to reflect the following:-

- a shorter contract term;
- a reduction in specification aimed at reducing the level of risk and uncertainty whilst increasing affordability;
- that the Council did not take any risk on the value of the dry mixed recycling (DMR) collected at the kerbside; and,
- that the Council did not fund the up-front purchase of any vehicle fleet.

In order to ensure that the Council continued to progress the future of this important statutory service, meeting its affordability envelope whilst complying with the Environment Act 2021 requirements due to be introduced during 2026 and also taking due account of the implications and processes of LGR:-

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

**RESOLVED** that, following consideration of the legal advice and options available (in report B.1) and following its assessment and analysis of the risks and their mitigations, and the contents of that report (B.1), Cabinet formally -

- (a) notes the extensive work undertaken on the procurement process so far, both by Officers and external consultants following the Core Principles adopted in July 2024 and subsequent decisions;
- (b) acknowledges the impact of Greater Essex being part of the Government's Priority Programme and responding to Local Government Reorganisation, the Council must reassess its position with regards to the duration of the contract term;
- (c) acknowledges that, in addition to (b) above, the information received through the current procurement exercise to date would place the Council in the position of not being able to reasonably afford the cost should it decide to continue with the service as currently specified;
- (d) agrees that, in addition to (b) and (c) above, to balance associated risks, uncertainty and value for money alongside affordability, the option to purchase the vehicle fleet and the risk sharing option in respect of DMR will no longer be considered;
- (e) commits to ensuring it continues to fulfil its statutory duties and to provide a Waste Collection service beyond the ending of the current contract in March

---

2026 and complying with the additional requirements of the Environment Act 2021 from April 2026;

- (f) subject to (b) to (e) above and having considered the legal advice and options available (in Part B) and following its assessment of the advice, analysis of the risks and their mitigations, and the contents of this report, agrees to continue with the existing procurement process but with amendments to the contract length and specification (Option 1) based on the following key principles:
- (i) the contract term will be reduced to 3 years with an option for an extension period of 2 years based upon responding to the risk and uncertainties of LGR;
  - (ii) a reduction in the service specification to ensure affordability and comply with our statutory duty to provide a waste collection service and street cleaning service;
  - (iii) the Council will not take any financial risk on the value of DMR material collected (Service Delivery Option A); and
  - (iv) the Council will not fund the up-front purchase of any vehicle fleet (Vehicle Funding Option B).
- (g) in addition to (e) and (f) above, a revised set of Core Specification Principles, as set out in Table 3 of the Portfolio Holder's report (A.1), will form the basis of the revised detailed contract specification;
- (h) authorises the Corporate Director (Operations and Delivery), in consultation with the Leader of the Council, the Portfolio Holder for Environment & ICT, the Portfolio Holder for Assets and Community Safety, the Section 151 Officer and the Monitoring Officer, following the dialogue stage, to determine the detailed revised service specification for the Invitation to Submit Final Tenders stage, ensuring the principles set out in (f) above are adhered to;
- (i) approves that an additional budget of £100k be made available for consultancy support funded via the Corporate Investment Fund, taking the total budget to date to £0.400m; and
- (j) acknowledges that a further report will be presented to Cabinet following the evaluation of final tenders, which will include proposed financial / budget adjustments as necessary.

The Meeting was declared closed at 11.20 am

**Chairman**

## CABINET

27<sup>th</sup> June 2025

### REPORT OF THE LEADER OF THE COUNCIL AND PORTFOLIO HOLDER FOR FINANCE AND GOVERNANCE

#### A.1 ADOPTION OF THE FREEPORT EAST RETAINED BUSINESS RATES AGREEMENT AND ANNUAL BUSINESS PLAN FOR 2025/26

#### PART 1 – KEY INFORMATION

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

To seek Cabinet's, in principle, approval of the Freeport East Retained Business Rates Agreement, acting as the Billing Authority, in line with the Council's 'Freeport East Policy for Managing Retained Business Rates', and to set out the next steps to finalise the Agreement.

To ask Cabinet, acting as Founding Member, to approve the Freeport East Ltd Annual Business Plan for 2025/26, as required by the Members' Agreement.

##### **EXECUTIVE SUMMARY**

###### **Freeport East Retained Business Rates Agreement**

Freeport East is a government backed hub for investment, trade and innovation. It is central to the government's agenda for driving clean growth, promoting regeneration and job creation. Freeport East includes the Port of Felixstowe, Harwich International Port, and the Gateway 14 business park in Stowmarket, Suffolk. It comprises 275 hectares of space and facilities across three sites eligible for tax relief ("Tax Sites") at Felixstowe dock, Bathside Bay in Harwich, and Gateway 14 in Stowmarket.

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

Freeport East, in consultation with partners, has developed a 'Local Growth & Investment Strategy' (formerly the Retained Business Rates Strategy) that sets out how Freeport East will pool, allocate, spend and monitor the retained business rate income that is collected on the freeport tax sites over the next 25 years. This includes the company's operational costs.

The Strategy was approved by the Board in March 2024 and fully reflects decisions made by Tendring District Council in relation to Business Rates usage. To achieve the site developments envisaged in the Full Business Case, 70 per cent of the total retained Business Rates from the Harwich tax site are planned to be allocated to support the further development of the Harwich tax site to achieve the outcomes of the Green Energy Hub.

As a result, the Freeport East's 'Local Growth & Investment Strategy' aims to align with the Council's 'Freeport East Policy for Managing Retained Business Rates', approved by Cabinet

in January 2023.

Separately the Billing Authorities, which includes Tendring District Council, decided a 'Retained Business Rates Agreement' was required to be put in place to ensure there is clarity around forecasting, collection and management of Business Rates funds in a manner that is consistent with the Local Growth & Investment Strategy.

The Freeport East Accountable Body, East Suffolk Council, instructed legal firm Browne Jacobson to prepare the Retained Business Rates Agreement for Freeport East (Appendix A) on their behalf. On the 14 March 2025 Browne Jacobson circulated a draft document for partners building on the Local Growth & Investment Strategy.

It is important to note that this document is not designed to override the Local Growth & Investment Strategy and is primarily aimed at dealing with the "mechanics" of the relationships between the Billing Authorities, Accountable Body and Freeport East Limited, to ensure the timely sharing of relevant information and movement of funds, where applicable, between the parties. The agreement recognises that it may need to change from time to time to reflect any amendments to the Local Growth & Investment Strategy, as may be determined by a decision of the Governing Body (i.e., through a decision of the Directors of Freeport East Limited).

The document has been reviewed by the S151 Officer and Deputy Chief Executive of Tendring District Council and some minor changes are required to the current draft to ensure it aligns fully with the:

- Tendring Council's *Freeport East Policy for Managing Retained Business Rates*;
- Tendring Council's *Freeport East Policy for Granting Non-Discretionary Domestic Rates Relief*; and
- Freeport East Ltd's *Freeport East Local Growth and Investment Strategy (formerly the Retained Business Rates Strategy): Using retained business rates on freeport tax sites*

Acknowledgement and comments will be supplied to Browne Jacobson for inclusion prior to completion and adoption of the document by the Billing Authorities and Freeport East Ltd.

### **Freeport East Ltd. Business Plan 2025/26**

On the 24 May 2024, Cabinet approved the Freeport East Ltd. Annual Business plan for 2024/25 and delegated authority to the Leader of the Council to approve future annual business plans on behalf of Tendring District Council as a Founding Member of Freeport East Ltd. The Leader is bringing the business plan to Cabinet for approval in the context of this wider update on Freeport East.

Freeport East Ltd has produced a draft Annual Business Plan 2025/26 (Appendix B). The Business Plan sets out their vision and purpose and key priorities for the year:

- developing a high performing organisation;
- delivering on ambitious vision for Freeport East;
- delivering investment; and
- making the most of its visibility and voice.

The Business Plan also sets out how Freeport East Ltd will deliver those priorities, including the types of activities they will pursue, and the resources needed. It also sets out a high-level summary of key achievements for 2023/24, its first year of operation and will be presenting their second Annual Report at the Annual General Meeting in September 2025 to be published thereafter, which will showcase achievements against the 2024/25 Business Plan.



The Business Plan needs to be approved by the Founding Members as set out in the Members Agreement. Once the Business Plan is approved, Freeport East intend to publish the final version on their website as an important means to convey to the wider public the scope of what they are delivering.

As well as setting the direction for the organisation, the Business Plan also creates a framework for expenditure that can be followed internally. Freeport East Ltd costs in the region of £1.25m per year, funded originally through Government grant but now through the business rate income as set out in the Local Growth & Investment Strategy and elsewhere in this report.

## **RECOMMENDATION(S)**

**It is recommended that Cabinet:**

- a) in its role as Billing Authority, notes the progress made to date to complete the Freeport East Retained Business Rates Agreement, and subject to (b) agrees the approach as proposed in Appendix A;**
- b) delegates to the Deputy Chief Executive and S151 Officer the authority to approve and sign the final Freeport East Retained Business Rates Agreement in line with the Council's Freeport East Policy for Managing Retained Business Rates and Freeport East Policy for Granting Non-Discretionary Domestic Rates Relief; and**
- c) in its role as a Founding Member and in accordance with the Members' Agreement approves the 2025/26 Freeport East Ltd. Annual Business Plan.**

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

The recommendation to complete the approval of the Freeport East Retained Business Rate Agreement will provide a signed agreement that protects the Council and puts into legal effect the relevant parts of the Freeport East Local Growth and Investment Strategy and documents the underlying mechanisms to support its implementation. The Agreement sets out the relationships and obligations between the Billing Authorities, Freeport East and the Accountable Body regarding the collection, pooling and initial allocation of Retained Business Rates; it does not relate to how decisions regarding the distribution of Retained Business Rates are made. The parties have agreed to enter into this Agreement to record how Retained Business Rates will be collected and pooled.

The Freeport East Business Plan provides clarity on the plans for 2025/26 and the Council's approval follows the requirement of the Members' Agreement and good governance.

## **ALTERNATIVE OPTIONS CONSIDERED**

The alternative option is for the Council not to approve the Retained Business Rates Agreement; however this could expose Tendring District Council to increased risk in the administration of Freeport East business rates and would not align the Council with partners within Freeport East Ltd. If the Council did not approve the Business Plan, the Council would not be acting in accordance with the Members' Agreement and Freeport East Ltd would not have the required approval to implement its plans for 2025/6.

## PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES			
<p>The Council's corporate priorities include raising aspirations and creating opportunities. Under this objective there is a specific objective to take the opportunities afforded by Freeport East and the development of Bathside Bay.</p> <p>The Council's Economic Strategy 2020 to 2024 states that a key action should be to "Work with Essex County Council to facilitate senior level discussion with the owners of Harwich Port to secure an agreed long-term strategy for the Port. Based on these discussions, develop a clear plan for investment in quayside infrastructure."</p> <p>The Economic Strategy also identifies Clean Energy as a growth sector which should be targeted. Freeport East's planned focus on Net Zero complements this objective, alongside TDC's ambitions for an Innovation Centre to complement the Freeport East development at Bathside Bay.</p>			
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)			
<p>The Freeport East Portfolio Holder Working Party is a key mechanism to enable engagement across the Council on Freeport East, which has helped to shape Council policy on the Freeport, for example the focus highlighting the importance of transport and skills.</p> <p>The Working Party last met on 11 June 2025 and had the opportunity to engage on the Business Plan and the Retained Business Rates Agreement.</p>			
LEGAL REQUIREMENTS (including legislation & constitutional powers)			
Is the recommendation a Key Decision (see the criteria stated here)	YES	If Yes, indicate which by which criteria it is a Key Decision	<input checked="" type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	27 May 2025

### **Retained Business Rates**

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

The Billing Authorities, signatory to the Memorandum of Understanding (MOU), will retain 100% of the collectible Business Rates in excess of a baseline agreed with MHCLG.

### **Freeports Business Rates Relief**

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

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

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

This Agreement will come back to Cabinet at a future date if policy revisions are required by Freeport East Ltd. and / or Government. The recommendations as proposed allow for changes to be made and approved with delegations to officers, so long as the principles and objectives of the agreement follow existing Council policy.

### **Subsidy Control**

The Subsidy Control Act 2022 ("the Act") came into effect from 4 January 2023.

Following ongoing dialogue between the Freeports and the Government regarding the pressures the Subsidy Control assessments would put on the Billing Authorities, MHCLG published the English Freeports Subsidy Scheme in April 2024, which covers a blend of measures, enabling public authorities to provide targeted support to promote economic activity in Freeport locations in England, which includes Business Rates Relief.

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

Under the English Freeports Subsidy Scheme, any business rate relief must be awarded in accordance with the guidance produced for local authorities to be consistent with the subsidy control principles, so long as the eligibility principles are observed. This means that local authorities who satisfy themselves that an award complies with this guidance are not required to conduct their own assessment of the award against the subsidy control principles. It also

means that a subsidy awarded under the scheme that complies with this guidance is insulated from legal challenge under the Subsidy Control Act.

The Council must still comply with the transparency requirements set out in the Subsidy Control Act 2022 (Chapter 3 of Part 2) and so will have an obligation to report some subsidies awarded under the scheme.

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

<input type="checkbox"/>	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
--------------------------	--

No additional comments to the content of the report, as feedback provided has been considered through the drafting.

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

The majority of the retained rates are expected to come in from Gateway 14 first, then from the Felixstowe tax site, and finally from Bathside Bay, and so pay for the costs of the team in that order. The Local Growth and Investment Strategy approved by Freeport East's Board makes it clear that if Bathside Bay does not come forward Tendring District Council as the Billing Authority will not be liable for the cost of the team.

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

The Accountable Body for Freeport East Ltd requires the completion of this agreement ahead of distribution of business rates to Freeport East to pay for the costs of the operation, which means that signing the Agreement remains a red risk on the register for the Freeport East Ltd Board.

<input type="checkbox"/>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
--------------------------	---

It is understood that the intention of the proposed Freeport East Retained Business Rates Agreement is to simply 'translate' the approach set out within the previously agreed Local Growth and Investment Strategy rather than create any additional conditions and/or requirements etc. The policy is therefore currently being reviewed with partners on this basis to enable the distribution of retained rates income to be undertaken as soon as possible in 2025/26.

#### **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 Agreement sets out how business rates will flow between different organisations within the Freeport East system, providing further assurance that the Council's position as a Billing Authority is protected.
--	--

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Council reviews Freeport East matters carefully at an Officer and Member level, providing advice to the Freeport East Ltd. Board member ahead of meetings. The Portfolio Holder Working Party provides additional constructive support and challenge, deepening the approach to governance across the Council for Freeport East.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	The Council is primarily an enabler in Freeport East, using its powers as a billing authority to support the development of the programme, with investment for site and project delivery coming from other parties. The Council engages with the Freeport East Ltd team, the Bathside Bay site owner HPUK and other councils in the programme to seek to get best value for Tendering from the investments taking place as part of the programme.

## **MILESTONES AND DELIVERY**

### **Retained Business Rates Agreement**

- TDC to provide Browne Jacobson with their comments regarding the Retained Business Rates Agreement.
- Browne Jacobson to finalise the report for distribution and approval.
- TDC to sign the agreement in partnership with the Billing Authorities.

### **Freeport East Ltd. Business Plan 2025/26**

- Freeport East Ltd. to receive approval from the Freeport East Board Members.
- Freeport East Ltd. to present the final plan at the Annual General Meeting in September 2025.
- The Freeport East Ltd. Business Plan 2025/26 is published.

## **ASSOCIATED RISKS AND MITIGATION**

**Risk to not entering into the Retained Business Rates Agreement.** Not entering into an agreement could disadvantage the Council as the process for administering business rates may not be clear.

**Risk to delivery.** Despite this Retained Business Rates Agreement, there remains a significant risk that Bathside Bay is not delivered through the programme. The site requires significant commercial and public sector investment, and there is no guarantee that commercial partners or government agencies will come forward.

**Risk of sale of HPUK.** The BlackRock-TiL consortium (including BlackRock, Global Infrastructure Partners, and Terminal Investment Limited) acquired a 90 percent stake in Panama Ports Company (PPC) and an 80 percent stake in 43 ports worldwide, including Felixstowe, from CK Hutchison for \$22.8 billion. This deal includes ports and terminals in 23 countries. Currently, there is limited information regarding the sale and the commitment to continue with the Freeport status.

**Risk to reputation of not delivering Freeport East.** There are reputational risks of being part of the Freeport East Company if Bathside Bay is not delivered. The Council is clear that it will do everything in its power to support Bathside Bay, but ultimately the Harwich Tax site is a

commercial proposition and a Government policy; Tendring District Council can only play its part in the programme, for example through our Planning and Business Rates policies. The Council cannot develop out the site ourselves, or invest heavily in it at risk.

### **Financial risk**

The Council will receive the funding we have put into Freeport East, of £160,000, back from business rates over time, and the Tendring area is expected to benefit substantially in the coming decades from investment from retained business rates, which are pooled through Freeport East from the three tax sites and then will fund projects across the Freeport Area.

As set out in the finance section, if the Bathside Bay Harwich tax site does not come forward and so generate business rates, the Council will not be required to pay rates on its behalf. funding from Freeport East we will get the money back whatever we pay across plus the £160k.

**Staffing costs.** There is a theoretical risk of staffing costs for Freeport East Ltd falling to Billing Authorities while the Retained Rates Agreement is not finalised, as rates cannot be shared with the Accountable body until then to pass on to Freeport East to pay for staff. However, the Accountable body is currently funding Freeport East, given the wider cash balances it holds for the programme such as seed capital.

### **EQUALITY IMPLICATIONS**

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

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

### **SOCIAL VALUE CONSIDERATIONS**

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

### **IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION**

Devolution and Local Government Reorganisation generate some uncertainty for Freeport East Ltd., as the current roles of the District and County Councils will be replaced by the Unitary Council and Greater Essex County Combined Authority (GECCA) in Essex, and the Mayoral Strategic Authority in Suffolk. The exact role of the GECCA is to be determined in relation to Freeport Policy, although it is expected to be a priority. The role of the Billing Authority will fall to the new Unitary Authority covering the Harwich Tax site, and so this agreement will need to be updated when the District Council's responsibilities move into the Unitary.

**IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050**

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

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

The Clean Energy Hub at the Harwich Tax site is designed to support the expansion and management and operations of wind turbines in the North Sea. As such it is part of the effort to shift the country's energy supply towards net zero. The development of hydrogen technology is another route to supporting the energy transition needed to deliver the UK's climate ambitions. The carbon that is used now to develop the Clean Energy Hub is supporting the move away from fossil fuels and towards renewables.

**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**

It is expected that customs sites in particular will need to take appropriate measures to ensure the physical site and the systems within them are kept secure. Currently the only customs site which is operational is at Felixstowe. These plans will also ensure that all businesses operating within the Freeport East area will have mandatory minimum security and reporting requirements placed upon them. Given the limited take up of customs sites this risk is low.

**Health Inequalities**

The impact of the Freeport on jobs is expected to have a consequential positive impact on health inequalities. In the long term the economic benefit that comes from work has a positive impact on people's health; bringing jobs into a location is one of the best public health measures that can be taken.

**Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)**

Freeports benefit from a Subsidy Control Scheme. The Council will administer Freeport Business Rates Relief in accordance with the Statutory Guidance and associated documents issued by the Government under the Freeport Subsidy Scheme, published on 26 April 2024.

**Area or Ward affected**

All Wards. The policy will have particularly significant impact on Harwich and Kingsway,

	Dovercourt Bay and Dovercourt Vines and Parkeston where the major Tax Site is located at Bathside Bay.
--	--

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

#### Freeport East

- Freeport East is one of the eight Freeports nationally. It aims to benefit traders, manufacturers and clean energy suppliers. It plans to create 13,500 new jobs and generate a Gross Value Added (GVA) of £5.5 billion over 10 years.

- Freeport East is based around:

- o the Port of Felixstowe;

- o Harwich International Port; and

- o Gateway 14 business park off the A14 near Stowmarket, Suffolk.

- It has 275 hectares of space and facilities across three sites eligible for tax relief at Felixstowe dock, Bathside Bay in Harwich, and Gateway 14 in Stowmarket. These sites are also eligible for customs duty relief, and there are four additional sites also eligible for customs reliefs. Maps of Freeport East tax sites - GOV.UK ([www.gov.uk](http://www.gov.uk))

- The Ports of Harwich and Felixstowe are both currently owned and operated by companies owned by the Hutchison Group Ltd (HPUK) but are in the process of being sold to BlackRock and Mediterranean Shipping Co. (MSC). The Gateway 14 Site in Stowmarket is owned by Mid Suffolk District Council.

#### Bathside Bay: the Harwich Tax Site

The Harwich Tax Site is intended to be developed as a Clean Energy Hub. Most of the tax site is a tidal bay that needs to be reclaimed from the sea.

The Clean Energy Hub will be part of the supply chain as this new offshore wind energy is developed with broadly two types of port users;

- the manufacturers who build the windfarm towers and other parts. These manufacturers help bring security of commercial and business rate income and the economic benefits to the area through new jobs, and their supply chains.
- the windfarm developers use the port to store the towers etc. for up to two years before installing them in the North Sea.

#### Retained Rates

Within the Freeport East area are designated areas that offer tax advantages, including the ability for local authorities to retain a portion of business rate growth. Instead of Government receiving a share of the collected business rates, local authorities in Freeport areas can retain a portion, specifically 100% of the growth above the baseline.

The retention of business rates growth is guaranteed for 25 years, providing a stable revenue stream for local authorities, which can fund projects that support the Freeport's goals, such as infrastructure improvements, attracting investment, and supporting regeneration and the local workforce.



## **The Sale of Hutchinson Ports UK (HPUK) to BlackRock and Mediterranean Shipping Co (MSC)**

On 4 March 2025, the BlackRock-TiL consortium, comprising financial giant BlackRock, Global Infrastructure Partners (GIP), a part of BlackRock, and Terminal Investment Limited (TiL), announced that it will acquire CK Hutchison Holdings' 90 percent interest in the Panama Ports Company and a total of 43 ports comprising 199 berths in 23 countries, from Hutchison Port Holdings (HPH) \$22.8 billion. The sale would be expected to deliver cash proceeds in excess of \$19 billion to CK Hutchison. As of 16<sup>th</sup> April 2025, the deal is under regulatory review from China on the grounds of fair competition.

### **Relevant Documents:**

#### **‘Local Growth & Investment Strategy’ (formally the Retained Business Rates Strategy):**

Freeport East, in consultation with partners, developed a ‘Local Growth & Investment Strategy’ that sets out how Freeport East will pool, allocate, spend and monitor the retained business rate income that is collected on the freeport tax sites over the next 25 years. (This includes the company’s operational costs.)

The Strategy was approved by the Board in March 2024, which reflects this principle in the case of Bathside Bay specifically, and to fully reflect the intent of decisions made by Tendring District Council in relation to business rates usage and to achieve the site developments envisaged in the Full Business Case, 70 percent of the total retained business rates from the Harwich tax site are planned to be allocated to support the further development of the Harwich tax site to achieve the outcomes of the Green Energy Hub. Cabinet approved the Strategy on 24 May 2024.

**‘Policy for Managing Retained Business Rates’:** On the 27 January 2022 Cabinet approved Tendring District Council’s Freeport East Policy for Managing Retained Business Rates. The purpose of this policy is to set out Tendring District Council’s arrangements for managing retained business rates generated in the district as a result of the Freeport East Initiative.

The document outlines how the retained business rates will be apportioned into different ‘pots’ which will enable Freeport East to deliver against the objectives set out in the Full Business Case. It will also set out the decision making and governance process associated with the expenditure of retained business rates in each of the ‘pots’.

**‘Freeport East Policy for granting Discretionary Non-Domestic Rates Relief’:** On 27 January 2022 Cabinet approved the Freeport East Policy for granting Discretionary Non-Domestic Rates Relief. The purpose of this policy is to determine the level of discretionary relief to be granted to certain defined ratepayers within the tax site located within the Council’s part of the Freeport East area.

### **PREVIOUS RELEVANT DECISIONS**

[Freeport East Outline Business Case – July 2021](#)

[Freeport East Business Rates Retention – September 2021](#)

[Freeport East Company – October 2022](#)

[Memorandum of Understanding- January 2023](#)

[Appointment of Tendring District Council representative Company Director on the Board of Freeport East Limited – June 2023](#)

[Freeport East Progress and Business Plan – May 2024](#)

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

[Cabinet report April 2020 – Freeport East](#)

[Cabinet report September 2021 – Freeport East Update and Business Rates Retention](#)

[Cabinet report January 2022 – Freeport East Progress and Agreement of the MOU](#)

[Full Council – Freeport East Full Business Case – March 2022](#)

[Cabinet report May 2024 – Freeport East Progress and Business Plan](#)

#### **APPENDICES**

**Appendix A – Draft Retained Business Rates Agreement.**



**Appendix B – Freeport East Ltd. Business Plan 2025/26**



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

<b>Name</b>	<b>Barbara Pole</b>
<b>Job Title</b>	<b>Economic Growth &amp; Enterprise Manager</b>
<b>Email/Telephone</b>	<b>bpole@tendringdc.gov.uk</b>

Dated

2025

- (1) East Suffolk Council**
- (2) Mid Suffolk District Council**
- (3) Tendring District Council**
- (4) Freeport East Limited**

## **Freeport East – Retained Business Rates Agreement**

## Contents

1	Definitions and Interpretation	2
2	Commencement and duration	8
3	Accountable Body's obligations	8
4	Billing Authorities' obligations	9
5	Retained Rates Account	11
6	FEL's Obligations	11
7	Pooling and allocation of Retained NNDR	12
8	Decisions relating to the utilisation of Freeport Free Cashflow	12
9	Forward Funding	12
10	Further Agreements	12
11	Costs	12
12	Review and monitoring	12
13	Dispute resolution	13
14	Changes to the Accountable Body and/or a Billing Authority	14
15	Freedom of information	15
16	Data processing	15
17	Confidentiality	15
18	Audit	16
19	Termination	17
20	Consequences of termination or expiry	17
21	Nature of obligations	18
22	Good Faith and Cooperation	18
23	Equality and Human Rights	19
24	Waiver	19
25	Rights and remedies	19
26	Severance	19

27	No partnership or agency	19
28	Third party rights	20
29	Assignment and other dealings	20
30	Notices	20
31	Entire agreement	21
32	Variation	21
33	Counterparts	21
34	Governing Law	21
35	Jurisdiction	22
Schedule 1	Baseline Business Rates Income	25
Schedule 2	Allocations of Retained NNDR for Freeport East delivery	26
Schedule 3	Authorised Representatives	31
Schedule 4	Investment Strategy	32
Schedule 5	Freeport Forecast Free Cashflow Allocation Statement	33
Schedule 6	Freeport Reconciliation Free Cashflow Allocation Statement	35

**Date:**

**Parties**

- (1) **East Suffolk Council** of East Suffolk House, Station Road, Melton, Woodbridge, IP12 1RT (**ESC**);
- (2) **Mid Suffolk District Council** of Endeavour House, 8 Russell Road, Ipswich, IP1 2BX (**MSDC**);
- (3) **Tendring District Council** of Town Hall, Clacton-on-Sea, Essex, CO15 1SE (**TDC**),  
each a **Billing Authority** and together the **Billing Authorities**; and
- (4) **Freeport East Limited** a company incorporate in England and Wales (registered with company number 14525587) and whose registered office is at Freeport East Harwich International Station, Parkeston Quay, Harwich, Essex, CO12 4SR (**FEL**).

**Introduction**

- A The freeport model designed by the UK Government provides that all growth in business rates income on designated tax sites above a specified baseline figure throughout the Benefit Window (as defined below) is to be collected locally and then utilised to support the aims of the relevant freeport. The freeport model secures greater funds than would otherwise be achieved for regional growth and investment under governance mechanisms that are locally led.
- B The Billing Authorities, the Accountable Body (as defined below), FEL, and the Department for Levelling Up, Housing and Communities (as it was known at the relevant time) are parties to a Memorandum of Understanding relating to Freeport East dated [DATE]. This Memorandum of Understanding sets out the overarching principles applicable to the retention and use by the Billing Authorities of business rates generated through eligible business activities and operations on the three Freeport East tax sites (located at Felixstowe, Harwich and Gateway 14, Stowmarket).
- C Baseline business rate income for each of the three tax site locations is as set out in Paragraph 3 of Schedule 1 to the Non-Domestic Rating (Designated Areas) Regulations 2023 (and included at Schedule 1 (*Baseline Business Rates Income*) of this Agreement). All business rate income over and above the specified baseline for the relevant tax site in each year of the Benefit Window shall accrue for the purposes of Freeport East and be subject to the terms of this Agreement.
- D In accordance with the requirements of the MoU (as defined below) the FEL Governing Board has developed and agreed the Investment Strategy (as defined below) which is the overarching document governing the use of Retained NNDR (as defined below) in order to pursue the UK Government freeport policy in relation to Freeport East.
- E This Agreement is intended to put into legal effect the relevant parts of the Investment Strategy and document the underlying mechanisms to support its implementation. It sets out the relationships and obligations between the Billing Authorities, FEL and the Accountable Body regarding the collection, pooling and initial allocation of Retained NNDR, it does not relate to how decisions regarding the distribution of Retained NNDR are made. The parties have agreed to enter into this Agreement to record how Retained NNDR will be collected and pooled throughout the Benefit Window.

## Agreed terms

### 1 Definitions and Interpretation

The following definitions and rules of interpretation apply in this Agreement.

#### 1.1 Definitions

<b>Accountable Body</b>	ESC or any such body that becomes the accountable body to the UK Government from time to time in respect of the use by Freeport East of public funds.
<b>Accountable Body's Costs</b>	the Accountable Body's administration costs allocated for the relevant financial year based on an annual budget approved by the FEL Governing Board and members of FEL.
<b>ADR notice</b>	has the meaning given in clause 13 ( <i>Dispute resolution</i> ).
<b>Agreement</b>	this agreement including its Schedules.
<b>Audit &amp; Finance Committee</b>	FEL's audit & finance committee established in accordance with FEL's articles of association.
<b>Authorised Representatives</b>	the persons respectively designated as such by the parties, the first such persons being set out in Schedule 3 ( <i>Authorised Representatives</i> ), which for each Billing Authority shall be their Section 151 Officer or, in their absence, a delegated Officer.
<b>Baseline Amount</b>	the baseline business rate income to be applied from 1 April 2023 for each of the Tax Sites as set out in paragraph 3 of Schedule 1 to the Non-Domestic Rating (Designated Areas) Regulations 2023 and included at Schedule 1 ( <i>Baseline Business Rates Income</i> ) as such baseline amounts may be amended by from time to time.
<b>Benefit Window</b>	the period during which the UK Government has guaranteed that NNDR relating to eligible businesses operating on the Tax Sites will be reimbursed to the Billing Authorities commencing on 1 April 2023 and ending on the Benefit Window Expiry Date.
<b>Benefit Window Expiry Date</b>	31 March 2048 or such other date as may be specified by the UK Government from time to time.  [This definition (which is also relevant for the Term of the agreement) provides some flexibility for potential (further) changes to the relevant period that may be made by the government.]
<b>Commencement Date</b>	1 April 2023.
<b>Confidential Information</b>	means in relation to any party information of a confidential or proprietary nature (whether in oral, written or electronic form)

belonging or relating to that party, its business affairs or activities which:

- (a) that party has marked as confidential or proprietary;
- (b) that party, orally or in writing has advised the other party (to whom it has disclosed such information) is of a confidential nature; or
- (c) due to its character or nature, a reasonable person in a like position and under like circumstances would treat as confidential.

<b>Data Protection Legislation</b>	all applicable data protection and privacy legislation in force from time to time in the UK including the UK GDPR; the Data Protection Act 2018 (and regulations made thereunder) and the Privacy and Electronic Communications Regulations 2003 ( <i>SI 2003/2426</i> ) as amended and the guidance and/or codes of practice issued by the Information Commissioner or other relevant regulatory authority and applicable to a party.
<b>Deed of Novation</b>	a deed of novation to novate the rights and obligations of the outgoing Accountable Body and/or outgoing Billing Authority under this agreement to the incoming Accountable Body and/or incoming Billing Authority which shall be on such terms as to be agreed between the parties to this agreement and the incoming Accountable Body and/or incoming Billing Authority at the relevant time.
<b>Dispute</b>	has the meaning given in clause 13 ( <i>Dispute resolution</i> ).
<b>Dispute Notice</b>	has the meaning given in clause 13 ( <i>Dispute resolution</i> ).
<b>EIRs</b>	the Environmental Information Regulations 2004 ( <i>SI 2004/3391</i> ) together with any guidance and/or codes of practice issued by the Information Commissioner or relevant government department in relation to such regulations.
<b>FEL Governing Board</b>	the board of directors of FEL from time to time that comprises representatives of the members of FEL, FEL's Chief Executive Officer, and FEL's Independent Chair.
<b>FEL's Operating Costs</b>	FEL's operational costs allocated for the relevant financial year based on an annual budget approved by the FEL Governing Board and members of FEL.
<b>FOIA</b>	the Freedom of Information Act 2000 together with any guidance and/or codes of practice issued by the Information Commissioner or relevant government department in relation to such legislation.
<b>Forward Funding</b>	the sum of £160,000 provided by each of the Local Authority Founding Members to forward fund Pot C in the financial years 2022/2023 and 2023/2024 which is to be repaid to each of the



Local Authority Founding Members out of Retained NNDR in accordance with the terms of this Agreement.

<b>Freeport Cashflow</b>	<b>Free</b>	shall have the meaning given in paragraph 2.1 of Schedule 2 ( <i>Allocations of Retained NNDR for Freeport East Delivery</i> ).
<b>Freeport Forecast Free Cashflow Allocation Statement</b>		a statement that integrates relevant data including forecasts of Retained NNDR income, relevant Freeport delivery costs, prior commitments against Retained NNDR allocations, Intention to Fund positions for each Tax Site and the subsequent forecast allocations to each of Pot A, Pot B and Pot C for the forthcoming financial year in the form or substantially in the form set out at Schedule 5 ( <i>Freeport Forecast Free Cashflow Allocation Statement</i> ).
<b>Full Case</b>	<b>Business</b>	the full business case for Freeport East to operate a freeport in the East Anglia area as approved by MHCLG on [DATE].
<b>Held Funds</b>		Retained NNDR held in the Retained Rates Account by the Accountable Body and managed as part of the Accountable Body's treasury management.
<b>Information</b>		has, for the purposes of clause 15 ( <i>Freedom of information</i> ), the meaning given under section 84 of the FOIA.
<b>Investment Strategy</b>		the document which sets out, amongst other matters, the approach to the pooling, management, allocation and use of Retained NNDR in accordance with the provisions of the MoU as such policy may be agreed and/or updated by FEL and the FEL Governing Board from time to time and notified to the parties. Key elements of the relevant strategy as at the date of this Agreement are set out in Schedule 2 ( <i>Allocations of Retained NNDR for Freeport East Delivery</i> ) and the version in effect as at the date of this Agreement is attached at Schedule 4 ( <i>Investment Strategy</i> ).
<b>Intention to Fund</b>		a share of FEL's Operating Costs and/or the Accountable Body's Costs for the relevant financial year recorded against a Tax Site to enable repayment of those costs from Retained NNDR generated by the relevant Tax Site in future financial years.
<b>Law</b>		the laws of England and Wales and any other laws or regulations, regulatory policies, guidelines or codes which apply to the subject matter of this Agreement.
<b>Local Authority Founding Members</b>		(a) the Billing Authorities; (b) Suffolk County Council; and (c) Essex County Council.
<b>MHCLG</b>		the Ministry of Housing, Communities and Local Government (previously known as the Department for Levelling Up,

Housing and Communities) and any other successor central government department which assumes some or all of the functions formerly exercised by the Ministry of Housing, Communities and Local Government upon an amalgamation or merger of or transfer of engagements or otherwise. References to MHCLG shall include the Department for Levelling Up, Housing and Communities.

<b>MoU</b>	the Memorandum of Understanding entered into between the Secretary of State for Levelling Up, Housing and Communities, the Accountable Body, the Billing Authorities and FEL dated [DATE] relating to the use of public funding provided by MHCLG to the Accountable Body for Freeport East and outlining other support that may be made available to Freeport East by the UK Government.
<b>MoU Sanctions</b>	any sanction imposed on the Accountable Body or other relevant party by MHCLG (or other central government department) pursuant to the MoU (as such sanctions are detailed in section 7.3 of the MoU).
<b>NNDR</b>	national non-domestic rates (otherwise known as business rates) payable by occupiers of non-domestic properties to the Billing Authorities under the Local Government and Finance Act 1988.
<b>Permitted Purpose</b>	has the meaning given in clause 17.2 ( <i>Confidentiality</i> ).
<b>Pot A</b>	has the meaning given in the Investment Strategy.
<b>Pot B</b>	has the meaning given in the Investment Strategy.
<b>Pot C</b>	has the meaning given in the Investment Strategy.
<b>Receiving Party</b>	has the meaning given in clause 15.1 ( <i>Freedom of information</i> ).
<b>Freeport Reconciliation Free Cashflow Allocation Statement</b>	the outturn statement against all those items reflected in the Freeport Forecast Free Cashflow Allocation Statement that allows for an annual reconciliation of allocations to Pot A, Pot B and Pot C.
<b>Representatives</b>	means, in relation to party, its employees, officers, elected members (where relevant), representatives and advisors.
<b>Request for Information</b>	a request for information or an apparent request under the Code of Practice on Access to Government Information, FOIA or the EIRs.

<b>Retained NNDR</b>	the aggregate of all NNDR above the relevant Baseline Amount for each Tax Site received and/or receivable by the relevant Billing Authority.
<b>Retained Rates Account</b>	the bank account established by the Accountable Body in accordance with clause 5 ( <i>Retained Rates Account</i> ).
<b>Senior Officers</b>	has the meaning given in clause 13 ( <i>Dispute resolution</i> ).
<b>Single Freeport Retained NNDR Model</b>	<p>the model based on forecast and actual Retained NNDR data collected across all Tax Sites which is used to:</p> <ul style="list-style-type: none"> <li>(a) forecast future Retained NNDR income;</li> <li>(b) model forecast and outturn expenditure and commitments over the Term;</li> <li>(c) inform the long term management of Retained NNDR;</li> <li>(d) assist with decisions taken in respect of the allocation of Retained NNDR; and</li> <li>(e) assist with the ongoing monitoring and evaluation of Retained NNDR.</li> </ul>
<b>Successor Body</b>	upon an amalgamation or merger of or transfer of engagements or otherwise, any local authority which assumes some or all of the functions exercised by another local authority.
<b>Tax Sites</b>	the Freeport East tax sites designated as special areas by the Designation of Freeport Tax Sites (Freeport East) Regulations 2021 ( <i>SI 2021/1389</i> ) and designated areas by the Non-Domestic Rating (Designated Areas) Regulations 2023 ( <i>SI 2023/175</i> ).
<b>Term</b>	<p>the period commencing on the Commencement Date and ending on the earlier of:</p> <ul style="list-style-type: none"> <li>(a) the second anniversary of the Benefit Window Expiry Date; and</li> <li>(b) the termination of this Agreement in accordance with its terms.</li> </ul> <p><b>[DN – provided the agreement is not terminated earlier, the Term provides for 2 years after the 25 year period that Retained NNDR will be reimbursed to the Billing Authorities. This is to allow sufficient time for payments to be finalised following the end of the year to which they relate.]</b></p>
<b>Termination Date</b>	the date of expiry or termination of this Agreement.

- UK GDPR** has the meaning given in section 3(10) (as supplemented by section 205(4)) of the Data Protection Act 2018.
- Working Day** Monday to Friday, excluding any public holidays in England and Wales.
- Working Hours** the period from 9.00am to 5.00pm on any Working Day.
- 1.2 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement.
  - 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
  - 1.4 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement and any reference to this Agreement includes the Schedules.
  - 1.5 A reference to a **company** includes any company, corporation or other body corporate, wherever and however incorporated or established.
  - 1.6 Unless the context otherwise requires, words in the singular include the plural and in the plural include the singular.
  - 1.7 Unless the context otherwise requires, a reference to one gender includes a reference to the other genders.
  - 1.8 Unless expressly provided otherwise in this Agreement, a reference to legislation or a legislative provision is a reference to it as amended, extended or re-enacted and includes all subordinate legislation made under it, in each case from time to time.
  - 1.9 A reference to **writing** or **written** excludes fax but includes email.
  - 1.10 Any obligation in this Agreement on a person not to do something includes an obligation not to agree or allow that thing to be done.
  - 1.11 A reference to this Agreement or to any other agreement or document is a reference to this Agreement or such other agreement or document as varied from time to time.
  - 1.12 References to clauses and Schedules are to the clauses and Schedules of this Agreement and references to paragraphs are to paragraphs of the relevant Schedule.
  - 1.13 Any words following the terms **including, include, in particular** or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
  - 1.14 Except as may be expressly provided otherwise in this Agreement or by Law, where a party is required to make any payment pursuant to this Agreement, then such payment shall be made by that party in the timescale (if any) stipulated in full on demand and without set-off, counterclaim or other deduction.

- 1.15 Subject to clause 13.3, if there is any conflict, inconsistency or ambiguity between the provisions set out in Schedule 2 (*Allocations of Retained NNDR for Freeport East Delivery*) and the Investment Strategy, the terms of the Investment Strategy shall take precedence and prevail.

## **2 Commencement and duration**

This Agreement commences on the Commencement Date and continues for the Term.

## **3 Accountable Body's obligations**

3.1 The Accountable Body shall:

- 3.1.1 unless directed otherwise by the FEL Governing Board, pool and manage all Retained NNDR collected or received directly or received from the other Billing Authorities in accordance with the terms of this Agreement;
- 3.1.2 only distribute Retained NNDR in accordance with the terms of this Agreement or as may be directed by a decision of the FEL Governing Board and ensure that any such distribution is compliant with the requirements of the Subsidy Control Act 2022;
- 3.1.3 establish and maintain detailed records relating to all costs incurred in connection with the discharge of its duties as Accountable Body under this Agreement, the MoU or otherwise in connection with Freeport East;
- 3.1.4 be responsible for reporting and accounting to MHCLG in respect of the management and expenditure of Retained NNDR;
- 3.1.5 where a Local Authority Founding Member is eligible to receive funding from Pot A in accordance with the Investment Strategy, transfer to that Local Authority Founding Member the relevant amount of Pot A funding associated with the relevant financial year within [30] days of receipt of the Freeport Reconciliation Free Cashflow Allocation Statement;
- 3.1.6 unless directed otherwise by the FEL Governing Board, enter into appropriate grant funding agreements for the distribution of Freeport Free Cashflow and ensure that such agreements provide:
  - (a) the Accountable Body and the FEL Governing Board with sufficient oversight, assurance and remedies to ensure funding is delivered appropriately and that the desired outcomes for such funding are achieved;
  - (b) the requisite degree of monitoring and evaluation data and information as may be reasonably required by FEL to satisfy FEL's interest in driving the success of Freeport East and meet its reporting obligations to MHCLG (as set out in the MoU);
  - (c) for compliance with applicable Laws, including but not limited to procurement law and planning law; and

- 3.1.7 so far as it is reasonably practicable to do so in the circumstances, consult with the FEL Governing Board prior to exercising any rights or remedies arising under any grant funding agreements entered into pursuant to clause 3.1.6, including but not limited to exercising any right to withhold, withdraw or clawback funding, and have reasonable regard to any recommendations of the FEL Governing Board in the exercise of the Accountable Body's rights and remedies.

#### 4 **Billing Authorities' obligations**

##### 4.1 Each Billing Authority shall:

- 4.1.1 comply with all relevant obligations in respect of the billing and collection of NNDR and granting of relief from NNDR to eligible businesses on their Tax Sites, as appropriate, including but not limited to compliance with the requirements of the Subsidy Control Act 2022 and the English Freeports Subsidy Scheme;
- 4.1.2 share with the Accountable Body and FEL all templates, processes, criteria and other documentation governing the assessment and granting of NNDR relief so as to enable full consistency in approach amongst the parties;
- 4.1.3 annually, on or before 31 January (or such other date as may be required by MHCLG) in each year of the Benefit Window, submit to MHCLG, the Accountable Body and FEL its forecast Retained NNDR relevant to its Tax Sites for the upcoming financial year, utilising the NNDR1 form (as such form may be updated or replaced from time to time) clearly identifying funds received and/or expected to be received:
- (a) by way of grant under section 31 of the Local Government Act 2003; and
  - (b) directly from businesses through their NNDR payments;
- 4.1.4 annually, [on or before 31 August in each year] of the Benefit Window, submit to MHCLG, the Accountable Body and FEL its report on the outturn Retained NNDR relevant to its Tax Site for the previous financial year utilising the NNDR3 form (as such form may be updated or replaced from time to time) clearly identifying funds received and/or expected to be received:
- (a) by way of grant under section 31 of the Local Government Act 2003; and
  - (b) directly from businesses through their NNDR payments;
- 4.1.5 submit to the Accountable Body and FEL copies of any post-NNDR3 submission at the same time as any such form is submitted to MHCLG;
- 4.1.6 transfer to the Accountable Body all Retained NNDR within 30 days of receipt;

- 4.1.7 where it fails to make any payment due to the Accountable Body pursuant to clause 4.1.6 within the relevant 30 day period required by that clause, pay interest on the overdue sum. Interest under this clause shall be payable from the date on which the relevant Billing Authority receives the relevant payment until payment of the overdue sum is made to the Accountable Body and shall accrue each day at a rate which is equal to the yearly rate of interest payable in accordance with the Accountable Body's treasury management policy (as such rate shall be notified by the Accountable Body to the other parties from time to time);
  - 4.1.8 in order to support effective forecasting, provide the Accountable Body and FEL with copies of any correspondence with the Valuation Office in relation to the rateable value of any premises located within a Tax Site and provide, within 30 days of receipt, any final rateable value information received from the Valuation Office;
  - 4.1.9 provide the Accountable Body in a timely manner with all information reasonably requested by the Accountable Body to enable the Accountable Body to meet its reporting requirements to Government and in accordance with the MoU;
  - 4.1.10 annually, on or before 31 January in each year of the Benefit Window, provide the Accountable Body and FEL with an updated forecast of business rates income expected to be received by the relevant Billing Authority in their Tax Sites for the remaining period of the Benefit Window; and<sup>1</sup>
  - 4.1.11 provide any and all other reasonable assistance, as may be requested by FEL, to support FEL in the development and maintenance of the Single Freeport Retained NNDR Model.
- 4.2 Where an NNDR3 highlights a variance in the forecast Retained NNDR set out in the NNDR1 as part of the process set out in clause 4.1, or where there is a difference between the Freeport Reconciliation Free Cashflow Allocation Statement and the Freeport Forecast Free Cashflow Allocation Statement, a reconciliation shall be undertaken and further payments either:
- 4.2.1 from the Accountable Body to the relevant Billing Authority; or
  - 4.2.2 from the relevant Billing Authority to the Accountable Body,
- shall be made, where required, to effect such reconciliation. Any payments made pursuant to this clause shall be made within 30 days of the date the relevant amount has been agreed between the parties.
- 4.3 The Accountable Body shall pool all Retained NNDR received pursuant to this clause 4 and shall hold all sums in accordance with clause 5 (*Retained Rates Account*).

---

<sup>1</sup> These forecasts will be used to inform and keep up to date a single harmonised financial model across all Freeport East tax sites that enables consistent matching of income and expenditure and commitments.

## 5 Retained Rates Account

### 5.1 the Accountable Body shall:

- 5.1.1 establish and maintain a bank account being the Retained Rates Account and shall manage and operate that account on behalf of Freeport East throughout the Term;
- 5.1.2 provide the other parties with the details of the Retained Rates Account and promptly notify them of any changes to the account that may be made from time to time;
- 5.1.3 hold all pooled Retained NNDR in the Retained Rates Account on behalf of Freeport East;
- 5.1.4 seek a return on any Held Funds in the Retained Rates Account in line with its treasury management policy. Any returns received by the Accountable Body pursuant to this clause shall also be held within the Retained Rates Account;
- 5.1.5 refrain from making any payment out of the Retained Rates Account which is not permitted by this Agreement except with the prior written consent of the other parties or as may be directed by the FEL Governing Board;
- 5.1.6 establish and maintain detailed and up to date records of all funds held in the Retained Rates Account, including but not limited to details of all payments in and out of the account and the allocation of such funds in accordance with the provisions of Schedule 2 (*Allocation of Retained NNDR for Freeport East Delivery*);
- 5.1.7 permit the other parties to audit the Retained Rates Account in accordance with clause 18 (*Audit*); and
- 5.1.8 regularly monitor the Retained Rates Account and report to the Audit & Finance Committee at least annually in accordance with the reporting protocol agreed between the Accountable Body and the Audit & Finance Committee.

## 6 FEL's Obligations

### 6.1 FEL shall:

- 6.1.1 notify to the parties of any updates to the Investment Strategy within 30 days of such an update being approved by the FEL Governing Board;
- 6.1.2 develop, adopt and maintain the Single Freeport Retained NNDR Model and share the model with the parties upon request;
- 6.1.3 provide the Freeport Forecast Free Cashflow Allocation Statement to the other parties on an annual basis within [xx] Business Days of receiving the NNDR1 data in para 4.1.3; and



- 6.1.4 provide the Freeport Reconciliation Free Cashflow Allocation Statement to the other parties on an annual basis within [xx] Business Days of receipt of all NNDR3 information from the Billing Authorities.

**7 Pooling and allocation of Retained NNDR**

Subject to any alternative approach as may be determined by the FEL Governing Board and notified to the parties from time to time, Retained NNDR shall be pooled and allocated in accordance with the Investment Strategy.

**8 Decisions relating to the utilisation of Freeport Free Cashflow**

All decisions relating to the utilisation and distribution of Freeport Free Cashflow shall be taken by FEL Governing Board in accordance with the terms of the MoU and FEL's articles of association and members' agreement.

**9 Forward Funding**

Subject to any alternative approach as may be determined by the FEL Governing Board and notified to the parties from time to time, the Forward Funding shall be repaid to the Local Authority Founding Members in accordance with the Investment Strategy.

**10 Further Agreements**

10.1 Notwithstanding any other provision of this Agreement if, during the Term, MHCLG requires in writing that all or any of the parties are to enter into a new agreement as to the use of Retained NNDR, the parties will use their reasonable endeavours to reach such an agreement for the remainder of the Term within such timeframes as MHCLG requires.

10.2 Any Dispute as to a further agreement in accordance with clause 10.1, shall be resolved in accordance with the clause 13 (*Dispute resolution*).

**11 Costs**

11.1 Except as expressly provided in this Agreement, each party shall pay its own costs incurred in connection with the negotiation, preparation and execution of this Agreement.

11.2 FEL's Operating Costs and the Accountable Body's Costs shall be managed and reimbursed to the relevant party, as applicable, in accordance with the Investment Strategy.

**Contract management**

**12 Review and monitoring**

12.1 Each party shall nominate an Authorised Representative who will have authority to act on its behalf and contractually bind it in respect of all matters relating to the performance of this Agreement. The first Authorised Representatives are listed in Schedule 3 (*Authorised Representatives*).

12.2 Each party shall use reasonable endeavours to ensure that the same person acts as its Authorised Representative throughout the Term, but may, following

reasonable notice to the other parties, replace that person from time to time where reasonably necessary in the interests of its activities and functions.

- 12.3 The Authorised Representatives shall meet on an **annual basis** to monitor and review the performance of this Agreement. Such meetings shall be minuted by the Accountable Body's Authorised Representative and copies of those minutes shall be circulated to and approved by all parties.
- 12.4 The parties acknowledge that the Audit & Finance Committee has a responsibility to review the progress of all funding agreements relating to the distribution and use of Retained NNDR. The Accountable Body shall provide the Audit & Finance Committee with reports in respect of all funding agreements on a quarterly basis no less than 5 Business Days in advance of any scheduled Audit & Finance Committee meetings held at such intervals along with such other information as the committee may reasonably request from the Accountable Body in order for the committee to carry out any such reviews and to be able to assess, understand and advise the FEL Governing Board in respect of any funding agreements, including where appropriate any identified risks.
- 12.5 The parties agree to use their reasonable endeavours to provide such information and support to the Accountable Body and FEL as the Accountable Body and FEL may reasonably require in order to meet MHCLG's reporting requirements (as set out in the MoU or otherwise required from time to time by MHCLG).

### 13 **Dispute resolution**

- 13.1 Subject to clause 13.3, if a dispute arises out of or in connection with this Agreement or the performance, validity or enforceability of it (**Dispute**) then the parties shall follow the procedure set out in this clause 13:
  - 13.1.1 in all cases the disputing parties and their Authorised Representatives shall endeavour to resolve the matter themselves within a reasonable period;
  - 13.1.2 where the subject matter of any Dispute has not been resolved within a reasonable period, either disputing party shall give to the other written notice of the Dispute, setting out its nature and full particulars (**Dispute Notice**), together with relevant supporting documents;
  - 13.1.3 the disputing parties shall each nominate a senior officer who has the authority of that disputing party to resolve the disputing matter on its behalf (together the **Senior Officers**). The Senior Officers shall attempt in good faith to resolve the dispute;
  - 13.1.4 if the Senior Officers are for any reason unable to resolve the Dispute within 10 Working Days of it being referred to them (or such longer period as the disputing parties may agree), the parties will attempt to settle it by mediation in accordance with the CEDR Model Mediation Procedure. Unless otherwise agreed between the parties within 15 Working Days of referral of the Dispute Notice, the mediator will be nominated by CEDR. To initiate the mediation, a party must serve notice in writing (**ADR notice**) to the other party to the Dispute,

referring the Dispute to mediation. A copy of the ADR notice should be sent to CEDR; and

13.1.5 unless otherwise agreed between the parties, the mediation will start not later than 20 Working Days after the date of the ADR notice.

13.2 The commencement of mediation shall not prevent the parties commencing or continuing court proceedings.

13.3 This clause 13 shall not apply to any dispute relating to the interpretation and application by the parties of the Investment Strategy. Any such dispute shall be submitted in writing to the FEL Governing Board for determination and resolution. The written decision of the FEL Governing Board on any matters referred to them pursuant to this clause shall be final and binding on the parties in absence of manifest error or fraud.

#### **14 Changes to the Accountable Body and/or a Billing Authority**

14.1 This clause 14 shall:

14.1.1 apply where there is a change in the Accountable Body and/or Billing Authority; and

14.1.2 shall only apply in so far as is necessary to effect an orderly change in Accountable Body and/or Billing Authority to a Successor Body and to the extent consistent with any legislation effecting such a change.

14.2 Subject to clause 14.1:

14.2.1 where there is a change in Accountable Body:

(a) the parties shall enter into and shall procure that the incoming Accountable Body enters into a Deed of Novation; and

(b) the outgoing Accountable Body shall, on or before the effective date of the Deed of Novation, transfer to the incoming Accountable Body all:

(i) Held Funds; and

(ii) relevant records relating to Retained NNDR held by the outgoing Accountable Body.

14.2.2 where there is a change in Billing Authority:

(a) the parties shall enter into and shall procure that the incoming Billing Authority enters into a Deed of Novation; and

(b) the outgoing Billing Authority shall ensure that:

(i) any payments due (or which become due after the effective date of the Deed of Novation); and

- (ii) any outstanding obligations of the outgoing Billing Authority at the effective date of the Deed of Novation,

pursuant to clause 4 (*Billing Authorities' obligations*) are made to the Accountable Body and/or discharged (and continue to be made and/or discharged) in accordance with that clause.

## Information

### 15 Freedom of information

- 15.1 The parties acknowledge that they are each subject to the requirements of the FOIA and the EIRs. Where one party receives a Request for Information (**Receiving Party**) the other parties shall:
  - 15.1.1 provide all necessary assistance and cooperation as reasonably requested by the Receiving Party to enable the Receiving Party to comply with its obligations under the FOIA and EIRs;
  - 15.1.2 provide the Receiving Party with a copy of all Information belonging to the Receiving Party requested in the Request for Information which is in its possession or control in the form that the Receiving Party requires within 5 Working Days (or such other period as the Receiving Party may reasonably specify) of the Receiving Party's request for such Information; and
  - 15.1.3 not respond directly to a Request for Information unless authorised in writing to do so by the Receiving Party.
- 15.2 Notwithstanding any other term of this Agreement, each party consents to the publication of this Agreement in its entirety (including variations), subject only to the redaction of information that the parties determine, by agreement, is exempt from disclosure in accordance with the provisions of the FOIA and EIRs.

### 16 Data processing

- 16.1 The parties will comply with all applicable requirements of the Data Protection Legislation in the performance of their obligations under this Agreement.
- 16.2 This clause 16 is in addition to, and does not relieve, remove or replace, a party's obligations or rights under the Data Protection Legislation.

### 17 Confidentiality

- 17.1 The provisions of this clause 17 do not apply to any Confidential Information which:
  - 17.1.1 is or becomes available to the public (other than as a result of its disclosure by the receiving party or its Representatives in breach of this clause 17);
  - 17.1.2 was available to the receiving party on a non-confidential basis before disclosure by the disclosing party;

- 17.1.3 was, is, or becomes available to the receiving party on a non-confidential basis from a person who, to the receiving party's knowledge, is not bound by a confidentiality agreement with the disclosing party or otherwise prohibited from disclosing the information to the receiving party;
  - 17.1.4 the parties agree in writing is not confidential or may be disclosed;
  - 17.1.5 which is disclosed by a party on a confidential basis to any central government or regulatory body.
- 17.2 Each party shall keep the other parties' Confidential Information secret and confidential and shall not:
- 17.2.1 use such Confidential Information except for the purpose of exercising or performing its rights and obligations under or in connection with this Agreement (**Permitted Purpose**); or
  - 17.2.2 disclose such Confidential information in whole or in part to any third party, except as expressly permitted by this clause 17.
- 17.3 A party may disclose another party's Confidential Information to those of its Representatives who need to know such Confidential Information for the Permitted Purpose, provided that:
- 17.3.1 it informs such Representatives of the confidential nature of the Confidential Information before disclosure; and
  - 17.3.2 it procures that its Representatives shall, in relation to any Confidential Information disclosed to them, comply with the obligations set out in this clause 17 as if they were a party to this Agreement,
- and at all times, it is liable for the failure of any Representatives to comply with the obligations set out in this clause 17.3.
- 17.4 A party may disclose Confidential Information to the extent that such Confidential Information is required to be disclosed by Law (including under the FOIA or EIRs), by any governmental or other regulatory authority or by a court or other authority of competent jurisdiction provided that, to the extent it is legally permitted to do so, it gives the other parties as much notice of the disclosure as possible.
- 17.5 The provisions of this clause 17 shall survive for a period of 7 years from the Termination Date.

## 18 **Audit**

- 18.1 During the Term and for a period of 7 years after the Termination Date, each party shall allow the other parties (acting by themselves or through their Representatives) to access any of their relevant records as may reasonably be required to:
  - 18.1.1 fulfil any legally enforceable request by any regulatory body; and

- 18.1.2 verify that all obligations of the relevant party are being performed in accordance with this Agreement.
- 18.2 Except where an audit is imposed on a party by a regulatory body or where a party has reasonable grounds for believing that another party has not complied with its obligations under this Agreement, a party may not conduct an audit under this clause 18 more than once in any calendar year.
- 18.3 Each party shall use its reasonable endeavours to ensure that the conduct of each audit does not unreasonably disrupt the relevant other party.
- 18.4 Subject to each party's obligations of confidentiality, each party shall on reasonable notice provide the other parties and any relevant regulatory body (and/or their agents or Representatives) with all reasonable co-operation and assistance in relation to each audit, including all information requested by the above persons within the permitted scope of the audit.
- 18.5 Each party shall endeavour to (but is not obliged to) provide at least 15 Working Days' notice of its intention or, where possible, a regulatory body's intention, to conduct an audit in accordance with this clause 18.
- 18.6 The parties agree that they shall bear their own respective costs and expenses incurred in respect of compliance with their obligations under this clause 18.
- 18.7 If an audit identifies that:
  - 18.7.1 there has been an overpayment of Retained NNDR by one party to another, the party in receipt of the overpayment shall pay to the party that made the overpayment the amount overpaid within 20 days from the date of receipt of a notice to do so; and
  - 18.7.2 a party has underpaid any Retained NNDR to another party, the party that made the underpayment shall pay such amounts to remedy the underpayment to the party which received the underpayment within 20 days from the date of receipt of a notice to do so.

## **Termination**

### **19 Termination**

- 19.1 This Agreement may be terminated by mutual agreement of the parties.
- 19.2 A party may exit this Agreement with the prior written consent of the other parties.

### **20 Consequences of termination or expiry**

- 20.1 Any provision of this Agreement that expressly or by implication is intended to come into or continue in force on or after termination or expiry, including:
  - 20.1.1 clause 4 (*Billing Authorities' obligations*);
  - 20.1.2 clause 15 (*Changes to the Accountable Body and/or a Billing Authority*);

- 20.1.3 clause 15 (*Freedom of Information*);
  - 20.1.4 clause 16 (*Data Processing*);
  - 20.1.5 clause 17 (*Confidentiality*);
  - 20.1.6 clause 18 (*Audit*);
  - 20.1.7 this clause 20 (*Consequences of termination*);
  - 20.1.8 clause 21 (*Nature of obligations*);
  - 20.1.9 clause 34 (*Governing law*); and
  - 20.1.10 clause 35 (*Jurisdiction*),
- shall remain in full force and effect.

- 20.2 Should there be any Held Funds at the Termination Date, as soon as is reasonably practicable but in any event no later than 3 months following the Termination Date, the Billing Authorities (or their Authorised Representatives) shall meet and shall use their reasonable endeavours to reach agreement to determine how such Held Funds are to be utilised and/or reimbursed to the Billing Authorities. Any Dispute arising out of discussions held pursuant to this clause 20.2 shall be resolved in accordance with the clause 13 (*Dispute resolution*).
- 20.3 Termination or expiry of this Agreement shall not affect any rights, remedies, obligations or liabilities of the parties that have accrued up to the date of termination or expiry, including the right to claim damages in respect of any breach of this Agreement which existed at or before the Termination Date.

## **General provisions**

### **21 Nature of obligations**

- 21.1 The Accountable Body and each Billing Authority shall at all times be bound by their statutory obligations (whether in any statute or secondary legislation or otherwise).
- 21.2 In the event of any discrepancy or conflict between the statutory obligations of the Accountable Body or a Billing Authority (on the one hand) and its obligations arising pursuant to this Agreement (on the other hand), the Accountable Body's or relevant Billing Authority's statutory obligations shall not be fettered and shall prevail and the exercise by the Accountable Body or relevant Billing Authority (as applicable) of any of its statutory functions shall not be treated as a breach of this Agreement.

### **22 Good Faith and Cooperation**

- 22.1 Each party shall:
  - 22.1.1 act in good faith towards the other parties;

- 22.1.2 comply with reasonable requests submitted by the other parties from time to time in relation to Freeport East; and
- 22.1.3 not do anything intentionally that will put another party in breach of their obligations under this Agreement.

**23 Equality and Human Rights**

- 23.1 The parties shall perform their obligations under this Agreement in accordance with:
  - 23.1.1 all applicable equality Law, including the Equality Act 2010, (whether in relation to race, sex, gender reassignment, age, disability, sexual orientation, religion or belief, pregnancy, maternity or otherwise);
  - 23.1.2 any applicable equality and diversity policy of the parties from time to time; and
  - 23.1.3 take all necessary steps, and inform each other of the steps taken, to prevent unlawful discrimination designated as such by any court or tribunal, or the Equality and Human Rights Commission or (any successor organisation).

**24 Waiver**

- 24.1 A waiver of any right or remedy is only effective if given in writing and shall not be deemed a waiver of any subsequent right or remedy.
- 24.2 A delay or failure to exercise, or the single or partial exercise of, any right or remedy does not waive that or any other right or remedy, nor does it prevent or restrict the further exercise of that or any other right or remedy.

**25 Rights and remedies**

The rights and remedies provided under this Agreement are in addition to, and not exclusive of, any rights or remedies provided by Law.

**26 Severance**

- 26.1 If any provision or part-provision of this Agreement is or becomes invalid, illegal or unenforceable, it shall be deemed deleted, but that shall not affect the validity and enforceability of the rest of this Agreement.
- 26.2 If any provision or part-provision of this Agreement is deemed deleted under clause 26.1, the parties shall negotiate in good faith to agree a replacement provision that, to the greatest extent possible, achieves the intended commercial result of the original provision.

**27 No partnership or agency**

- 27.1 Nothing in this Agreement is intended to, or shall be deemed to, establish any partnership or joint venture between any of the parties, constitute any party the agent of another party, or authorise any party to make or enter into any commitments for or on behalf of any other party.



27.2 Each party confirms it is acting on its own behalf and not for the benefit of any other person.

## 28 **Third party rights**

28.1 This Agreement does not give rise to any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Agreement.

28.2 The rights of the parties to terminate, rescind or agree any variation, waiver or settlement under this Agreement are not subject to the consent of any other person.

## 29 **Assignment and other dealings**

29.1 Subject to clause 29.2, no party shall assign, transfer, mortgage, charge, subcontract, delegate, declare a trust over or deal in any other manner with any of its rights and obligations under this Agreement without the prior written consent of the other parties (such consent not to be unreasonably withheld or delayed).

29.2 Each party may assign their rights under this Agreement to a Successor Body.

## 30 **Notices**

30.1 Any notice given to a party under or in connection with this Agreement shall be in writing marked for the attention of the relevant party's Authorised Representative and shall be:

30.1.1 delivered by hand or by pre-paid first-class post or other next Working Day delivery service at its principal office address; or

30.1.2 sent by email to the following addresses (or an address substituted in writing by the party to be served):

(a) ESC: [ADDRESS].

(b) MSDC: [ADDRESS].

(c) TDC: [ADDRESS].

(d) FEL: [ADDRESS].

30.2 Any notice shall be deemed to have been received:

30.2.1 if delivered by hand, at the time the notice is left at the proper address;

30.2.2 if sent by pre-paid first-class post or other next Working Day delivery service, at 9.00am on the second Working Day after posting; or

30.2.3 if sent by email, at the time of transmission, or if this time falls outside Working Hours in the place of receipt, when Working Hours in the place of receipt resume.

30.3 This clause 30 does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

### 31 Entire agreement

31.1 This Agreement constitutes the entire agreement between the parties and supersedes and extinguishes all previous and contemporaneous agreements, promises, assurances and understandings between them, whether written or oral, relating to its subject matter.

31.2 Each party acknowledges that in entering into this Agreement it does not rely on, and shall have no remedies in respect of, any statement, representation, assurance or warranty (whether made innocently or negligently) that is not set out in this Agreement.

31.3 Each party agrees that it shall have no claim for innocent or negligent misrepresentation or negligent misstatement based on any statement in this Agreement.

### 32 Variation

32.1 Subject to clause 32.2, no variation of this Agreement shall be effective unless it is in writing and signed by the parties (or their Authorised Representatives).

32.2 The parties agree that the Investment Strategy (the version of which in effect at the date of this Agreement is attached at Schedule 4 (*Investment Strategy*)) shall be as agreed and/or updated by FEL and the FEL Governing Board from time to time and notified to the parties. Where the FEL Governing Board agree any material amendments to the Investment Strategy, the parties shall work together and in good faith to agree such changes to Schedule 2 (*Allocations of Retained NNDR for Freeport East delivery*) as are necessary to reflect the amended Investment Strategy. In the event of any dispute between the parties relating to variations to Schedule 2 or Schedule 4, the parties shall follow the procedure set out in clause 13 (*Dispute resolution*).

### 33 Counterparts

33.1 This Agreement may be executed in any number of counterparts, each of which shall constitute a duplicate original of this Agreement, but all the counterparts shall together constitute the one agreement.

33.2 Transmission of an executed counterpart of this Agreement (but for the avoidance of doubt not just a signature page) by email (in PDF, JPEG or other agreed format) takes effect as the transmission of an executed "wet-ink" counterpart of this Agreement. If this method of transmission is adopted, without prejudice to the validity of the agreement thus made, each party shall on request provide the others with the "wet ink" hard copy originals of their counterpart.

### 34 Governing Law

This Agreement and any Dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual Disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

35     **Jurisdiction**

Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any Dispute or claim arising out of or in connection with this Agreement or its subject matter or formation (including non-contractual Disputes or claims).

This Agreement has been entered into as a deed and delivered on the date stated at the beginning of it.

Executed as a deed (but not delivered until the date specified above) by affixing the common seal **of EAST SUFFOLK COUNCIL** in the presence of:

Signature

.....

Name

.....

Title

.....

The COMMON SEAL of  
**MID SUFFOLK DISTRICT COUNCIL**  
was hereunto affixed in the  
presence of:

.....

Authorised Officer

The **COMMON SEAL** of

**TENDRING DISTRICT COUNCIL**

was hereunto affixed in the  
presence of:

.....

Proper Officer

Executed as a deed by **FREEPORT EAST  
LIMITED** acting by

[ ]

a director, and

Director

[ ]

a director/company secretary.

Director/Company Secretary

## Schedule 1 Baseline Business Rates Income

### 1. Baseline Business Rates income for each of the Tax Sites

Tax Site	Billing Authority	Baseline business rate income to be applied from 1 April 2023 (Baseline Amount)
Harwich	TDC	£841,447
Gateway 14	MSDC	£0
Felixstowe	ESC	£774,808

1.1 If in any financial year the amount of **aggregate NNDR** income for a Tax Site is lower than the relevant Baseline Amount stated in the above table then the Retained NNDR for the relevant Tax Site shall be taken as zero for the purposes of this Agreement.

1.2 In this Schedule 1 the **aggregate NNDR** shall be taken to include:

1.2.1 the total NNDR received by the relevant Billing Authority in respect of all hereditaments which are:

- (a) wholly within; and
- (b) partially within,  
the relevant Tax Site; and

1.2.2 all sums received by the relevant Billing Authority by way of grant under section 31 of the Local Government Act 2003 in respect of NNDR relief granted by that Billing Authority to hereditaments wholly or partially present on the relevant Tax Site.

## **Schedule 2 Allocations of Retained NNDR for Freeport East delivery**

The Retained NNDR shall be allocated, managed and pooled in accordance with the Investment Strategy. Key elements of the Investment Strategy [approved and adopted by the FEL Governing Board][adopted by the Freeport] as at the date of this Agreement are set out within this Schedule 2.

### **1. Primary Allocations for Freeport East delivery**

1.1 For each financial year throughout the Term, primary allocations of Retained NNDR shall be accounted for in that financial year and made prior to further expenditure of Retained NNDR being considered or committed by the FEL Governing Board. These primary allocations shall include (items appearing higher in the following list shall be given a higher priority and take precedence over items appearing lower in the list):

1.1.1 FEL's Delivery Costs;

1.1.2 to cover any financial liabilities (incurred by the Accountable Body or other relevant party) associated with MoU Sanctions;

1.1.3 the Accountable Body's Costs; and

1.1.4 subject to paragraph 1.2, to cover repayment of the Forward Funding.

1.2 Repayment of the Forward Funding shall only be made from the financial year 2028/2029 onwards and:

1.2.1 after the other primary allocations listed in paragraph 1.1 have been adequately met;

1.2.2 when the respective Tax Site in the relevant Local Authority Founding Member's district has created sufficient contributions of Retained NNDR to support such repayment; and

1.2.3 there is no outstanding Intention to Fund recorded against the respective Tax Site,

and provided that the relevant Billing Authority has not, by notifying FEL and the Accountable Body in writing, deferred their right to repayment of the Forward Funding to a future financial year or waived their right to receive repayment of the Forward Funding.

### **2. Freeport Free Cashflow and Secondary Allocations in Pot A, Pot B and Pot C.**

2.1 In each financial year, once the primary allocations under paragraph 1 have been met any remaining Retained NNDR shall be allocated across three pots:

2.1.1 **Pot A** - to partially cover "lost income" for the Local Authority Founding Members when compared to a counterfactual of "no freeport development" and to support local services to support businesses;

- 2.1.2 **Pot B** – to support development of the Tax Sites in line with the vision and objectives of Freeport East in order to attract earlier, higher value and higher business rate income investments; and
- 2.1.3 **Pot C** – to support the overall Freeport East geography to meet the vision of the freeport initiative,

(collectively referred to as **Freeport Free Cashflow**).

2.2 The parties acknowledge and agree that on a yearly basis the allocations to Pot A, Pot B and Pot C will vary according to need and profiling of spend, but across the duration of the Benefit Window shall be managed in accordance with the Investment Strategy. The specific allocations to each of Pot A, Pot B and Pot C shall be determined annually from the Freeport Forecast Free Cashflow Account Statement and the Freeport Reconciliation Free Cashflow Account Statement.

2.3 The parties acknowledge and agree that, unless agreed otherwise by the FEL Governing Board, any and all interest:

2.3.1 paid by a Billing Authority pursuant to clause 4.1.7; and

2.3.2 accrued in relation to funds held in the Retained Rates Account pursuant to clause 5.1.4,

shall be allocated to Pot C and shall be considered additional to any other funds allocated to Pot C based on the relevant percentage allocations set out in the [Investment Strategy OR in this Schedule 2];

#### **Pot A**

2.4 Pot A shall only be distributed to the relevant Billing Authority from Retained NNDR that is generated and originates from the Tax Site location (or locations) that fall within that relevant Billing Authority's jurisdiction.

2.5 A Billing Authority's Tax Site locations must have contributed sufficient Retained NNDR before Pot A income can be received by that Billing Authority and such income must be sufficient to cover liabilities associated with Freeport Delivery Costs (including the repayment of any outstanding Intention to Fund recorded against the respective Tax Site) before any distribution of income under Pot A can be made.

2.6 Over the course of the Benefit Window, Pot A shall be the lower of:

2.6.1 20% of total Retained NNDR from the relevant Billing Authority's Tax Sites; and

2.6.2 the value of the reasonable counterfactual for local authority income that would have arisen from the relevant Tax Site under the no-freeport scenario as set out in the following table:

<b>Tax Site</b>	<b>Billing Authority</b>	<b>Counterfactual Income over 25 years</b>



Harwich	Tendring District Council	£1,000,000
Gateway 14	Mid Suffolk District Council	£25,500,000
Felixstowe	East Suffolk District Council	£2,750,000

- 2.7 Where funds are distributed from Pot A, those funds shall be split on an 80/20 basis between the district level Billing Authority and the county level authority, as follows:

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

- 2.8 Pot A funds shall be profiled to reflect a gradual increase over time, rather than applying a fixed rate of total Retained NNDR from year one onwards. This should permit funds to flow into Pot B and Pot C faster in earlier years of the Benefit Window. For the Felixstowe and Harwich Tax Sites no Pot A funds will be distributed in the first 10 years of the Benefit Window in respect of either Tax Site. Where Pot A funds are deferred in the first 10 years of the Benefit Window pursuant to this paragraph 2.8 such funds shall be wholly disbursed within the following 5-10 years (to ensure funds are disbursed before the end of year 20).

- 2.9 In respect of Gateway 14, the Suffolk County Council proportion shown in the table above at paragraph 2.7 shall be allocated from year 6 of the Benefit Window onwards.

- 2.10 The Mid Suffolk District Council proportion shall follow a formula in the first 10 years of the Benefit Window where their allocation will be the lower of 16% of the Freeport Free Cashflow generated by the Gateway 14 Tax Site and the figures set out in the table below:

<b>Year</b>	<b>Year</b>	<b>Maximum Pot A allocation to Mid Suffolk District Council</b>
1	2023-24	Zero
2	2024-25	£277k
3	2025-26	£277k

4	2026-27	£422k
5	2027-28	£734k
6	2028-29	£808k
7	2029-30	£650k
8	2030-31	£650k
9	2031-32	£650k
10	2032-33	£650k

- 2.11 A Billing Authority may, by notifying FEL and the Accountable Body in writing, waive or defer any proportion of their Pot A allocation. Where a Billing Authority waives a proportion of their Pot A allocation, that allocation shall be made available for use under other areas of spending (as may be determined by a decision of the FEL Governing Board).
- 2.12 Where funds under Pot A are distributed to the relevant Local Authority Founding Member, it is expected that these funds will be utilised by the relevant authority to support the overall vision of Freeport East and be identifiable as such.

#### **Pot B**

- 2.13 Pot B shall be a pooled fund that can be utilised across all Tax Sites providing funds to expedite the increase in the attraction of individual Tax Sites to inward investment in line with the Freeport East objectives, including the sectoral targets for individual Tax Sites that are set out in the Full Business Case.
- 2.14 Across the duration of the Benefit Window the Pot B allocation for each Billing Authority shall be up to 35% of the Retained NNDR for the relevant Tax Site.

Therefore, the total funding for Pot B across the duration of the Benefit Window = (.35 x Retained NNDR generated by the Harwich tax Site) + (.35 x Retained NNDR generated by the Gateway 14 Tax Site) + (.35 x Retained NNDR generated by the Felixstowe Tax Site).

#### **Pot C**

- 2.15 Pot C shall be a wholly pooled fund that reflects Retained NNDR from all the Tax Sites. Pot C can be utilised anywhere across the Freeport East geography and wider travel to work area.
- 2.16 Pot C shall be at least 45% of the Retained NNDR generated by each Tax Site location.

#### **Pot C Sub-Allocation – Enterprise Zone funds on Gateway 14**

- 2.17 The parties acknowledge and agree that a proportion of the Gateway 14 Tax Site was originally identified as an Enterprise Zone. As such, 10% of the Freeport Free Cashflow under Pot C that accrues from that area or plot of the Tax Site that was also designated as an Enterprise Zone site shall be allocated to Suffolk County Council for delivery of the Investment Fund.

### **Schedule 3    Authorised Representatives**

1.    Authorised Representatives
  - 1.1    ESC's initial Authorised Representative: [INSERT DETAILS].
  - 1.2    MSDC's initial Authorised Representative: [INSERT DETAILS].
  - 1.3    TDC's initial Authorised Representative: [INSERT DETAILS].
  - 1.4    FEL's initial Authorised Representative: [INSERT DETAILS].

## Schedule 4 Investment Strategy

[TO BE INSERTED]

## Schedule 5 Freeport Forecast Free Cashflow Allocation Statement

Ref	Item (each a Forecast for the relevant year)	Note	£
1	Freeport Delivery Costs		
2	Accountable Body Delivery Costs		
3	<i>Total Delivery Costs</i>		
4	Felixstowe Tax Site NNDR (from s31 grant)		
5	Felixstowe Tax Site NNDR (direct from business rate payers)		
6	Gateway 14 Tax Site NNDR (from s31 grant)		
7	Gateway 14 Tax Site NNDR (direct from business rate payers)		
8	Harwich Tax Site NNDR (from s31 grant)		
9	Harwich Tax Site NNDR (direct from business rate payers)		
10	<i>Total forecast NNDR in relevant year</i>		
11	Felixstowe Tax Site contribution to delivery costs		
12	Gateway 14 Tax Site contribution to delivery costs		
13	Harwich tax Site contribution to delivery costs		
14	Felixstowe Tax Site Free Cash Flow		
15	Gateway 14 Tax Site Free Cash Flow		
	Harwich Tax Site Free Cash Flow		
	Felixstowe Tax Site – O/S Balance of “Intention to Fund”	Cumulative	
	Gateway 14 Tax Site – O/S Balance of “Intention to Fund”		
	Harwich Tax Site – O/S Balance of “Intention to Fund”		
	Felixstowe Tax Site – Pot A Allocation		
	Felixstowe Tax Site – Pot B Allocation		

Felixstowe Tax Site – Pot C Allocation

Gateway 14 Tax Site – Pot A Allocation

Gateway 14 Tax Site – Pot B Allocation

Gateway 14 Tax Site – Pot C Allocation

Harwich Tax Site – Pot A Allocation

Harwich Tax Site – Pot B Allocation

Harwich Tax Site – Pot C Allocation

*Total Pot C Allocation*

O/S Balance Forward Funding – MSDC	160,000
O/S Balance Forward Funding – SCC	160,000
O/S Balance Forward Funding – ESC	160,000
O/S Balance Forward Funding – ECC	160,000
O/S Balance Forward Funding – TDC	160,000

## **Schedule 6    Freeport Reconciliation Free Cashflow Allocation Statement**

[as above][similar template but may also require some further lines to reflect any reconciliation transfers that may be due – alternatively AB can calculate those off the back of the Statement although it would probably be transparent to include it in the Statement itself]



**FREEPORT  
EAST**

**FELIXSTOWE  
GATEWAY 14  
HARWICH**

A GLOBAL FREEPORT FOR A GLOBAL BRITAIN

Building the future  
**UK Freeports**

Page 69

# Freeport East Ltd Business Plan 2025 – 2026

[www.freeporteast.com](http://www.freeporteast.com)



# CONTENTS

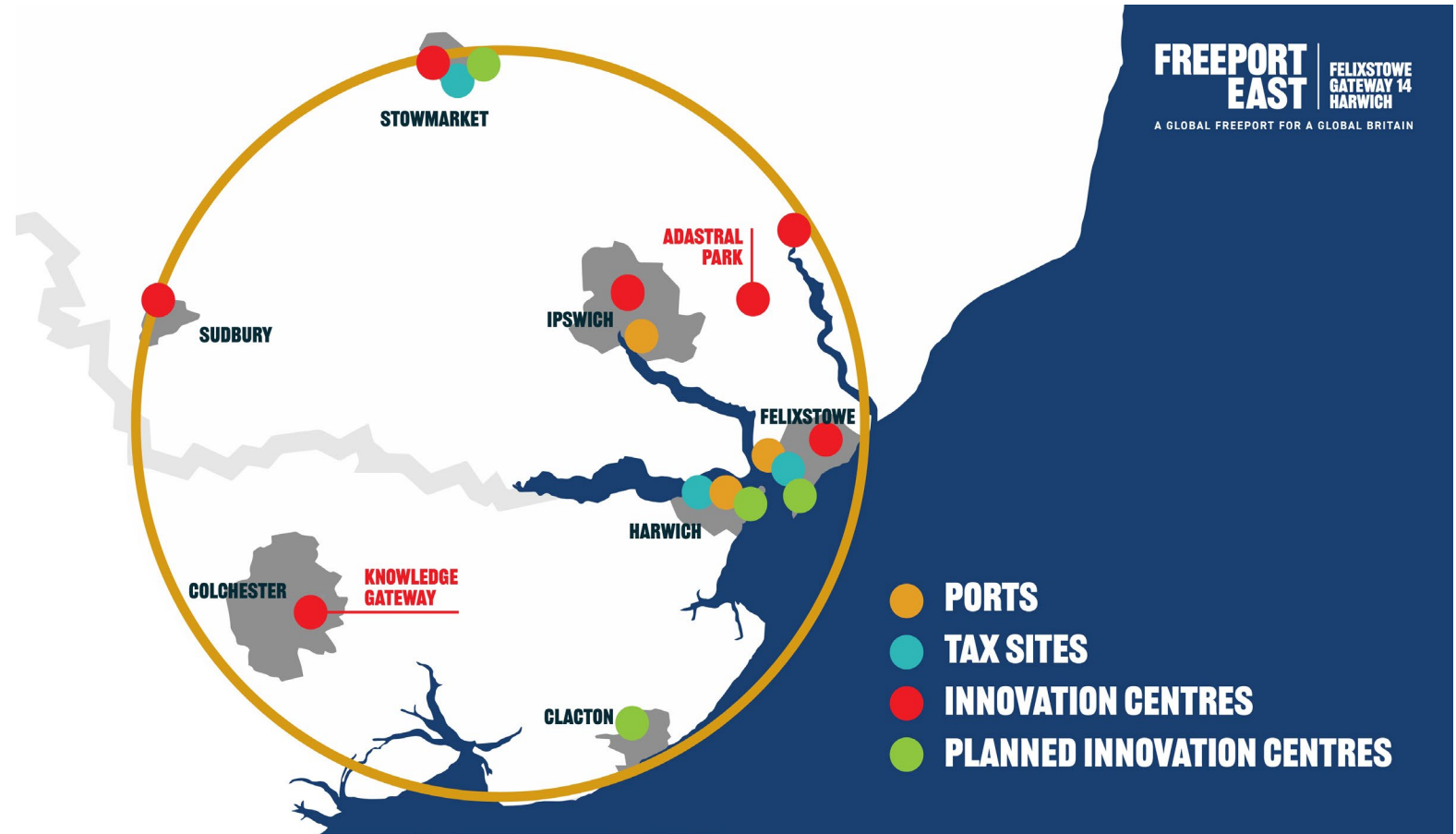
1.0	Strengthening The Region With Benefits For All	8.0	The Freeport Toolkit
2.0	Vision and Purpose	9.0	Progress to Date
3.0	Freeport East Policy Objectives	10.0	Our 2025/2026 Work Programme
4.0	Our Ambitions	11.0	5 Year Plan
5.0	Innovation At The Heart Of Freeport East	12.0	Funding and Resources
6.0	Delivering The UK’s Greenest Freeport	13.0	Measuring Success
7.0	How We Work	14.0	Dependencies

# 1.0 STRENGTHENING THE REGION WITH BENEFITS FOR ALL

Freeport East is designed to be a key driver in creating opportunities for all across Suffolk and Essex, as well as the wider East of England – helping to tackle those inequalities and barriers that impact on job opportunities, access to education, health outcomes and more.

Page 71  
A full test of the success of Freeport East will not only be judged in terms of inward investment and job creation figures, but also our ability to impact on these inequalities and specific areas of deprivation.

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



## 2.0 VISION AND PURPOSE

### 4.1 What is Freeport East

Freeport East is one of 12 Freeports across the UK. It is designed to be a hub for global trade and national regeneration as well as creating a hotbed for innovation that will have an impact across the UK.

Page 72  
With its unique global links and existing innovative sectoral clusters, Freeport East will attract inward international investment and drive domestic growth, propelling the country's economy forward.

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

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

4

### 4.2 Our Vision

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

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

### 4.3 Key Priorities for 2025/2026

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

### 4.4 The role of Freeport East Ltd

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

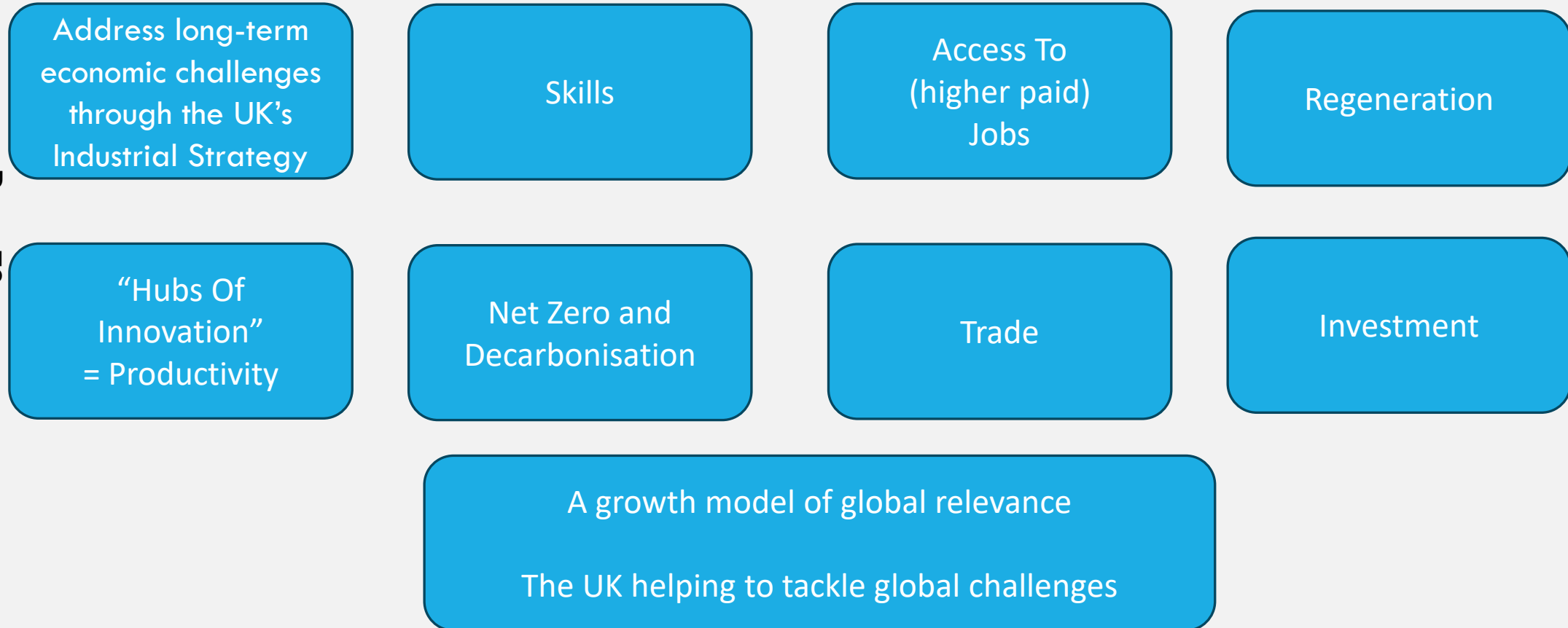
Areas of our role include:

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

## 3.0 UK FREEPORT POLICY OBJECTIVES

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

Page 73





## 4.0 OUR AMBITIONS

### Freeport East aims to deliver:

Page 74



3 new development sites designed to influence wider **economic change**



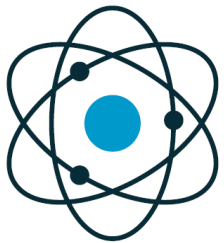
**275 hectares** of new business, innovation and employment space



**13,500** Higher Level Jobs created



Greater access for **everyone** to employment and education opportunities



New centres and resources for **innovation** and **skills** delivery



**£5.5 billion** in economic growth



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

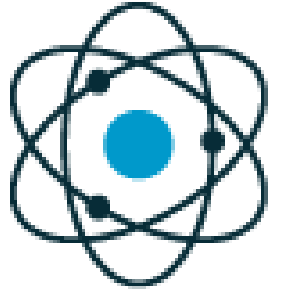


New **economic opportunities** For our whole region

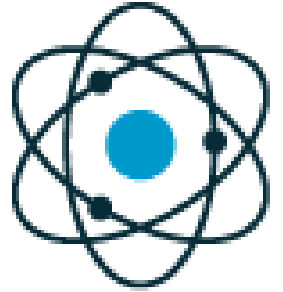
## 5.0 INNOVATION AT THE HEART OF FREEPORT EAST

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

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



# 5.1 OUR APPROACH TO INNOVATION



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

## FUND

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

We will proactively facilitate the creation and support of industry / academic collaborations to secure innovation funds. We will allocate Freeport East funds to support businesses to innovate and drive growth. We will use our access to Government and private firms to maximise opportunities for local businesses.

## CONNECT

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

Freeport East will deliver new innovation centres and strengthen the connections between innovation centres. We will work with both HE & FE institutions and Local Authorities. As a vital new node of the Connected Innovation Network, we will provide local businesses with better opportunities to network, innovate, grow and succeed.

## ATTRACT

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

We will showcase opportunities in new sectors to attract new businesses into our region. We will ensure that inward investors can link into existing innovation networks and build a new dedicated Freeport East Innovation Cluster.

## DEPLOY

### 4. Facilitate the deployment of innovations to drive productivity and tackle social/economic disparities

We will explore how new innovations in mobility, clean energy, healthcare and education can be connected into local service delivery. We will work with national bodies to enhance local impact, including Innovate UK Business Growth, Innovate UK Business Connect, selected Catapults, DWP, and the third sector.





## 6.0 DELIVERING THE UK'S GREENEST FREEPORT

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



# 7.0 HOW WE WORK

## 7.1 OUR STRUCTURE

We are governed by a Supervisory Board, which is our principal decision-making body. It makes decisions on our core plans and strategies. The board is comprised of 11 directors which includes our founding members and is led by an independent chair, supported by the Chief Executive of Freeport East Ltd.

The Supervisory Board also includes observers, who provide advice and support to the Board, including East Suffolk Council as the Accountable Body and the Ministry of Housing, Communities and Local Government.

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

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

## 7.2 SUB-GROUPS

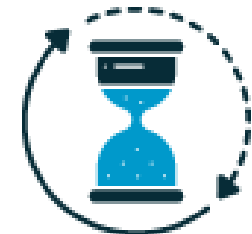
We will work with a coalition of stakeholders to deliver our work programme, leading the following sub-groups:

- Inward Investment
- Transport
- Skills

## 7.3 OUR WIDER PARTNERSHIP

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

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



# 7.1 HOW WE WORK

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

## Lead Strategic Thinking

- Strategic direction and thought leadership for delivering the full vision of Freeport East
- Lead development of studies and strategies relevant to the Freeport East geography and vision
- Connect local opportunities for our people and businesses to regional, national and international trends and movements

## Act as Counterpart to Government

- Be accountable to Government on delivery of the Freeport objectives
- Lobby for appropriate support across Government departments and Whitehall
- Monitor and evaluate performance across the freeport

## Lead and Facilitate investment and funding mechanisms

- Targeting and managing efficient funding processes for business rates income
- Engage with and secure potential investors for our sites and region
- Position investment opportunities in our region to maximise public and private sector investment
- Accelerate outcomes by unblocking / accelerating progress on our freeport
- Adding capacity and capability to our partners

## Influencer

- Champion the East of England and Freeport East partnerships
- Listening and understanding across local, and national partners
- Support stronger regional voices at a national level
- Collaborate with like-minded partners to deliver initiatives across the region

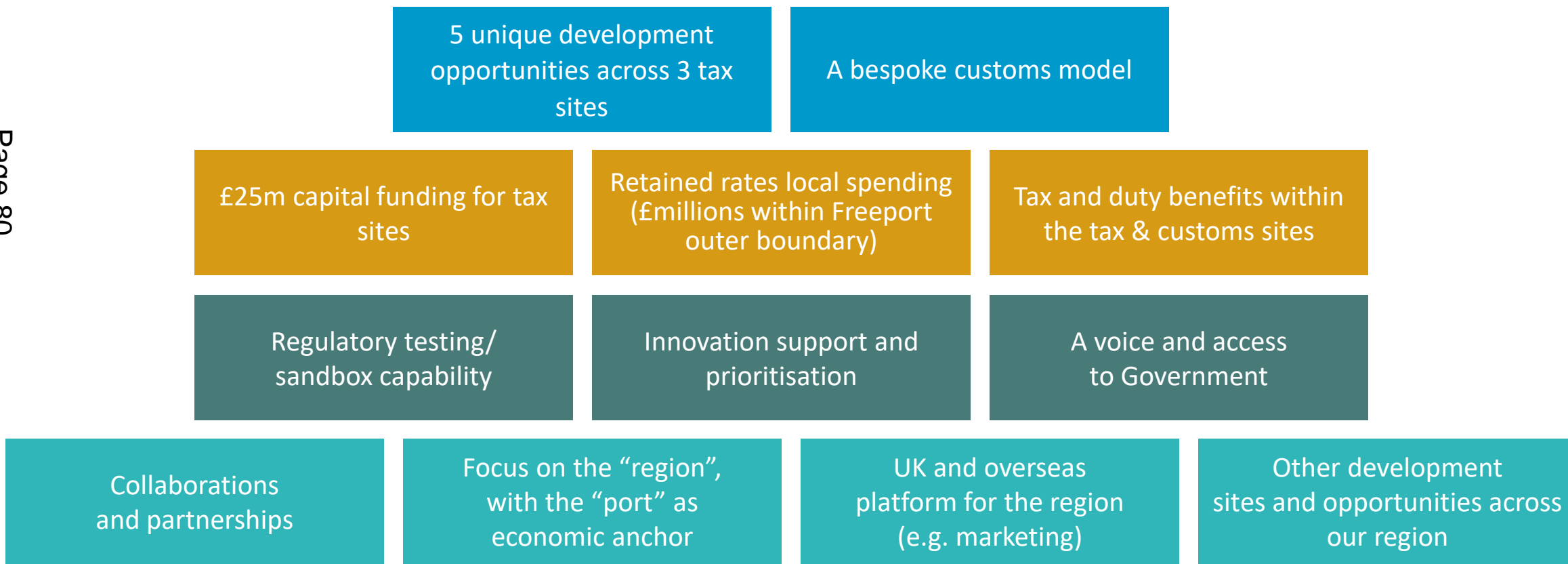
## Elevate work with partners

- Understand and engage with priorities of our partner organisations
- Add our voice and support to key policy and investment opportunities
- Build effective and collaborative partnerships that deliver outcomes at a local level
- Focus on complementary relationships to avoid overlap / duplication

## 8.0 THE FREEPORT TOOLKIT

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

Page 80



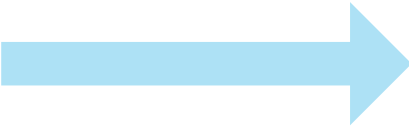
# 9.0 PROGRESS TO DATE

We are making good progress against our ambitions. Highlights of our achievements to date are as follows:

## Our Ambitions

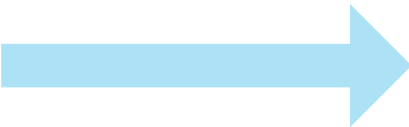
## Progress to Date

3 new development sites designed to influence wider economic change



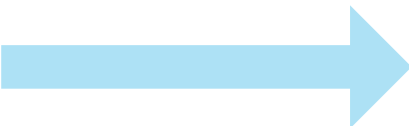
One site nearly 50% complete with £250m of private sector investment to date. Other sites under development

275 hectares of new business, innovation and employment space



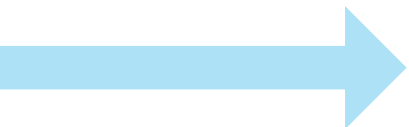
Over 2.3 million sq ft of new high quality highly sustainable business and innovation and employment space created

13,500 Jobs created



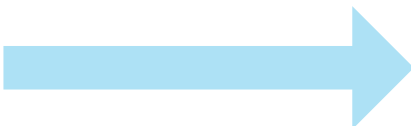
Attracted nearly 2,000 direct job opportunities, as well as facilitating growth in indirect opportunities such as in construction and logistics supply chains

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



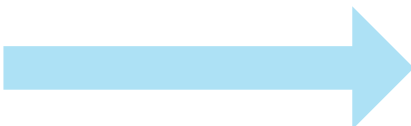
Nearly £20m of funding already allocated across skills, innovation and local business growth with further sizeable investment funds in the pipeline

New centres and resources for innovation and skills delivery



Brand new £18m Skills and Innovation Centre being developed at Gateway 14 and new cluster emerging in Harwich with dedicated new innovation space.

Greater access for everyone to employment and education opportunities



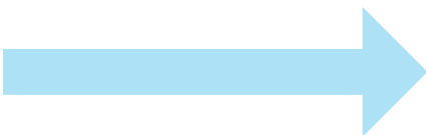
New job opportunities created on Freeport East tax sites for surrounding towns and villages, as well as employees in Ipswich, Clacton and Stowmarket. Skills programmes supporting others into work.

# 9.0 PROGRESS TO DATE (cont...)

## Our Ambitions

## Progress to Date

New economic opportunities for our whole region



Freeport East is working with a range of partners to drive new economic opportunities in green hydrogen, clean energy, transport decarbonisation, sustainable building and digital innovation, whilst also building on established strengths such as in ports and logistics.

£5.5 billion in economic growth



With over £250m of private investment, over £30m of enabling public sector investment and almost £20m of freeport funds allocated to date, Freeport East is already driving significant figures in investment which are expected to translate into sizeable economic benefits for the region.


# 10.0 OUR WORK PROGRAMME FOR 2025/26

Based on a review of delivery against our work programme for 2024/25, we have identified the following priority work areas for 2025/26:


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




Priority 3 (P3)  
Deliver investment



Priority 2 (P2)  
Deliver an ambitious vision  
for Freeport East



Priority 4 (P4)  
Make the most  
of our visibility and voice



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

# 10.1 DEVELOP FREEPORT EAST LTD AS A HIGH PERFORMING ORGANISATION (P1)

## HIGH LEVEL OUTCOME

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

## BACKGROUND

- Freeport East Ltd was incorporated as a company limited by guarantee in December 2022. It has an effective Board of 11 Directors including an Independent Chair. It has an established relationship with East Suffolk Council as the Accountable Body. As the lead counterpart to Government and a platform for local partnerships, it is central to successful delivery of the Freeport East vision.

Key Priority 1	2025/2026 Business Plan Task	Business Plan Outcomes &/or Deliverables
<div>Develop Freeport East Ltd as a high performing organisation:</div> <div>Is effective at making and executing critical decisions</div> <div>Is adaptable in the face of change</div> <ul style="list-style-type: none"><li>Has clearly defined roles and sufficient resources in place to execute and deliver its vision and objectives</li></ul>	Develop and implement a flexible and efficient resources plan, maximising commitment of resources from partners and minimising costs to the freeport, ensuring appropriate resources and skills are in place to deliver the freeport’s vision and objectives in line with government’s freeport delivery plan.	Supportive Audit outcomes over the year following Annual Performance Review with Government and Financial Audit.
		Judged internally and externally to be an effectively run organisation.
		Efficient and flexible resources plan in place alongside commitment of resources from partners, to successfully deliver against the freeport’s vision and objectives.
	Undertake a governance review to ensure efficient and effective governance structures and mechanisms are in place which enable the Supervisory Board and the Company to maximise its resources in the most efficient manner, including effective engagement processes with tax site owners and occupiers.	Governance structures and mechanisms reviewed in consultation with partners and in line with Government policy updates, with recommendations for any changes considered by the Supervisory Board.
		Transparency of key information judged positively by Government and Member organisations.
	Develop a Social Value Charter and implement social value principles into the Company’s procurement practices.	A Social Value Charter is developed and published and woven throughout the company’s procurement procedures.
	Provide accountability through delivery of effective Monitoring and Evaluation and security monitoring arrangements across the freeport with efficient and accurate reporting to the Board and government.	Monitoring and evaluation processes are in place providing accountability to government and the Board on delivery against the freeport’s objectives which includes monitoring of progress of seed capital projects.
	Produce a 5-year plan for the evolution of Freeport East Ltd as an organisation designed to be a place-based driver and enabler of inclusive economic growth, through alignment with evolving local governance mechanisms and opportunities.	High-level 5-year plan developed for Freeport East Ltd which takes account of the relevant local priorities of key stakeholders, as well as seeking explicit support and buy-in from them – particularly from our billing authorities.
	Build strong connections and collaborations with other Freeports in the United Kingdom to maximise collective benefits for the UK.	Freeport East has contributed to a healthy, collaborative and productive freeports network that represents local and regional interests to Government building on formal and informal pan-freeport networks.



# 10.2 DELIVER AN AMBITIOUS VISION (P2)

## HIGH LEVEL OUTCOME

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

## BACKGROUND

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

Key Priority 2	2025/26 Business Plan Task	Business Plan Outcomes &/or Deliverables
Establish and deliver on an ambitious vision for Freeport East and primary areas of focus	Deliver a Freeport East transport & connectivity masterplan and investment pipeline in partnership with Transport East and Local Authority planning and highways teams.	Published masterplan and investment pipeline for enhanced Freeport East connectivity.  Key transport interventions identified and clear advocacy and/or funding strategies in place.
	Build on our Green Transport Hub study with the REA to deliver new funding, investments and partnerships to deliver a greener and interconnected transportation system with Freeport East at its heart.	Study completed on grid requirements at Harwich and Felixstowe. Freeport East needs recognised by relevant energy sector planning stakeholders (i.e. NESO, Ofgem, DESNZ, UKPN) Green Freight Corridor action plan published and progress underway on key projects/deliverables.
	Continue to progress development of our vision for a Green Hydrogen Hub, using Freeport East as a platform to build partnerships and momentum, including through appropriate pilot projects and investments.	Ongoing progression of existing and new pilot activities; Pipeline of green hydrogen investments and supply/demand chain being progressed; Identification of new Freeport East inward investment demonstrably linked to green hydrogen hub.
	Continue to maximise value of key international partnerships to facilitate UK trade connections and increased trade and investment activity in the Freeport East area.	Six international partnerships identified and in progress based on relevant local strengths and opportunities.
	Continue to deliver and build effective partnerships around a Freeport East Innovation Cluster (locations, connections, opportunities, funding).	Freeport East support helps deliver at least three successful innovation funding bids; new innovation centres continuing to progress; new innovation funding support attracted into the Freeport East area.
	Support the development of a Harwich Innovation Cluster working closely with Tendring District Council and other partners.	2 Harwich clean energy and maritime cluster events held in the year; new local innovation centre established; develop plans for new commercial manufacturing and office spaces to support growth of Harwich clean energy and maritime opportunities.
	Support the development of a Skills & Innovation Centre working closely with Mid Suffolk District Council and other partners.	Enhanced MSDC-led Business Plan for the new G14 Skills & Innovation Centre led by new centre operator. Freeport East and other partners actively participation in the Skills & Innovation Centre governance.
	Work with Freeport East-based employers and education providers to deliver targeted and effective skills support programmes, maximising value of Skills & Innovation Fund	Establish strong partnerships with Freeport East employers to maximise opportunities for local communities and address skills gaps. Ensure that current funded projects compliment wider skills delivery

# 10.3 DELIVER INVESTMENT (P3)

## HIGH LEVEL OUTCOME

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

## BACKGROUND

- Following final approvals and agreements in place with MHCLG, we now have a mandate to progress seed capital delivery and strengthen marketing of all our site opportunities, through our own mechanisms and in partnership with the Department for Business & Trade.
- All seed capital has now been allocated and delivery is central to enabling further investments.

Key Priority 3	2025/26 Business Plan Task	Business Plan Outcomes &/or Deliverables
Investment Planning and Delivery	Deliver inward investment into Freeport East tax sites, customs sites and the wider economic area.	At least 3 new investments into Freeport East sites with Freeport East opportunities widely communicated in relevant sectoral and geographic markets.
	Delivery of seed capital funded projects across our tax sites.	Complete delivery of seed capital projects on each of Gateway 14, Felixstowe and Harwich tax sites.
	Build a public-private strategy for further development of the Bathside Bay Green Energy Hub.	Clarity on participation of key public and private partners in further financing and delivery of the Bathside Bay Green Energy Hub.
	As part of Freeport East wide infrastructure strategies, establish a prioritised pipeline of all future Freeport East investments, including on tax sites and in the wider geography to maximise the potential of the economic area.	Prioritised pipeline of investments focused on transport and grid infrastructure that will maximise the overall impact of Freeport East
	Maximising benefits derived through our Innovation and Skills and Clean Growth Funds.	Strong performance across all grant recipients with clarity on jobs, skills and other outcomes recorded. Lessons learned used to inform future grant programmes.
	In accordance with the Freeport East Retained Rates Strategy, develop, maintain and implement a pipeline of funding priorities.	Pipeline of priorities developed for funding through Pot C. 1 further Pot B tax site funding allocation agreed.
	Maximise opportunities through the Freeports delivery roadmap to create investable sites, attract investment and strengthen local supply chains, working with Government departments, councils, business and other key stakeholders.	An agreed approach to marketing collateral and attendance at events with DBT and regional partners, and a plan to operationalise. Proactive engagement with relevant partners, including Government departments to ensure Freeport East maximises the benefit of proposals in the Delivery Roadmap.

# 10.4 MAKE THE MOST OF OUR VISIBILITY & VOICE (P4)

## HIGH LEVEL OUTCOME

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

## BACKGROUND

- In 2024 we recruited specialist comms and marketing resources to strengthen our presence and output. We have attracted increased followers and engagement through our social media, pr and media activity whilst continuing to build on our partnership work and events by targeting key sectors and political influencers.

Key Priority 4	2025/26 Business Plan Task	Business Plan Outcomes &/or Deliverables
Make the most of our visibility and voice	Develop and deliver an ambitious communications and marketing plan for 2025/26, including Freeport East-hosted events and wider engagement activity targeted at building connections with a range of stakeholders including local communities.	Develop and deliver the Freeport East comms and marketing plan for 2025/26 Development of a range of marketing collateral to use at regional and international events.
	Build high-value partnerships with third party private sector organisations to deliver collaboration in areas relevant to delivering the Freeport East vision.	One or more new successful partnerships that promote specific trade and investment related opportunities. Other high-value partnerships enhanced/established that provide demonstrable benefits in areas such as inward investment, innovation, decarbonisation/green energy and opportunities for local people.
	Work alongside and in support of other partners to make the case for key investment priorities across transport, education, health, regeneration, skills, business investment and other areas of need to deliver the Freeport East vision.	Secure consistent and meaningful support from key local partners, both public and private sector, to aid on demonstrable recognition that Freeport East priorities are increasingly recognised regionally and nationally.
	Develop and publish our Annual Report.	Annual Report published and presented to stakeholders at our Annual General Meeting in September 2025.
	Cement regional and national partnerships, building on those partnerships already in place including APPG.	Take advantage of opportunities to promote the role and activities of the freeport.
	Engage young people around the opportunities that Freeport East offers, through our Skills Fund grants and participation of FE/HE partners.	Positive two-way engagement with young people around opportunities of Freeport East and positive feedback that Freeport East is enabling ways to support their future opportunities.

# 11.0 5 YEAR PLANNING

We will develop a **five-year plan** for Freeport East Limited which particularly focused on the opportunities arising from the following five areas:

- **Devolution** - Opportunities for Freeport East to play a key role in supporting new local Unitary Authorities and a local Mayoral Combined Authority
- **New Industrial Strategy** - Key role for Freeports as international gateways and supporting high priority sectors
- **Evolution of Freeport Government Policy** – aligning Freeport governance to new UK Government policy requirements
- **Attract additional sources of funding and investment to support Freeport East Objectives** - Exploring opportunities for Freeport East to attract additional sources of income/investment in addition to our business rates income, accelerating delivery against our vision and increasing economic growth faster.
- **Working with partners to bring forward other development sites capable of supporting economic growth** - Exploring opportunities for Freeport East to take an active role in bringing forward new sites for development and/or inward investments, potentially as a financial partner - enabling us to accelerate our delivery against our vision and increase economic growth faster.



# 12.0 FUNDING AND RESOURCES

## OVERVIEW

- Our operational costs are covered by retained business rates collected across our three tax sites.
- In addition, we endeavour to be creative and innovative in how we deliver our outcomes and balance scarce resources. This includes being highly collaborative and open to a range of partnerships across the public and private sectors.
- We aim to maximum use of the Government-funded Freeports Hub to provide specialist, high-value technical support, for example on economic analysis and business case modelling (recent examples include developing analysis around a proposed 'Green Freight Corridor' and providing technical support to refine and enhance our retained business rates model).
- We work closely with a range of partners, including local authorities and skills institutions, to target new funding streams that support our ambitions, for example on regeneration, innovation, decarbonisation and skills.
- Through being an innovative and engaging organisation, we endeavour to build positive partnerships with the private sector to pool resources and maximise our impact.
- We will look to bring in new resources and fresh thinking from local organisations, particularly our local Universities. We will specifically look to establish a means of giving opportunities for current students and alumni from the Universities of Suffolk and Essex to work with Freeport East through consulting projects, paid-internships and sandwich placements, maximising value for money in our delivery model whilst delivering enhanced education and skills benefits for our local partners.
- We will continue to explore other ways of enabling us to have an impact above and beyond the extent of our immediate human and financial resource envelope.



## 12.1 PROPOSED BUDGET FOR 2025/26

Expenditure	2025/26 Budget £	2025/26 Explanatory Notes
Wages and Salaries	770,000	Includes existing 9 FTE plus flexibility to increase resources to support delivery of key priorities
Staff Training	3,000	
Specialist Consultancy	50,000	
Legal and Professional Fees	95,000	Includes Comms Agency, Auditors fees and legal advice
Marketing and Local Engagement	93,000	Includes marketing and promotion, events and room hire, memberships and subscriptions
Other Expenses	77,400	Includes office costs including lease costs, printing and stationery, broadband, office refurbishment costs, company insurances and travel and subsistence
Recharges from East Suffolk Council	94,600	East Suffolk Council services for IT, HR and Finance.
Payroll Charges	17,000	Suffolk County Council charge for administration of payroll.
Contingency	50,000	Contingency for unforeseen costs, released through agreement with the s151 Officer/Finance Committee.
<b>TOTAL EXPENDITURE</b>	<b>1,250,000</b>	

## 12.2 USE OF RETAINED BUSINESS RATES in 2025/26

- Our approach to use of retained business rates collected from the freeport tax sites is set out in the Freeport East Investment & Growth Strategy, available on our [website](#).
- Freeport East is able to collect any growth in business rate income on freeport tax sites, above a baseline figure, and utilise those funds to support local growth.
- The **current forecast of retained business rate income for 2025/26 is approximately £4m**. This is based on forecasts provided to us by the Billing Authorities. Currently, the forecast for 2025/26 is primarily driven by recent new occupations at the Gateway 14 freeport site.
- Up to £1.25m of this sum has been allocated to cover Freeport East Ltd operating costs in accordance with the proposed budget. The remaining funds will be utilised to provide:
  - Some funding back to relevant Local Authorities (referred to as Pot A and approximately £280,000 in 2025/26 to Mid Suffolk District Council).
  - Investment in freeport tax sites to enable them to drive growth and attract inward investment. In 2025/26, this primarily relates to funding provided to support the development of the Gateway 14 Skills & Innovation Centre (referred to as Pot B).
  - Wider investment in the local economy, for example local infrastructure, skills interventions and innovation support (referred to as Pot C and expected to be over £1m in 2025/26).
- The process for calculation and distribution of retained business rates is governed by an agreement between the relevant Billing Authorities and Freeport East Ltd. The forecasts set out above will be updated during the course of the year and reconciled at year-end to provide the final numbers.
- In addition, there will be a carry forward of retained rates and interest income from 2024/25, following accounting reconciliation, that is likely to provide additional sums into Pot C and therefore funds to support local growth investment. These sums will be summarised in our Annual Report.



## 13.0 MEASURING SUCCESS

- Delivery Progress against our Work Programme is regularly monitored by our Supervisory Board.
- Our first [annual report 2023/24](#) is available on our website and highlights our delivery priorities and achievements during our first year of delivery.
- Our second Annual Report will be presented at our Annual General Meeting in September 2025 and published thereafter, which will showcase our achievements against our 2024/25 business plan.
- We also utilise data collected as part of the Government-led Freeports Monitoring & Evaluation programme, as well as a range of other data and information to monitor our progress.
- Freeport East and the Accountable Body undergo an Annual Performance and Assurance Review with Government as part of their Monitoring and Evaluation of the Freeports Programme, with the findings published in the Government's Freeports Programme [Annual Report](#).

### KEY OUTPUTS

- Completion of our agreed work programme across the four priority areas, with regular reports on progress delivery to our Supervisory Board throughout the year.
- Submission of detailed data monitoring reports to Government on a six-monthly basis.
- Tangible progress and investment delivered across all three tax sites and through key initiatives on innovation, net zero, jobs and economic growth.

### KEY OUTCOMES

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





# 14.0 DEPENDENCIES

- Delivery of the Freeport East vision is based around partnership working and therefore there are many aspects of our business plan which have a reliance on dependencies from Members within our governance structure.
- In addition, for the general support and engagement from our Members and nominated Directors we rely on for delivering Freeport East, other specific dependences include:
  - **Government** – ensuring efficient reporting mechanisms, timely release of government funding and clear direction on government policy.
  - **Local Authorities** – coordination on planning matters; business rate relief process development and communication; Accountable Body role.
  - **Tax Site Owners** – leading on delivering infrastructure and vision for sites; sharing information required for marketing and financial forecasts.
  - **Tax Site Occupiers** – committing to working in partnership with Freeport East to deliver the freeport vision and objectives.
  - **Further and Higher Education Establishments** - Open, constructive collaborations, working together on key initiatives, such as skills and innovation partnerships.



This page is intentionally left blank

## CABINET REPORT

27 June 2025

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

#### A.2 LEVELLING UP FUND – APPROPRIATION OF SITE FOR PLANNING PURPOSES

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To seek Cabinet approval:

1. to appropriate Council-owned land at High Street Car Park, Carnarvon Road, Clacton-on-Sea for the purposes of the Carnarvon Terrace Development;
2. of authority to grant a unilateral undertaking to the Planning Authority, to secure
  - (a) obligations relating to the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
  - (b) Commitment to use the appropriated land solely for the delivery of affordable housing as part of the Carnarvon Terrace Development

###### EXECUTIVE SUMMARY

The Council's bid to Round Two of the Government's Levelling Up Fund (LUF) for Clacton Town Centre, the 'Clacton Civic Quarter', was successful and awarded £19.960m. The programme includes two schemes aimed at improving wellbeing and access to jobs & skills:

- Carnarvon Terrace, delivered by TDC, will provide 28 residential flats, with 40 percent designated as affordable housing.
- Clacton Hub, delivered by ECC.

The Carnarvon Terrace Development site has historically been used as a car park and healthcare facility. The proposed development will introduce mixed-use commercial spaces and repurpose the site for housing. Timely appropriation is critical to avoid delays and mitigate legal risks, particularly those related to third-party rights such as rights of light and access. Appropriation at this stage is necessary to accompany the planning consent and ensure legal certainty for the procurement process.

###### RECOMMENDATION(S)

It is recommended that Cabinet:

- a. agrees to the appropriation of the site including High Street Car Park and the former Carnarvon House site, Carnarvon Rd, Clacton-on-Sea, CO15 6QF, for the purposes of the Carnarvon Terrace Development incorporating planning purposes, housing and commercial uses, as indicated in the plan at Appendix A;

- b. approves that the Council in its capacity as landowner and developer grant Unilateral Undertaking (UU) to the Planning Authority to discharge both the Affordable Housing and RAMS payment in lieu of a S106 agreement for obligations in relation to 24/01890/FUL ("the Carnarvon Terrace Development");
- c. subject to a) delegates authority to the Deputy Chief Executive and Director of Place & Wellbeing, in consultation with the Corporate Director Finance and IT (and Section 151 Officer) and Legal Services to undertake the necessary legal steps to complete the appropriation process including but not limited to, notification of those who may be affected, publication of the relevant appropriation decision notices, and executing memorandums as required by the relevant legislation;
- d. delegates authority to the Deputy Chief Executive and Director of Place & Wellbeing, in consultation with the Corporate Director Finance and IT (and Section 151 Officer) and Legal Services to approve the final terms of the necessary legal instrument required for the purposes of unilateral undertaking to be given to the planning authority by the Council in its capacity as the owner and developer of land; and
- e. Note further decisions will be required following the outcome of the procurement exercises and on-going use of the land for different purposes to ensure the Council is fulfilling its various legal duties

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

##### Appropriation

Appropriation is required to ensure timely delivery of the development in accordance with funding deadlines set by the Ministry of Housing, Communities and Local Government (MHCLG). It mitigates the risk of delays arising from potential third-party claims and ensures the procurement process can proceed without legal challenges.

##### Unilateral undertaking

The Planning Committee approved the Carnarvon Terrace development on 4th March 2025, requiring the Council to enter into a Section 106 Legal Agreement for Affordable Housing, RAMS payments, and Biodiversity Net Gain (BNG). However, the Council cannot enforce this agreement against itself. Therefore, a further report will be presented to the Planning Committee to address BNG as a condition and cover affordable housing and RAM payments through a Unilateral Undertaking (UU), as opposed to a Section 106 Agreement

#### **ALTERNATIVE OPTIONS CONSIDERED**

- Stop the developments now. This would lose the opportunity for substantial improvements in Clacton and Dovercourt with external funding and potentially impact on the success of future funding opportunities.

- Not to progress with land appropriation – however, this could present a risk to the delivery time frame of the projects. Formal appropriation is essential in this context because the existing designation of the land does not allow for development for housing purposes.

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

#### **Corporate Plan**

The LUF and CRP programmes meet the following themes in the Corporate Plan (2024-2028):

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

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

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

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

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

The Economic Strategy is currently being refreshed and updated and based on external advice much of the content remains relevant and suitable as continued priorities going forward and therefore continued strategic fit does not represent a risk in this instance.

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

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

- Providing sufficient new homes
- Fostering economic development

Further details on the scheme's alignment to the Council's corporate priorities are available in earlier Cabinet Reports relating to the programmes.

### OUTCOME OF CONSULTATION AND ENGAGEMENT

The approach and recommendations set out within this report have been developed through consultation and engagement with multiple Council teams including Legal Services and Planning.

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

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

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	YES	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<div>■ Significant effect on two or more wards</div> <div>■ Involves £100,000 expenditure/income</div> <div>■ Is otherwise significant for the service budget</div>
		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b>	29 May 2025

#### **Appropriation of Land:**

Under Section 122(1) of the Local Government Act 1972, the Council may appropriate land it owns, which is no longer required for its current use, for any purpose for which it is legally empowered to acquire land.

Sections 226 and 227 of the Town and Country Planning Act 1990 (TCPA 1990) permit appropriation for planning purposes and uses including healthcare and commercial.

Section 203 of the Housing and Planning Act 2016 (HPA 2016) enables the Council to override certain third-party rights once land has been appropriated for planning purposes and planning permission is in place.

#### **Unilateral Undertaking:**

As developer, the Council may enter into a UU under Section 106 TCPA 1990 to secure planning obligations, including affordable housing and RAMS contributions.

■	<b>The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
---	--

The Report is essentially a technical governance requirement to ensure the Council can lawfully commit to the obligations and conditions of the planning approval, through a Unilateral Undertaking and appropriation for such purposes is required. It must be noted that once the procurement process has been undertaken and further financial information is available, further decisions at Cabinet level maybe required before the development can commence.

Decisions will be required in relation to the ongoing use of the site such as housing and car parking purposes, which are covered by separate legislative requirements and should be factored into the delivery programme to ensure they are not overlooked.

## FINANCE AND OTHER RESOURCE IMPLICATIONS

The financial implications are primarily related to the Council's exposure to potential claims. The total bid to the Levelling Up Fund for the Clacton Civic Quarter was £19,958,224, broken down across two projects

### Financial risk

It has been calculated that the Council could potentially face loss of light claims at the Carnarvon Terrace Development in the region of £185,000. This is in addition to legal costs for external barrister/s and additional surveyor costs. The Council could also be liable for the Claimants costs. In all, the total exposure could be in the region of £200,000-£225,000 for the Carnarvon Terrace Development if the sites are not appropriated for planning purposes as set out elsewhere in this report.

Without appropriating the land formally, in advance of the conclusion of the Unilateral Undertaking discussed elsewhere in this report and the granting of full planning permission, the Council is exposed to risk of injunction which could relate in costs additional to those set out above.

In relation to resources and capacity, sufficient allocation is in place within the Project Delivery Unit.

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

Actions to protect the Council from potential / emerging risk will play an important role throughout the delivery of the associated projects. This needs to be set against the Council's underlying approach to risk management and be proportionate and balanced in terms of both finance and reputation.

As highlighted in previous reports, the overall funding / financial position relating to the project will need be subject to on-going review, with the next significant milestone being the outcome from the associated procurement process. This will allow a further timely opportunity to revisit the underlying funding / financial position along with any associated / required decision making 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;	<p>The recommendations within this report relate to measures to ensure the Council's ongoing financial sustainability through mitigating the Council's exposure to expensive claims.</p> <p>In relation to resources and capacity, sufficient allocation is in place within the Project Delivery Unit.</p>
--	--

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks; and	This report seeks approval from the Council's Cabinet to progress towards signing the Unilateral Undertaking being a legal agreement to comply with the obligations and conditions attached to the planning approvals. . The Executive is responsible for land ownership matters.
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 recommendations within this report are required in order for the Council to operate efficiently and with effectiveness. By approving the recommendations made in this report, officers will be empowered to continue delivering these capital projects to required deadlines, and with transparency to the public.

## **MILESTONES AND DELIVERY**

The project progress is summarised as follows (see Annex 1):

### **Progress to date**

- Consultant team inception: Q2 2024/5
- Project brief defined: Q2 2024/5
- Public engagement – Q2-3 2024/5
- Detailed Planning Application Lodged – Q3 2024/5

### **Forward Look**

- Planning Approval: Q4 2024/5
- RIBA Stage 3 (Spatial Coordination) design completed: Q1 2025/6
- Stage 3 Cost Plan – Q1 2025/6 (costed-design)
- Tender Documentation and Employer's Requirements Produced: Q1/Q2 2025/6
- Contract Sum Analysis: Q2 2025/6 (costed and benchmarked)
- Cabinet Approval to accept preferred tender and enter contract: Q2 2025/6
- Construction start on site: Q3 2025/6
- Construction period: 15 – 18 months

Officer resource is allocated to ensure sufficient capacity by suitably experienced and qualified personnel is committed to deliver these milestones , working with the support of the external consultant team appointed for the project.

MHCLG confirmed in April 2025 an extension to the funding agreement, through to March 2027, bringing the funding period in line with the reported delivery timescales.

## **ASSOCIATED RISKS AND MITIGATION**

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

- one for each of the two individual LUF/CRP projects and their component parts, and



- an overarching risk register highlighting the ‘top ten’ risks across the entire program

The current key risks to the entire programme are as follows:

	Risk	Mitigation	Owner
1	Procurement	Market engagement	TDC & ECC
2	Programme delays	Monitoring and project management	ECC & TDC
3	Cost escalation	Programme management	ECC & TDC
4	Ground conditions	Surveys	ECC & TDC
5	Land Appropriation	Appropriation, insurance	TDC & Legal
6	Design development	Project management	ECC/TDC
7	Construction Risk	Early engagement	ECC & TDC
8	Contracts	Timely governance and processes	TDC
9	Third party approvals	Early engagement	TDC & ECC
10	Devolution/Local Government Reform	Communication and information management	TDC & ECC

### Risks relating to Land Appropriation

- Risk of injunction due to failure to appropriate land for development, potentially causing a failure to deliver the Programme within the funding envelope
- Compensation claims
- Delay and/or cost overrun
- Community opposition
- Compliance or non-compliance with statutory powers

There is a theoretical risk that if the land is appropriated for a specific purpose and it is not used for that purpose, the rights will be resurrected. Appropriation by a local authority or its subsequent disposal can be challenged if a local authority has reached its decision on a legally flawed basis or has not carried out the correct legal process. Any claim would need to be made by judicial review. There are no extra financial resources required for this task.

This risk is considered theoretical since the funding is ringfenced to provide the scheme as per the Planning submission, pending approval.

### EQUALITY IMPLICATIONS

Having undertaken an equalities impact assessment, the conclusion is that the proposal does impact on the protected characteristics. EQIAs have been developed; refer to the Cabinet report dated 23 June 2023.

#### **IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION**

Project delivery will be completed in advance of the timescales of Local Government Reorganisation, as will the main construction works. Officers are currently working on the wider implications of Local Government Reorganisation to the scheme including future management of the housing delivered.

#### **SOCIAL VALUE CONSIDERATIONS**

These projects will deliver significant social value. Providing new housing, including social housing, will benefit local people. As of 2023/4, there were 2,260 households on the Tendring District Council housing register (up from 608 in 2017, equivalent to 222% growth in just three years). Lack of available housing also contributes to wider health and social inequalities. Both the Carnarvon Terrace scheme and the Homes in Dovercourt scheme will provide social housing. This will have a positive impact on single people, couples, and small families made up of all ages through increasing current housing provision of both types. Re-providing car parking will also boost the town centres of Clacton and Dovercourt.

#### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050**

The development will deliver a range of sustainability measures and interventions that will represent a substantial improvement to the existing site and set a strong track record for future action by the Council. For further detail on the sustainability measures within the design, please refer to the December 2024 Cabinet Report.

#### **OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

<b>Crime and Disorder</b>	The Carnarvon House site was an existing crime hotspot in Clacton, and redeveloping this site aim to decrease crime directly. The development includes the provision of additional community services and improved visual amenity, which will contribute to the reduction of crime through increased natural surveillance, and has been informed through input from Essex County Council's Designing Out Crime Officer. For further details refer to the December 2024 Cabinet Report.
<b>Health Inequalities</b>	The development will have a positive impact on health inequalities including access to housing, education, jobs, and public services. For further details refer to the December 2024 Cabinet Report.
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)</b>	The recommendations within this report are not relevant in terms of subsidy control
<b>Area or Ward affected</b>	Pier ward

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

## BACKGROUND

Progress since the last report to Cabinet:

Planning applications for the LUF and CRP schemes have been submitted and approved.

Designs are progressing towards the end of RIBA Stage 3, with a developed cost plan and detailed program in place.

Demolition at Carnarvon Terrace is estimated to start in October 2025, with main works beginning in January 2026.

## PREVIOUS RELEVANT DECISIONS

A full list of previous decisions relevant to the LUF/CRP programme is available in the December 2024 Cabinet Report.

- 6 October 2023; Cabinet: Levelling Up Fund and Capital Regeneration Projects - Progressing the Projects to Planning Permission ([11879](#))
- 24 May 2024; Cabinet: Update on LUF / CRP ([12439](#))
- November 2024; Executive Decision: Planning Submission for the CRP Funded project at Milton Road Car Park, Dovercourt ([12962](#))
- December 2024; Executive Decision: Planning Submission for the LUF Funded project at Carnarvon Terrace, Clacton-on-Sea ([13060](#))
- December 2024; Cabinet: Progressing the Projects to production of Tender information ([19665](#))

## BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

For a full list of background papers relevant to the LUF/CRP programme please refer to the December 2024 Cabinet Report.

## APPENDICES

**Appendix A** Plan of the Carnarvon Terrace Development

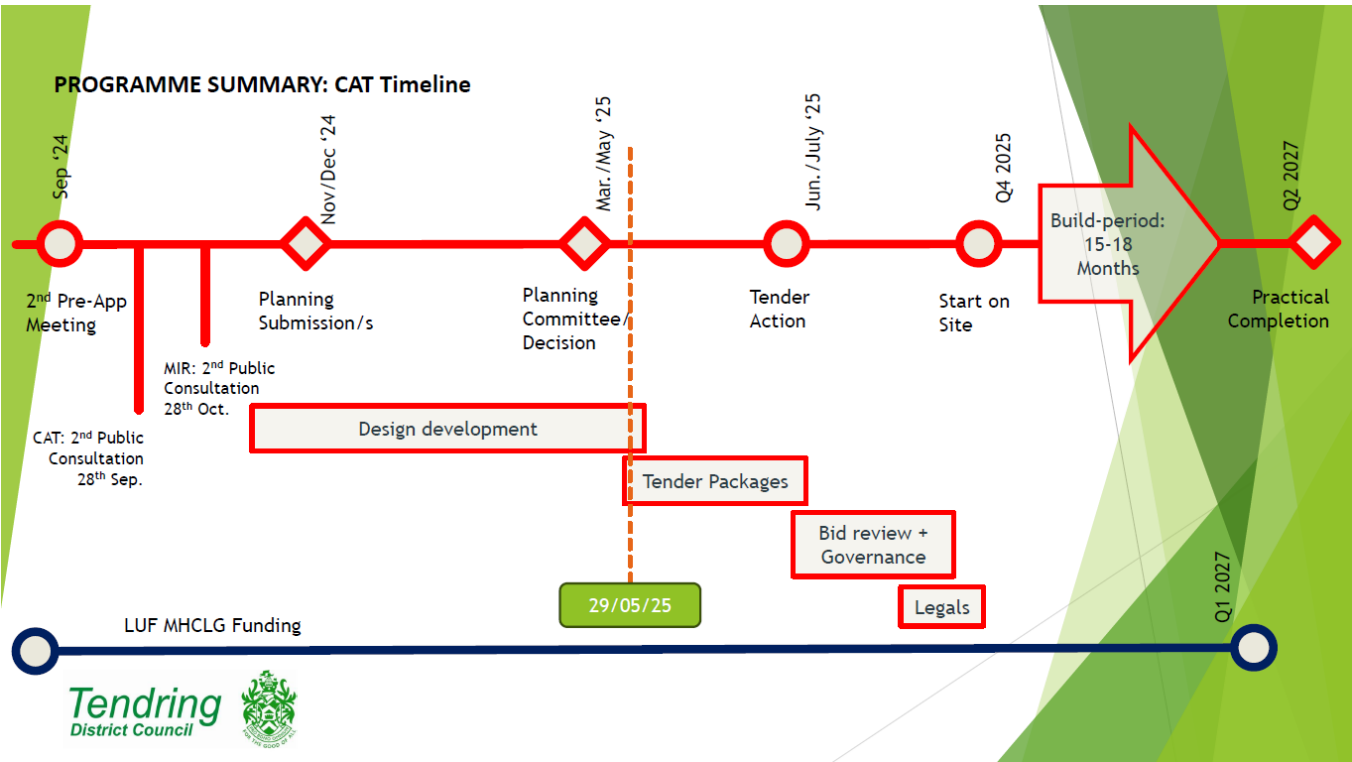
**Appendix B** Planning Officers Report to Planning Committee dated 4<sup>th</sup> March 2025

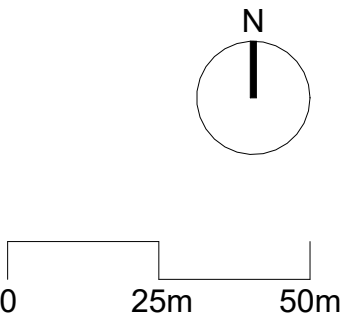
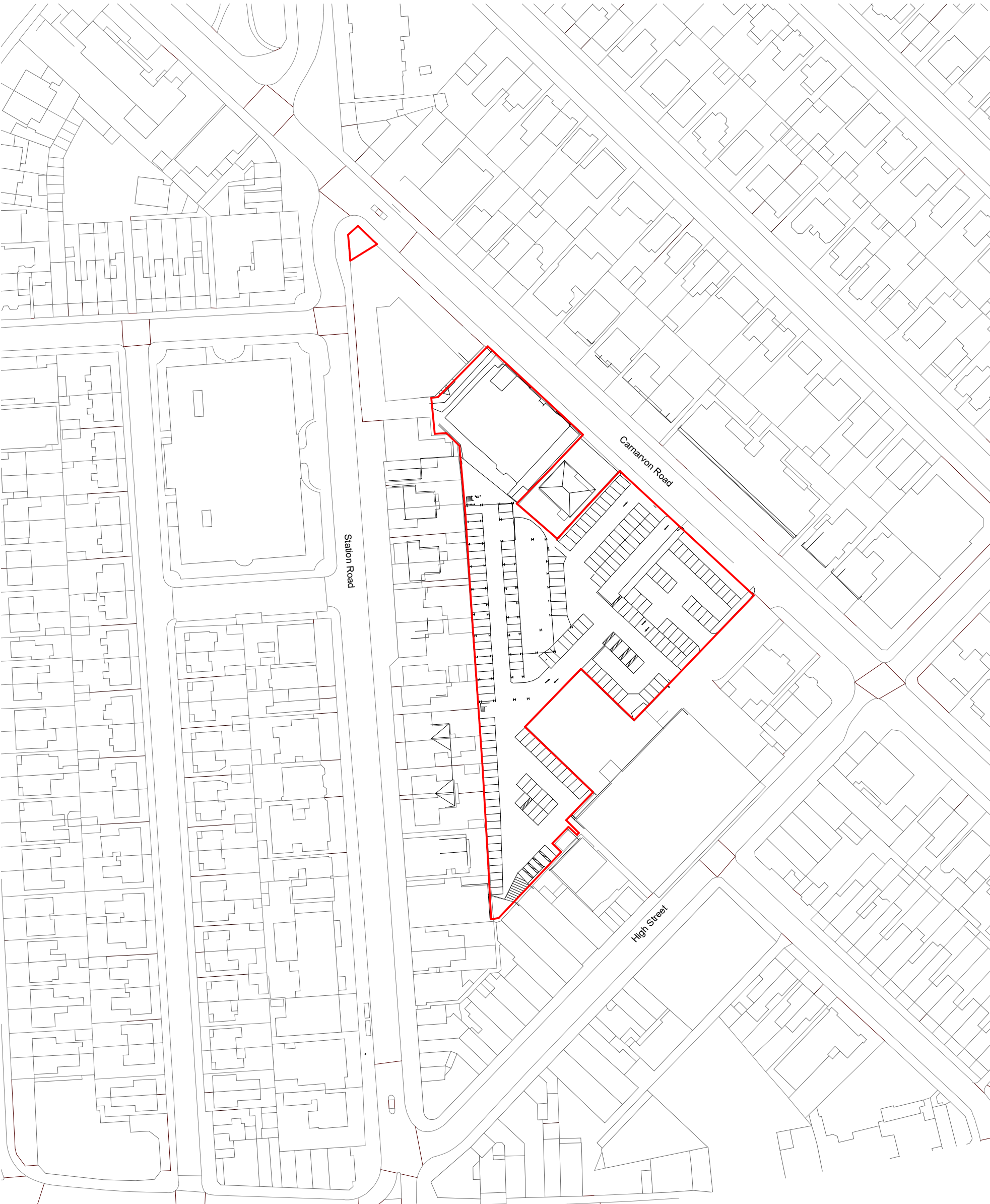
**Appendix C** Unilateral Undertaking

## REPORT CONTACT OFFICER(S)

Name	David Ousby
Job Title	Interim Assistant Director, Project Delivery
Email/Telephone	<a href="mailto:dousby@tendringdc.gov.uk">dousby@tendringdc.gov.uk</a> 01255 68 6006

Annex : Programme Plan





ALL DIMENSIONS MUST BE CHECKED ON SITE. DO NOT  
SCALE FROM THIS DRAWING.  
© CONRAN AND PARTNERS LIMITED

NOTES

REV	DATE	REVISION DETAILS
P1	11.10.24	Planning draft issue
P2	25.10.24	Draft planning issue set - stage 2
P3	04.12.24	Updated Draft planning issue set - Stage 2
P4	18.12.24	Planning issue set

CLIENT	
Tendring Distric Council	
PROJECT	
Carnarvon Terrace	
DRAWING TITLE	
Site Location Plan	
DRAWING NUMBER	
9613-CPL-ZZ-ZZ-DR-A-08000	
PROJECT NUMBER	DATE
9613	02.10.24
REVISION	STATUS
P4	S2
PURPOSE OF ISSUE	SCALE @ A1
For Information	1 : 1250

CONRAN AND  
PARTNERS

LONDON  
+44 (0)20 7403 8899  
  
HONG KONG  
+(852) 2895 6880

CP@CONRANANDPARTNERS.COM  
CONRANANDPARTNERS.COM

Registered in England no 2354408  
Registered in Hong Kong no 68113350

This page is intentionally left blank

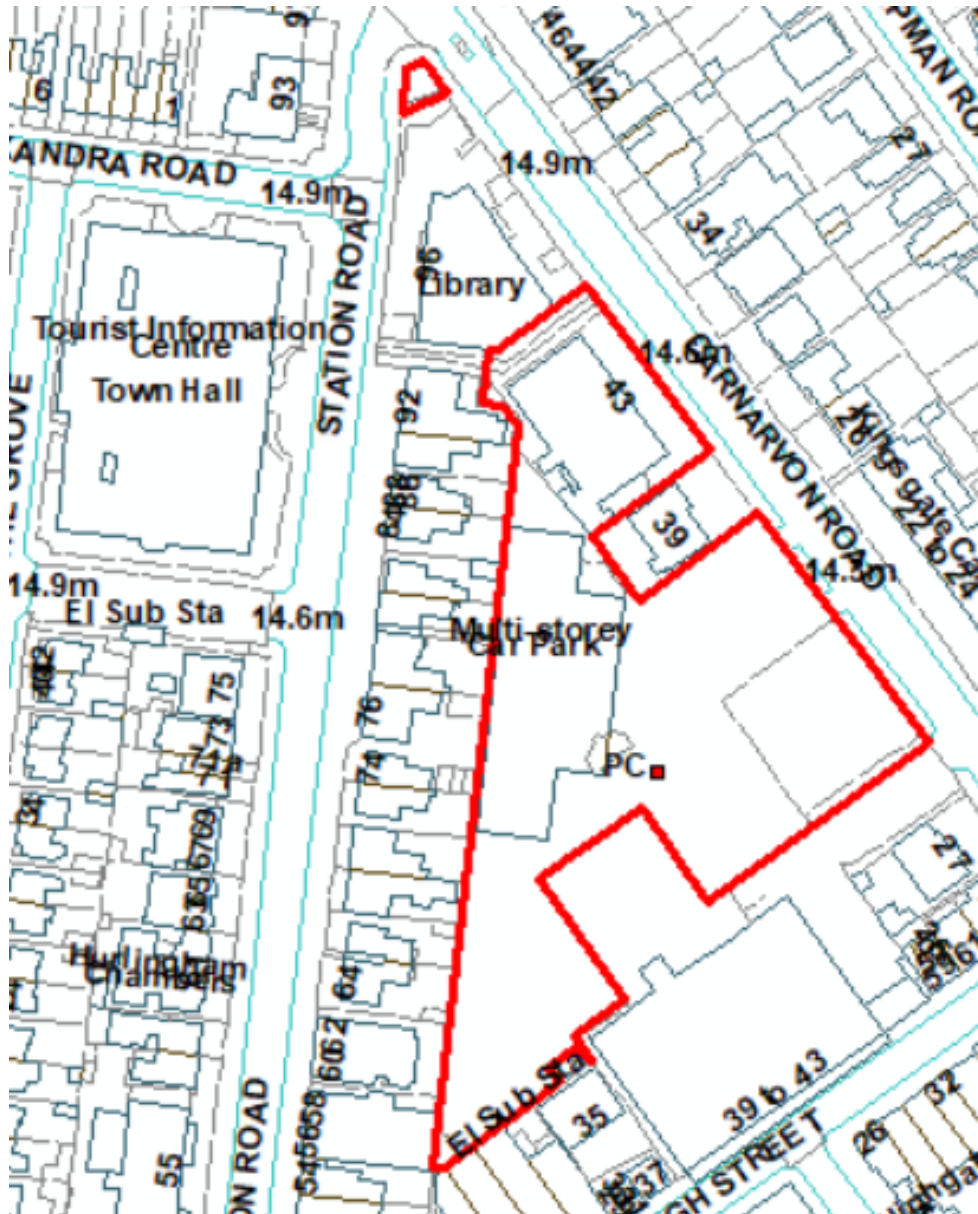


PLANNING COMMITTEE

4 MARCH 2025

REPORT OF THE DIRECTOR OF PLANNING

**A.1. PLANNING APPLICATION – 24/01890/FUL – LAND AT HIGH STREET CAR PARK  
CARNARVON ROAD CLACTON ON SEA ESSEX CO15 6QF**



DO NOT SCALE

© Crown Copyright and database right 2025. Ordnance Survey Licence No.100018684.

<b>Application:</b>	24/01890/FUL	<b>Expiry Date:</b>	3rd April 2025
<b>Case Officer:</b>	Michael Pingram		
<b>Town/ Parish:</b>	Clacton - Non Parished		
<b>Applicant:</b>	Tendring District Council		
<b>Address:</b>	Land at High Street Car Park Carnarvon Road, Clacton On Sea, CO15 6QF		
<b>Development:</b>	Demolition of existing multi-story car park and clearance of site. Construction of replacement multi-story car park, 28no. residential (Class C3) apartments, and 5no. flexible units (Class E, F1, F2 and related Sui Generis uses).		

## 1. Executive Summary

- 1.1 The application is before members of the Planning Committee on the basis that the applicant and owner of the site is Tendring District Council.
- 1.2 This application seeks the demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 spaces, the erection of 28 affordable residential units and the erection of 1,330sqm of flexible commercial floorspace. Given that the site falls within the Settlement Development Boundary for Clacton-on-Sea, and is also an area prioritised for regeneration, the principle of development is acceptable. The proposed commercial uses may not necessarily be main town centre uses, but will still be a boost to the commercial offering in the surrounding area.
- 1.3 Officers consider that the design, scale and layout is an acceptable response to the character and appearance of the area, and whilst there will be a degree of harm to the amenities of Number 39 Carnarvon Road, on balance this is not considered so significant that it warrants recommending a reason for refusal. The residential units all meet the technical housing space standards and provide for enough private amenity space, and Essex Highways Authority have raised no objections subject to conditions. The parking provision is also considered to be of an acceptable level.
- 1.4 The proposal would result in the loss of a Copper Beach tree, however whilst unfortunate it would not be feasible to retain it without significant revisions to the wider scheme. Furthermore, the proposal includes a significant increase of soft landscaping, and therefore on balance the wider benefits of the scheme are considered to outweigh the harm of the loss of this tree.
- 1.5 Taking all of the above into consideration, Officers conclude that whilst there are some minor harms as a result of the development, they are significantly outweighed by the benefits the scheme would generate.

**Recommendation:** Approval subject to S106

- 1) On appropriate terms as summarised below and those as may be deemed necessary to the satisfaction of the Head of Planning and Building Control to secure the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
  - Affordable Housing provision; and



- Biodiversity Net Gain (Unless the applicant opts to deal with under the planning condition)
- 2) That the Head of Planning and Building Control be authorised to grant planning subject to the agreed section 106 agreement and conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
  - 3) The informative notes as may be deemed necessary.
- Or;**
- 4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 12 months that the Head of Planning and Building Control be authorised to refuse the application on appropriate grounds at their discretion.

## **2. Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. Paragraph 78 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land, unless the Housing Delivery Test (HDT) demonstrates significant under delivery of housing over the previous 3 years - in which case a higher buffer is required.

On 12th December 2024 the Government published the Housing Delivery Test: 2023 measurement. Against a requirement for 1,466 homes for 2020-2023, the total number of homes delivered was

2,343. The Council's HDT 2023 measurement was therefore 160%, and a buffer of 5% is to be used when calculating the Council's five year land supply position.

The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>

As a result, the 'titled balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

### **3. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

### **4. Planning Policy**

4.1 The following Local and National Planning Policies are relevant to this planning application.

#### **National:**

National Planning Policy Framework December 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

#### **Local:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP2 Community Facilities
- HP5 Open Space, Sports and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing
- PP1 New Retail Development
- PP5 Town Centre Uses
- PP8 Tourism
- PP14 Priority Areas for Regeneration
- PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL8 Conservation Areas  
PPL9 Listed Buildings  
PPL10 Renewable Energy Generation and Energy efficiency Measures  
CP1 Sustainable Transport and Accessibility  
CP2 Improving the Transport Network  
DI1 Infrastructure Delivery and Impact Mitigation

#### Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

#### Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **5. Relevant Planning History**

94/01377/FUL	(High Street Car Park, High Street, Clacton on Sea) General Market (Tuesdays) including small car park, replacement for site on Ellis Road car park	Approved	10.01.1995
95/00950/FUL	(High Street Car Park, Clacton on Sea) Construction of a multi-storey car park on the site of the existing surface level car park	Approved	26.09.1995
96/00593/FUL	(High Street Car Park, Clacton on Sea) General market to be held on Tuesdays including car parking	Refused	25.06.1996
96/01010/FUL	(High Street Car Park, Clacton on Sea) Construction of a multi-storey car park on the site of the existing surface level car park (variation to scheme approved under planning permission TEN/95/0950)	Approved	17.09.1996
98/00983/FUL	Extension to access/egress ramp to upper floors	Approved	22.09.1998

### **6. Consultations**

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

**Active Travel England****08.01.2025**

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.

**Anglian Water Services Ltd****23.01.2025****ASSETS****Section 1 - Assets Affected**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

**WASTEWATER SERVICES****Section 2 - Wastewater Treatment**

This development is within the catchment of Clacton-Holland Haven water recycling centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Clacton-Holland Haven WRC is included within our approved Business Plan as a named growth scheme with investment delivery planned between 2025-2030

To ensure there is no pollution or deterioration in the receiving watercourse due to the development foul flows we recommend a planning condition is applied if permission is granted.

Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming the upgrades at Clacton-Holland Haven water recycling centre have been completed, and there is sufficient headroom to accommodate the foul flows from the development site.

Reason: To protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 180 of the National Planning Policy Framework.

**Section 3 - Used Water Network**

This response has been based on the following submitted documents: Drainage Strategy Document 12/12/24 The sewerage system at present has available capacity for these flows.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

#### Section 4 - Surface Water Disposal

Anglian Water object to this application as the proposal of discharge of surface water to existing systems without evidence of existing connections and surface water hierarchy evidence could cause flood risk as per Drainage Strategy dated 12/12/24.

There is no historic right of connection when a site is redeveloped and the surface water hierarchy must be fully explored. There are designated public surface water sewers within the vicinity of the development. When the applicant has fully explored the surface water hierarchy, they will need to engage with Anglian Water and provide evidence that all other options have been exhausted and discounted in line with the Surface Water Hierarchy and with consultation with the LLFA.

The rate proposed (5l/s) is not in line with Anglian Water's policy and rate and is not considered acceptable. Only when this engagement has taken place and an agreement issued by Anglian Water will we remove any objections.

<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/surface-water-policy/>

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition/objection has been recommended above, please see below information:

#### Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

#### Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
- Connecting manhole discharge location

- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

**Essex County Council Archaeology**

**27.01.2025**

There are no recorded features on the Essex Historic Environment Record and no evidence to indicate that there is potential for surviving archaeological remains within the proposed site. The site has been developed and is likely to have disturbed or destroyed any archaeological remains that may have been present. The above application is unlikely to have any further significant impact on any unknown archaeological remains.

There is no objection to the above application.

**Essex County Fire Officer**

**23.01.2025**

Initial Response to Consultation Document

Having reviewed the consultation document, at this time Essex County Fire and Rescue Service would ask that the following are considered during the continued development of the 24/01890.FUL 28 Land at High Street Car Park Carnarvon Road Clacton On Sea Essex:

- Use of community spaces as a hub for our Prevention teams to deliver Fire Safety and Education visits, with the shared use of an electric charging point.
- Adherence to the requirements of the Fire Safety Order and relevant building regulations, especially approved document B.
- Installation of smoke alarms and/or sprinkler systems at suitably spaced locations throughout each building.
- Implementation of vision zero principles where there are introductions of or changes to the road network.
- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to avoid deliberate fire setting.
- Consideration for road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles).
- Access for Fire Service purposes must be considered in accordance with the Essex Act 1987
- Section 13, with new roads or surfaces compliant with the table below to withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.

Min. Width of Road between Kerbs

Pumping Appliance

3.7m

High Reach

3.7m

Min. Width of Gateways

Pumping Appliance

3.1m

High Reach

3.1m

Min. Height Clearance

Pumping Appliance

3.7m

High Reach

4.0m

Min. Carrying Capacity  
Pumping Appliance  
18 tonnes  
High Reach  
28 tonnes

Min. Turning Circle (Kerb to Kerb)  
Pumping Appliance  
17.8m  
High Reach  
17.8m

Min. Turning Circle between Walls  
Pumping Appliance  
19.0m  
High Reach  
20.0m

Sweep Circle  
Pumping Appliance  
19.0m

- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.
- A risk reduction strategy to cover the construction and completion phases of the project.
- Implementation of a land management strategy to minimise the potential spread of fire either from or towards the development site.

Essex County Fire and Rescue Service welcomes the opportunity to continue these conversations as the development progresses to ensure opportunities to reduce risk and improve the emergency service provision are realised.

Future Infrastructure Risk Team: [future.infrastructure.risk@essex-fire.gov.uk](mailto:future.infrastructure.risk@essex-fire.gov.uk)

### **ECC Green Infrastructure**

**22.01.2025**

ECC GI position

Having reviewed the Design and Access Statement (includes Landscape Strategy), Landscape Masterplans, Preliminary Ecological Assessment (PEA), Biodiversity Net Gain (BNG) Metric Calculation and the associated documents which accompanied the planning application, we do not object to the granting of 24/01890/FUL based on the following:

The site benefits from existing green infrastructure (GI) in the form of a few urban trees but is otherwise bare of other GI features. The DAS, PEA, and BNG Metric Calculations highlight the retention and enhancement of mature trees where possible, with significant opportunities for further improvements. These improvements include urban greening of vertical landscapes, introducing native hedgerows, enhancing the small section of landscape north of Clacton Library, adding shrubs and species-rich wildflower lawns, creating green streets, designing natural play areas, providing seating, implementing sustainable drainage rain gardens, and additional tree planting.

The BNG Metric Calculations and PEA establishes a net gain of 59.9%% in habitats, a significant net gain of 0.25 units in hedgerow against a 0 units baseline which is welcomed.



Additionally, the PEA and DAS recommend other ecological enhancements not captured by the metric, such as bird, bat and insect boxes. The enhancement and mitigation measure identified are instrumental in producing quality GI, therefore all these GI threads should be carried through to detail stages of the application and secured through suitably worded condition.

The PEA recommends that a Biodiversity Gain Assessment (or BNG Plan) be produced to support the application and that management and maintenance for 30 years. The application does not reference or include any maintenance or management schedules for the proposed landscape scheme. Therefore, we recommend that a Landscape Ecological Management Plan (LEMP) be submitted for approval prior to determination or secured by condition as outlined below. The LEMP should detail responsibilities for GI assets, timescales for implementing each aspect of GI within the development phase, maintenance activities and frequencies, and the funding, management, and monitoring of GI assets and green spaces throughout the development's lifetime. A Construction Environmental Management Plan (CEMP) should explain how to protect existing GI during construction and how to add new GI in stages for early growth. Given the significant net gains, a Habitat Management and Monitoring Plan may be required as a planning condition.

To ensure delivery of the new GI components and retention of the existing, we would recommend the following conditions:

#### Condition 1

No development shall take place until there has been submitted to and approved, in writing, by landscape specialists at the Local Planning Authority a Construction Environmental Management Plan (CEMP). Ideally, strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment, where possible. Therefore, a Construction Environmental Management Plan (CEMP) will be required to set out how retained GI, such as trees, and vegetation will be protected during construction.

#### Reason:

The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

#### Condition 2

No development shall take place until there has been submitted to and approved, in writing, by SuDS and landscape specialists at the Local Planning Authority a Landscape Ecological Management and Maintenance Plan (LEMP) and work schedule for a minimum of 10 years.

Details should include who is responsible for GI assets (including any surface water drainage system) and the maintenance activities/frequencies.

We would also expect details on how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development to be included.

#### Reason:

To ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.



Failure to provide the above required information before commencement of works may result in reducing the value of the development, becoming an undesirable place to live that may increase the impacts from climate change, such as flood risk or air pollution from the site.

### Condition 3

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved LEMP/Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

### Reason:

To ensure the GI are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure the high-quality and multi-functional benefits of GI assets.

### Other Considerations

#### New Tree Planting and their early establishment

ECC GI Team will expect that all new trees on new developments will have their establishment considered at the time of planting. This should include weeding, mulching and watering. All newly planted trees with a trunk diameter of 6cm or more will be watered for three years via a buried watering tube, irrigation bag or irrigation well; applying 60 litres per visit, at least 14 times between May and September. Mulch, stakes, ties and weed establishment will also be inspected and actioned as required. Stakes and ties should be removed 3 years after planting.

#### Sustainable Design

ECCs GI team support a strategy that seeks to maximise opportunity for habitat retention and welcomes the proposal for vertical landscaping (climbers), rain gardens and other ecological enhancements recommended by the PEA. ECCs GI team also recommends consideration of the following: -

- Wildlife Bricks: The provision of wildlife bricks creates habitats for invertebrates.
- Dual street furniture/seating (i.e., a bench including a planter): The design of the street furniture and bin stores can contribute to the landscape character, reduce clutter of an area or street and act as a green corridor/link to the wider landscape scale GI network.]
- Log piles/ hibernacula- for invertebrates.
- Permeable paving within the public realm/ green streets.

### **ECC Highways Dept**

**30.01.2025**

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. A previous site visit was undertaken in conjunction with a separate planning application. It is noted that the existing site is currently situated in a residential and commercial area. Its primary use is for parking and consists of a multi-storey car park as well as more car parking at the wider ground level of 300 spaces overall. A parking survey over a radius of approximately 200m around the site accounting for daytime and nighttime was undertaken in September 2024. The findings indicate that as the proposed car park is of a similar size to the existing, the development will not have an adverse impact on the parking situation in the area. The vehicle trips associated with the development is expected to remain consistent with the existing given that the number of spaces being provided will be consistent with the current scenario. The town centre location means that many services are within walking distance of the new mixed-use development and apartments with sustainable travel or public transport network facilities nearby, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. As provided in the supporting information, and prior to any works commencing on site, including any ground works or demolition, a Construction Management Plan must be approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. No occupation of the new development shall take place until the following have been provided or completed:

- a) A minimum 2.4 metres x 43 metres clear to ground visibility splay shall be provided at its centre line in both directions, for all vehicular accesses as measured from and along the nearside edge of the carriageway.
- b) A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- c) A half a metre 'no build zone' will need to be provided between the rear of the existing footway/ highway boundary and the proposed structures/ buildings across the site frontage.
- d) At no point shall barriers/gates be provided at the car park access. To ensure a free and unhindered access is retained at all times.
- e) Any redundant vehicular access as shown in principle on drawing shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway / kerbing prior to the occupation of the development.
- f) Public Footpath 34, surface is a block paved area, which is prone to lift or sink creating tripping hazards. The block paving should be removed and replaced with a compacted surface material to provide a firm and level surface, a plan shall be submitted to PROW Planning providing details of the surfacing works to be agreed prior to commencement of works.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as walking, in accordance with policy DM1 and DM9.

3. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each blue badge parking space shall have minimum dimensions of 4.1 metres x 6.7 metres.

Reason: To ensure adequate space for parking off the highway is provided and to reflect modern car sizes in the interest of highway safety in accordance with Policy DM8.

5. The powered two-wheeler/cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

6. Prior to occupation of the proposed residential development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

8. The public's rights and ease of passage over public footpath no. 34 (Great Clacton\_167) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

9. No development shall be permitted to commence on site until such time as an Order securing the temporary closure/ diversion of the existing definitive right of way (public footpath no. 34 Great Clacton\_167) to allow the route to be resurfaced, to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Notes:

- o Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 or Minor Works Authorisation to regulate the construction of the highway works.

- o The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority.

- o The development should be in accordance with the 2024 Essex Parking Guidance 2024 Essex Parking Guidance | Essex Design Guide

o A Stage 1 RSA for the proposed accesses to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval) roadsafety.audit@essexhighways.org o The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.

**ECC Schools Service**

**07.02.2025**

Thank you for your email, no request on this occasion, I can see that there are multiple 1 bed dwellings, therefore this falls under our current threshold for requesting contributions.

**ECC SuDS Consultee**

**20.01.2025**

Lead Local Flood Authority position:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- As discussed in the pre application advice from October 2024, the LLFA does not accept a flat rate of 5l/s discharging from the site if the Greenfield 1 in 1 year rate is below 5l/s as there are vortex flow control devices which can be designed to a discharge at 1l/s, with 600mm shallow design head and still provide a more than 50mm orifice diameter. Furthermore, appropriate measures should be put in place to remove materials that are likely to cause blockage before they reach the flow control device.
- As the site lies within the Combined Essex Management Catchment, 45% climate change allowance should be used when calculating the storage required and within the drainage calculations.

**Essex County Council Ecology**

**04.02.2025**

We have reviewed the Preliminary Ecological Appraisal (Place Services, October 2024) and Landscape Master Plan (Wynne-Williams Associates, Drg 2487-WWA-ZZ-ZZ-D-L-0101, Rev Po5, October 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available to support determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Place Services, October 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected and Priority species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Please note we do not provide comments on Biodiversity Net Gain as we have been instructed to leave comments on this matter to the LPA.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

#### Recommended conditions

##### 1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Place Services, October 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

##### 2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Place Services, October 2024), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

#### **Economic Growth Team**

**17.01.2025**

The Economic Growth Team are unable to submit a comment on this application due to the team being involved in the delivery of this project.

#### **Environmental Protection**

**20.01.2025**

With reference to the above application, please see below for comments from the EP Team:

Contaminated Land: I can advise we have reviewed the submitted Phase One, Desk Top Study document, dated November 2024, and are satisfied with its methodology and findings. In line with the relevant recommendations, the EP Team are requesting a further, intrusive study be performed to determine the extent of the presence of contaminated soil within the site.

**REASON:** It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, future residents and other offsite receptors

**Noise / Ventilation:** Given the sites location within the Town Centre, and consideration for the location on the main carriageway, as well as its proximity to Clacton Railway Station and consideration for the potential change to the existing noise climate, due to number of required plant/machinery (extraction / ventilation systems for food outlets for example - use classes requested include potential for food outlets, as well as confirmation as to whether ventilation within the residential units will be achieved by either trickle vents or mechanical ventilation), the EP Team are requesting evidence be submitted to confirm the proposed units will not expose future residents to unacceptable levels of noise leading to an adverse impact. As such we are requesting a formal Noise Impact Assessment be undertaken, by a relevantly qualified acoustician. The survey will meet the requirements of relevant Planning Policy Guidance and include periods for -

Day-time 0700-2300 hours and night-time 2300-0700 hours.

The purpose of the report will be to confirm the current noise climate, any potential design or mitigation techniques that may be required and to ensure the proposed development can offer future residents compliance with the relevant British Standard for noise levels, and other applicable guidance and standards; including the World Health Organisations Community Noise Guideline Values - as shown below -

Dwellings indoors in daytime - 35 dB LAeq,16 hours  
Outdoor living area in day time - 55 dB LAeq,16 hours  
Inside bedrooms at night-time - 30 dB LAeq,8 hours (45 dB LMax)  
Outside bedrooms at night-time - 45 dB LAeq,8 hours (60 dB LMax)  
The internal figures consider that windows are open.

In addition we are requesting the predicted noise emissions from the proposed plant / machinery is included within the Noise Assessment, in line with the relevant British Standard (BS4142:2014) -

**Potential Noise Impact from Plant Machinery:** Prior to installation of any plant/machinery/ventilation/air conditioning/extraction equipment, including any replacements of such, full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed, used and maintained thereafter in full accordance with the approved details.

**REASON:** to ensure compliance with the relevant standards and guidelines and to protect the amenity of guests and possible future residential premises

**Lighting:** Any proposed lighting of the development must ensure relevant measures are taken to ensure that any lighting of the development will be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

**REASON:** In the interest of protecting residential amenity

Demolition / Construction Method Statement: The applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection, this document should include, but not be limited to the following information -

- Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site.
- 3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

REASON: In the interest of protecting residential amenity.

**Arch. Liaison Off, Essex Police**

**23.01.2025**

The 'Essex Police ' Designing out Crime Office' (DOCO), welcomes the opportunity to comment on the submission of 24/01890/FUL.

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages, will enhance the health and wellbeing of its residents. The perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community.

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of

Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler. This national, official police security initiative works to improve the security of a structure and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

Upon reviewing the submitted documents for this application, the DOCO would request further information regarding the Multi-storey car park cycle store and ground floor front aspect space towards Carnarvon Road, we would welcome the opportunity to discuss these spaces with the applicant.

The applicant and Essex Police have been involved in constructive, pre-application consultation and Essex Police is content the ethos of NPPF, sec 12, para 127(f) and the Tendring Local Plan policy PL4, which requires developments that are safe, secure places, is being considered. The applicant has indicated their aspiration for this development to attain Secured by Design accreditation (SBD).

Essex Police requests Tendring DC Planning make SBD compliance a planning condition for this application. The Designing Out Crime Team is keen to support the applicant to ensure crime prevention through environmental design is embedded into the development and assist in successfully achieving the requirements to gain the nationally acknowledged and Police recommended, Secured by Design accreditation.

#### **UU Open Spaces**

**15.01.2025**

Officer Conclusions and Recommendations

- On site open space is being provided. So no off site contribution is being requested.

#### **Tree & Landscape Officer**

**29.01.2025**

The application site is currently dominated by the built form and contains only small areas of soft landscaping and no functional open space or other usable area.

The main landscape features on the site are three mature trees: 2 Copper Beech (*Fagus sylvatica* 'purpurea') close to Carnarvon Road and a Maidenhair Tree (*Ginkgo biloba*) by the walkway from the car park to Station Road.

There are a few smaller trees mainly the fastigate form of the Callery Pear (*Pyrus calleryana* 'Chanticleer').

The site layout proposals make provision for the retention of the large Copper Beech (T3) tree at the northern end of the site and the Maidenhair tree (T4) however the site layout and tree report identify the removal of the second and southernmost Copper Beech (T8) ostensibly because of its condition.

In this regard it is noted that the crown of the tree (T8) is somewhat asymmetrical with the southwestern aspect showing much weaker growth. The Arboricultural Impact Assessment submitted in support of the application categorises the tree as C2 which means that it is not considered to be a significant constraint on the development potential of the land.

However, as the tree is not in leaf at the present time, it is not possible to ascertain the extent of deadwood within the canopy of the tree. The tree appears to be in reasonable condition and makes a positive contribution to the character and appearance of the area.



Whilst the amenity value provided by the smaller trees can be relatively easily replicated and improved upon by tree planting included in the overall soft landscaping proposals the removal of the Copper Beech (T8) would have a significant adverse impact on the amenities of the locality.

Whilst there is no reason to question the accuracy of the AIA in respect of the condition of the Copper Beech (T8) it was not possible for the findings of the report at the time of the site visit as the tree was not in leaf.

Regarding the physical protection of the large, retained trees the application is supported by the above-mentioned Arboricultural Impact Assessment (AIA) containing an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). This information shows how retained trees will be physically protection for the duration of the construction phase of any approved development.

This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.

In terms of soft landscaping the scheme will lead to the provision of an area of well-designed and 'thought out' open space that will be a significant improvement on the current situation.

#### **Waste Management**

**07.01.2025**

Bin store for residential properties to be of sufficient size to accommodate the equivalent wheeled bin capacity of 5040 litre fortnightly residual waste collection, 640 litre weekly food waste collection and 8240 litre dry mixed recycling collection.

#### **ECC Heritage**

**11.02.2025**

The site is located within the wider setting of the designated heritage assets named below:

- Clacton Town Hall (List Entry No. 1267903), a Grade II Listed Building which is situated to the west of the site; and,
- Clacton Seafront Conservation Area that includes Rosemary Road to the south of the site.

Currently the site is visually unintrusive and makes a neutral contribution to the setting of these heritage assets. In principle the proposed scheme of re-development for the site is supported, on the basis that the setting of the heritage assets is preserved and could be enhanced if opportunities to improve the connections from the site through to the Town Hall and Conservation Area are exploited.

There is a proposal emerging for expansion of Clacton Seafront Conservation Area northwards to include additional buildings of potential positive contribution to its character and appearance. If that proposal is brought forward and adopted by the Tendring District Council, the boundary for the Conservation Area will be redrawn along the High Street. This would bring the Conservation Area adjacent to the southern part of the site where there is a pedestrian access through a passageway between No. 37 the High Street and Nos. 39-43 the High Street (a vacant superstore). This possibility was discussed during the pre-application stage and is recognised by Section 2.03 of the Design and Access Statement submitted for the proposal, which also considers how the proposed Mixed-Use Spaces will be viewed and linked from the High Street (see Section 7.31 for passageway perspective).

The stepped shopfronts of the proposed Mixed-Use Spaces create a contemporary arcade that is in-keeping with the character of the High Street, given that there is a historic arcade found between Nos 4 and 7 the High Street. It is unfortunate that the opposing view of the High Street from the passageway is not represented, as a glimpsed view of the former Post Office (a Non-Designated Heritage Asset) would be gained, nevertheless, the proposal will undoubtedly

improve the appearance of the passageway in the street scene and the experience and appreciation of the former Post Office as a landmark building. Which will in turn enhance the setting of the Conservation Area.

Similarly, a gap between Clacton Library (potentially to be redeveloped as Clacton Hub) and No. 92 Station Road allows a glimpsed view of Clacton Town Hall to be gained, and provides pedestrian access to the site, but only the view of the new four-storey residential building from Station Road through this gap is represented in the Design and Access Statement (see Section 7.15 perspective).

It was recommended at pre-application stage that the height and scale of the new residential building should not detract from the prominence of Clacton Town Hall in the Station Road street scene. The Townscape and Visual Appraisal does not provide any wireframe viewpoints (either from north of Clacton Library looking south or from Station Road looking towards the site) to demonstrate that the proposal will not be a visually prominent addition to the setting of the Town Hall. In addition, there is no Heritage Statement to consider the significance of the Town Hall and Conservation Area and the impact of the development, as per paragraph 207 of the National Planning Policy Framework (NPPF).

The scale of the proposed buildings in views north of Clacton Library looking south towards the site and the Town Hall is not well illustrated. Viewpoint 1 of the Townscape and Visual Appraisal is taken at an angle that excludes the Town Hall from view, which is unhelpful for assessing the impact on its setting and without a wireframe the impact is unclear. It is noted that the submitted Townscape and Visual Appraisal has considered this potential for the upper stories to be visible within the Station Road (Viewpoints 1, 2a and 2b), and concluded that its adverse effects will be minor or negligible.

But the perspective view clearly shows that the upper two stories of the new residential building will protrude above the roofs of the intervening built form that lines the east side of Station Road (page 93 of the Design and Access Statement). From this viewpoint, it is unlikely to result in a harmful impact upon the significance of the Town Hall. However, it is suggested that a condition be used to agree a sensitive colour palette for the external materials of the new residential building, so that its appearance harmonises better with the colour palette of the Station Road street scene. Securing a respectful colour palette will ensure that the new building is unimposing upon the setting of Clacton Town Hall and does not compete with it for prominence. For avoidance of the same issues occurring at nighttime, a condition to agree a suitable external lighting scheme for the building is also suggested.

In its entirety the scheme of new development within the setting of the heritage assets is likely to be acceptable, however, the colour and design of the proposed car park does not appear to reflect local character and distinctiveness on Carnarvon Road. Otherwise, the proposals will enhance the connections from the site to Clacton Town Hall, and the Conservation Area, and attention has been shown to the surrounding historic environment, which is used as a source of inspiration for the design of the Mixed-Use Spaces and the Residential Building. Such as in the use of external materials to distinguish the shopfronts from the residential storeys above and exaggerate the roof form, in a contemporary way that follows the hierarchy and rhythms of the built form from the adjoining streets.

Nevertheless, the application is lacking in information to illustrate the impact on views of the Town Hall, however, assuming that the proposed buildings are of low visibility as per the discussion within the Townscape and Visual Appraisal, it is likely that the proposal will preserve the special architectural and historic interest of the Clacton Town Hall and its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework (NPPF), the proposal is unlikely to cause harm to the significance of any of the aforementioned heritage assets (Clacton Town Hall, Clacton Seafront Conservation Area, and the former Post Office), and the proposal should be treated favourably in line with the direction of Paragraph 219; given that it will improve the appearance and use of the pedestrian connections from the site to the heritage assets which will in turn enhance their setting. In respect of the proposal's design and potential to make a positive contribution to the local character and distinctiveness Paragraphs 210 (c) and 135 (c) will be relevant to decision-making.

## **7. Representations**

7.1 Clacton-on-Sea is non-parished so no comments were expected.

7.2 One letter of objection has been received, with concerns that the proposal is out of character.

7.3 One letter of observation has also been received, which raises potential concerns with the contractor working hours and where contractors would park during construction – this, however, can be addressed within a Construction Method Statement, which is recommended to be included as a planning condition. It is also asked whether the application includes improvements to existing pavements, however this does not form part of the submission.

## **8. Assessment**

### Site Description

8.1 The application site is the High Street Car Park, which is land sited to the western section of Carnarvon Road, within Clacton-on-Sea. The majority of the site consists of a multi-storey car park and ancillary car parking, with the land to the northern section currently empty following demolition of Carnarvon House, a former building previously occupied by the NHS, in 2023.

8.2 The character of the area is heavily urbanised, with a mixture of residential and commercial development located to all sides. The Grade II Listed 'Clacton Town Hall' is sited adjacent to the east, with the main hub of the Clacton Town Centre approximately 250 metres to the south-west. Adjacent to the north of the site is the Clacton Library.

8.3 The site falls within the Settlement Development Boundary for Clacton-on-Sea within the adopted Local Plan 2013-2033, and is also allocated as an area prioritised for regeneration purposes. The site is allocated within the Primary Shopping Area for Clacton-on-Sea, with the Clacton Seafront Conservation Area sited to the south, but outside of the site.

### Description of Proposal

8.4 This application seeks planning permission for the following works:

- Demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 parking spaces;
- Erection of 28 residential units (14 x 1 bedroom units and 14 x 2 bedroom units) to the northern section of the site, with 11 units (40%) being affordable housing;
- Creation of five flexible commercial civic/community units (1,330sqm) including Classes E, F1, F2 and Sui Generis, with one located on the ground floor of the residential building, one on the ground floor of the car park, and three on the land to the west of the site; and
- New publicly accessible urban realm, including a range of hard and soft landscaping features.

### Principle of Development

- 8.5 The site is located within the Settlement Development Boundary (SDB) for Clacton-on-Sea, as established in the adopted Local Plan 2013-2033. Adopted Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies. In this respect, the site is well located for residential properties.
- 8.6 In addition, the site is allocated within an area prioritised for regeneration purposes. Policy PP14 states these areas are identified within Policy PP14 to be the focus of investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety, accessibility and green infrastructure. The development of a site that is currently operational but not a particularly visually impressive site, would be a welcome boost to the wider area, and is supported in principle.
- 8.7 It is noted that the site also falls within a Primary Shopping Area, with adopted Policy PP5 requiring that ground floor units should be restricted to uses within Class E (commercial, business and service uses). Whilst the exact use types are not yet clarified, the submission clarifies that the 1,330sqm of commercial floorspace will include Classes E, F1 (Learning and non-residential institutions), F2 (Local community uses) and Sui Generis. Whilst some of these uses are not technically in accordance with the requirements of PP5, the NPPF is clear that main town centre uses extend far beyond retail uses. In addition, the current site includes no commercial offering, and therefore the proposal would result in a significant increase to the services provided within the Clacton Town Centre.
- 8.8 Given the above, at an overarching high level, the principle of development on the sites for both residential and civic/commercial uses is acceptable, subject to the detailed considerations below.

#### Affordable Housing

- 8.9 Paragraph 64 of the NPPF (2024) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site. Adopted Local Plan Policy LP5 adds that to promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable housing. For proposals of 11 or more (net) homes the Council will expect 30% of new dwellings to be made available to Tendring District Council or its nominated partners to acquire at a proportionate discounted value for use as affordable housing.
- 8.10 On this occasion, the proposal includes for a total of 28 residential properties, and therefore there is a requirement to ensure that a minimum of nine units are allocated as affordable housing. The supporting submission confirms that 11 of the units (40%) will be affordable housing, thereby comfortably adhering with the above policy requirements. The Council's Housing Team have been consulted but have not provided any comments at the time of writing, however Officers are content with the affordable housing provision outlined. It is therefore recommended that this be secured via a legal agreement in the event that the application is recommended for approval.

#### Scale, Layout & Appearance

- 8.11 Paragraph 135 of the NPPF (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 8.12 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Policy SPL3 and LP4 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high

standards and which, together with a well-considered site layout which create a unique sense of place.

- 8.13 As detailed above, in principle the development of these sites would be a visual improvement in comparison to the current site, which includes an outdated multi storey car park as well as additional parking and does not maintain or enhance the character of the wider area. Historically, the site where the 28 dwellings are proposed was a three storey building of poor design that has since been demolished. Similarly, on the land where the proposed car park is to be, was historically Westleigh House which was also demolished a number of years ago.
- 8.14 Set against the above context, the proposal for a mixed-use development that maintains the existing public parking provision and offers additional residential and commercial offering to the District represents an enhancement to the areas character and appearance. ECC Urban Design were involved at pre-application stage and have therefore been involved in the overall design process. The proposed siting of the residential block in the northern corner of the site is considered logical and this location has the opportunity to relate well to the emerging Clacton Hub proposals and existing flats. Similarly, consolidating car parking into the south-western corner of the site is also logical and direct vehicular access off Carnarvon Road to avoid unnecessary highway infrastructure is welcomed. In addition, the development includes significant public realm improvements, including a seating area, a 'green street', public art and additional tree planting; all of which will provide for a significant visual improvement and make the site more appealing and better connected from Carnarvon Road/Station Road through to High Street.
- 8.15 In summary, the proposals overall are considered to result in a significant visual enhancement to the character of the area, representing a marked improvement in comparison to the existing site which is considered to detract from the areas wider character. The design of the buildings and car park is certainly of a more contemporary nature, however would equally not detract from the more traditional properties along Carnarvon Road in particular. Taking all of the above into consideration, there are no objections raised in this regard.

#### Heritage Impacts

- 8.16 Paragraph 210(c) of the NPPF states that in determining applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 215 confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.17 Adopted Policy PPL8 states that new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Policy PPL9 adds that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.
- 8.18 The application site falls within the setting of a Grade II Listed Building, and is also close to the Clacton Seafront Conservation Area. ECC Place Services (Heritage) have been consulted as part of this planning application, and have provided the following comments:

*"The site is located within the wider setting of the designated heritage assets named below:*

- Clacton Town Hall (List Entry No. 1267903), a Grade II Listed Building which is situated to the west of the site; and,*
- Clacton Seafront Conservation Area that includes Rosemary Road to the south of the site.*

*Currently the site is visually unintrusive and makes a neutral contribution to the setting of these heritage assets. In principle the proposed scheme of re-development for the site is supported, on the*

*basis that the setting of the heritage assets is preserved and could be enhanced if opportunities to improve the connections from the site through to the Town Hall and Conservation Area are exploited.*

*There is a proposal emerging for expansion of Clacton Seafront Conservation Area northwards to include additional buildings of potential positive contribution to its character and appearance. If that proposal is brought forward and adopted by the Tendring District Council, the boundary for the Conservation Area will be redrawn along the High Street. This would bring the Conservation Area adjacent to the southern part of the site where there is a pedestrian access through a passageway between No. 37 the High Street and Nos. 39-43 the High Street (a vacant superstore). This possibility was discussed during the pre-application stage and is recognised by Section 2.03 of the Design and Access Statement submitted for the proposal, which also considers how the proposed Mixed-Use Spaces will be viewed and linked from the High Street (see Section 7.31 for passageway perspective).*

*The stepped shopfronts of the proposed Mixed-Use Spaces create a contemporary arcade that is in-keeping with the character of the High Street, given that there is a historic arcade found between Nos 4 and 7 the High Street. It is unfortunate that the opposing view of the High Street from the passageway is not represented, as a glimpsed view of the former Post Office (a Non-Designated Heritage Asset) would be gained, nevertheless, the proposal will undoubtedly improve the appearance of the passageway in the street scene and the experience and appreciation of the former Post Office as a landmark building. Which will in turn enhance the setting of the Conservation Area.*

*Similarly, a gap between Clacton Library (potentially to be redeveloped as Clacton Hub) and No. 92 Station Road allows a glimpsed view of Clacton Town Hall to be gained, and provides pedestrian access to the site, but only the view of the new four-storey residential building from Station Road through this gap is represented in the Design and Access Statement (see Section 7.15 perspective).*

*It was recommended at pre-application stage that the height and scale of the new residential building should not detract from the prominence of Clacton Town Hall in the Station Road street scene. The Townscape and Visual Appraisal does not provide any wireframe viewpoints (either from north of Clacton Library looking south or from Station Road looking towards the site) to demonstrate that the proposal will not be a visually prominent addition to the setting of the Town Hall. In addition, there is no Heritage Statement to consider the significance of the Town Hall and Conservation Area and the impact of the development, as per paragraph 207 of the National Planning Policy Framework (NPPF).*

*The scale of the proposed buildings in views north of Clacton Library looking south towards the site and the Town Hall is not well illustrated. Viewpoint 1 of the Townscape and Visual Appraisal is taken at an angle that excludes the Town Hall from view, which is unhelpful for assessing the impact on its setting and without a wireframe the impact is unclear. It is noted that the submitted Townscape and Visual Appraisal has considered this potential for the upper stories to be visible within the Station Road (Viewpoints 1, 2a and 2b), and concluded that its adverse effects will be minor or negligible.*

*But the perspective view clearly shows that the upper two stories of the new residential building will protrude above the roofs of the intervening built form that lines the east side of Station Road (page 93 of the Design and Access Statement). From this viewpoint, it is unlikely to result in a harmful impact upon the significance of the Town Hall. However, it is suggested that a condition be used to agree a sensitive colour palette for the external materials of the new residential building, so that its appearance harmonises better with the colour palette of the Station Road street scene. Securing a respectful colour palette will ensure that the new building is unimposing upon the setting of Clacton Town Hall and does not compete with it for prominence. For avoidance of the same issues occurring at nighttime, a condition to agree a suitable external lighting scheme for the building is also suggested.*

*In its entirety the scheme of new development within the setting of the heritage assets is likely to be acceptable, however, the colour and design of the proposed car park does not appear to reflect local*

*character and distinctiveness on Carnarvon Road. Otherwise, the proposals will enhance the connections from the site to Clacton Town Hall, and the Conservation Area, and attention has been shown to the surrounding historic environment, which is used as a source of inspiration for the design of the Mixed-Use Spaces and the Residential Building. Such as in the use of external materials to distinguish the shopfronts from the residential storeys above and exaggerate the roof form, in a contemporary way that follows the hierarchy and rhythms of the built form from the adjoining streets.*

*Nevertheless, the application is lacking in information to illustrate the impact on views of the Town Hall, however, assuming that the proposed buildings are of low visibility as per the discussion within the Townscape and Visual Appraisal, it is likely that the proposal will preserve the special architectural and historic interest of the Clacton Town Hall and its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*With regards to the National Planning Policy Framework (NPPF), the proposal is unlikely to cause harm to the significance of any of the aforementioned heritage assets (Clacton Town Hall, Clacton Seafront Conservation Area, and the former Post Office), and the proposal should be treated favourably in line with the direction of Paragraph 219; given that it will improve the appearance and use of the pedestrian connections from the site to the heritage assets which will in turn enhance their setting. In respect of the proposal's design and potential to make a positive contribution to the local character and distinctiveness Paragraphs 210 (c) and 135 (c) will be relevant to decision-making."*

- 8.19 In summary, the site in its current form provides a neutral contribution to the setting of the aforementioned heritage assets, and the principle of re-development of the site is supported. The stepped shopfronts create a contemporary appearance in-keeping with the character of the adjacent High Street, and overall the proposal improves the appearance of the passageway in the street scene. Whilst the submission does not definitively clarify that the proposal would not be a visually prominent addition to the setting of the Town Hall, it is considered unlikely to result in a harmful impact subject to conditions relating to the colour palette of the external materials and a suitable external lighting scheme.
- 8.20 Some concerns are raised with the design and colour of the proposed car park, with it being considered not to reflect the local character and distinctiveness of Carnarvon Road, however the remainder of the works enhance connections from the site to Clacton Town Hall as well as the Conservation Area. Overall, ECC Place Services consider the proposal should be looked upon favourably. Officers acknowledge these comments, and subject to the recommended conditions do not raise any objections in this regard. It is noted that some concerns are raised relating to the car park design, however the overall proposals taken as a whole are an enhancement to the setting of the heritage assets, and therefore Officers do not consider it reasonable to raise an objection on this basis.

#### Highway Safety

- 8.21 Paragraph 114 of the National Planning Policy Framework (2024) seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.22 Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

- 8.23 Essex Highways Authority have been consulted on the application and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable. However, they do recommend a number of conditions relating to a Construction Management Plan, visibility splays, no gates/barriers, closure of any redundant access points, the vehicle parking area, cycle parking provision, the submission of a Residential Travel Information Pack, boundary planting, no impact to the public footpath, and that no development shall commence until a temporary closure/diversion of the existing definitive right of way has been agreed. Where these are supported by the six tests of conditions they have been recommended to be included.
- 8.24 The proposed car park includes for a total of 301 public parking spaces, of which 36 will be dedicated to electric vehicle charging and 21 will be dedicated blue badge spaces. There is also proposed to be 64 cycle spaces. The current car park provides for approximately 300 spaces, and therefore there will be no loss of spaces overall.
- 8.25 Essex Parking Standards (2009) outlines that for one bedroom properties there should be a minimum of one parking space measuring 5.5m x 2.9m and for two bedroom properties there should be a minimum of two spaces at the above measurements. Given part of the application is for 28 dwellings, of which 14 will be served by one bedroom and 14 served by two bedrooms, there is a requirement to provide for a total of 42 parking spaces. The supporting submission clarifies that 42 cycle spaces are to be provided within the private garden area, and residents occupying the residential units will also be able to apply for a permit to park within the public car park. In addition, Officers acknowledge that the site is within a highly sustainable location in walking distance to a number of shops and facilities. Given this, and that all of the units are one and two bedroom, therefore unlikely to attract larger families with a greater requirement for parking provision, Officers conclude that the parking provision as outlined is acceptable.

#### Impact on Residential Amenity

- 8.26 Paragraph 135 of the National Planning Policy Framework (2024) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.27 Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 8.28 The site is within a highly urbanised area, with a number of residential properties located out to all sides. There are a number of properties along the western boundary (fronting Station Road), to the south (fronting High Street) and Number 39 Carnarvon Road to the eastern section of the site.
- 8.29 The development by its very nature will result in some degree of impact to these properties, however it must also be acknowledged that the existing site is an active and busy car park that generates high levels of vehicular movements and associated noise. The re-location of the multi-storey car park away from the north-western boundary will result in an improvement to the amenities of the neighbours to the west, with the current multi-storey appearing oppressive and likely resulting in some of loss of light.
- 8.30 The most impacted property is likely to be 39 Carnarvon Road given its close proximity and relationship to the residential proposals. The submitted plans include a daylight and sunlight report that concludes that while there would be a minor impact in respect of loss of daylight to two windows at Number 39, these both serve small kitchens there are not considered to be non-habitable rooms. The units include small balcony areas that provide a degree of overlooking to the rear of Number 39, however it is noted that this area is already overlooked via the adjacent multi-storey car park that is proposed to be replaced elsewhere within the site, which in turn results in a neutral overall impact. Furthermore, it is acknowledged that previously a large structure has been in the location of the



proposed residential units for a number of years, and the site is a heavily urbanised location where such proposed development would be expected.

- 8.31 Taking the above into consideration, whilst it is likely that there will be some impacts as a result of the development, the majority is set away from neighbouring properties and in the case of the north-western corner properties, there will be an improvement to their existing amenities. With regards to Number 39 Carnarvon Road, Officers acknowledge a small degree of loss of light and note that the building itself will appear relatively oppressive, however for the reasoning detailed above the harm is not so significant that Officers consider it warrants recommending a reason for refusal.

#### Tree and Landscape Impacts

- 8.32 Adopted Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.
- 8.33 The Council's Tree and Landscape Officer has been consulted on the application, and has provided the following comments:

*"The application site is currently dominated by the built form and contains only small areas of soft landscaping and no functional open space or other usable area.*

*The main landscape features on the site are three mature trees: 2 Copper Beech (*Fagus sylvatica* 'purpurea') close to Carnarvon Road and a Maidenhair Tree (*Ginkgo biloba*) by the walkway from the car park to Station Road.*

*There are a few smaller trees mainly the fastigate form of the Callery Pear (*Pyrus calleryana* 'Chanticleer'.*

*The site layout proposals make provision for the retention of the large Copper Beech (T3) tree at the northern end of the site and the Maidenhair tree (T4) however the site layout and tree report identify the removal of the second and southernmost Copper Beech (T8) ostensibly because of its condition.*

*In this regard it is noted that the crown of the tree (T8) is somewhat asymmetrical with the southwestern aspect showing much weaker growth. The Arboricultural Impact Assessment submitted in support of the application categorises the tree as C2 which means that it is not considered to be a significant constraint on the development potential of the land.*

*However, as the tree is not in leaf at the present time, it is not possible to ascertain the extent of deadwood within the canopy of the tree. The tree appears to be in reasonable condition and makes a positive contribution to the character and appearance of the area.*

*Whilst the amenity value provided by the smaller trees can be relatively easily replicated and improved upon by tree planting included in the overall soft landscaping proposals the removal of the Copper Beech (T8) would have a significant adverse impact on the amenities of the locality.*

*Whilst there is no reason to question the accuracy of the AIA in respect of the condition of the Copper Beech (T8) it was not possible for the findings of the report at the time of the site visit as the tree was not in leaf.*

*Regarding the physical protection of the large, retained trees the application is supported by the above-mentioned Arboricultural Impact Assessment (AIA) containing an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP). This information shows how retained trees will be physically protected for the duration of the construction phase of any approved development.*

*This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction. Recommendations.*

*In terms of soft landscaping the scheme will lead to the provision of an area of well-designed and 'thought out' open space that will be a significant improvement on the current situation."*

- 8.34 Therefore, in summary, the proposal involves the removal of the existing Copper Beach which provides a positive contribution to the area, and its loss results in a level of harm to the amenities of the locality. However, the submitted AIA considers it not to be a significant constraint on the development potential of the land, and following discussions with the agent for the application they have confirmed the tree falls within the footprint of the proposed car park, which could not realistically be located elsewhere on the site. On balance, whilst the loss of the tree is not supported, it must be weighed in the overall planning balance against the benefits of the provision of the car park, and on this occasion the benefits of the proposal are considered to outweigh the identified harm.

### Foul Sewage

- 8.35 Paragraph 187 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 198 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.
- 8.36 Adopted Local Plan Section 2 Policy PPL5 the states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.
- 8.37 The application form clarifies that foul sewage will be disposed of via the existing mains sewer, and therefore it fully complies with the requirements of the above local and national planning policies.

### Flood Risk and SuDS

- 8.38 Paragraph 181 of the NPPF states that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 goes on to say that, developments should incorporate sustainable drainage systems. The systems used should, amongst other things, take account of advice from the lead local flood authority and have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 8.39 Adopted Local Plan Policy PPL5 requires that all new development must make adequate provision for drainage and sewage treatment and should include sustainable drainage systems (SuDS). Policy SPL3, Part B criterion g), requires that development reduces flood risk and integrates sustainable drainage within development.
- 8.40 ECC SuDS as Lead Local Flood Authority have been consulted on the application and have raised a holding objection on the basis that they do not accept a flat rate of 5l/s discharging from the site if the Greenfield 1 in 1 year rate is below 5l/s. In addition, a 45% climate change allowance should be used when calculating the storage required and within the drainage calculations.
- 8.41 At the time of writing, the applicant is preparing revised information in order to address these technical points raised by ECC SuDS, but importantly this is not a greenfield site and material consideration must be given to the location, existing infrastructure and previous use. Tending has not adopted higher rates. Due to the nature of this proposal and the existing/previous use of the site, it is considered this matter could be adequately resolved by condition as included within the recommendation, in consultation with ECC SUDS and Anglian Water.

### Functional Layout

- 8.42 Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe with a high standard of amenity for existing and future users. Adopted Policy SPL3 (Part B)(f) seeks to ensure that provision is made for adequate private amenity space, waste storage and recycling facilities, vehicle and cycle parking.
- 8.43 The submitted plans demonstrate that there is a shared residential garden space to the rear of the site, that includes cycle parking facilities. In addition, the properties at ground floor level each have a small private amenity area, whilst all apartments on first, second and third floors are all served by a balcony area. Given this, and that the site is in a highly sustainable location in walking distance to amenity areas including the seafront, such provision is acceptable on this occasion.
- 8.44 Policy LP3(b) states new residential development must comply with the government's latest 'Technical housing standards - nationally described space standard', which for a one bedroom for two persons on a single storey requires the dwelling to be a minimum of 50 square metres, and for a two bedroom property for four persons on a single storey requires the dwelling to be a minimum of 70 square metres. The plans submitted show that the one bedroom units range between 50.2sqm and 62.6sqm, and the two bedroom units range between 70.1sqm and 85sqm. Therefore, the standards above are adhered to and no objections are raised in this regard.

### Bin Storage and Waste Collection

- 8.45 Policy SPL3 Part states that all new development must meet practical requirements, including provision for adequate waste storage and recycling facilities. The supporting information states that refuse will be provided in accordance with best practice and the Essex Design Guide.
- 8.46 On this occasion, the submitted plans show that a refuse area is located at ground floor level to the rear of the residential courtyard. The Council's Waste Management team have confirmed this area is of a sufficient size to accommodate the equivalent wheeled bin capacity of 5,040 litre fortnightly residual waste collection, 640 litre weekly food waste collection and 8,240 litre dry mixed recycling collection. Officers therefore raise no objections in this regard.

### Impact on Protected Species

- 8.47 Paragraph 187 of the Framework states planning decisions should contribute to and enhance the natural and local environment, by minimising impacts and providing net gains for biodiversity. Paragraph 193(a) of the NPPF confirms that in assessing planning applications where significant harm to biodiversity as a result of a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 8.48 Adopted Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures. Adopted Policy SPL3 Part A(d) includes that the design and layout of development should maintain or enhance ecological value.
- 8.49 ECC Place Services (Ecology) have been consulted on the application, and have confirmed there is sufficient ecological information available to support determination this application. They raise no objections to the proposal, subject to conditions relating to securing the mitigation measures and the submission of a Biodiversity Enhancement Strategy.

### Habitats, Protected Species and Biodiversity Enhancement

- 8.50 This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

### General duty on all authorities

- 8.51 The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: “For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.” Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.
- 8.52 The application is supported by a Preliminary Ecological Appraisal (PEA), that concludes there will be a neutral impact to bats, mammal species and birds. ECC Place Services (Ecology) have been consulted on the application, and have confirmed there is sufficient ecological information available to support determination this application. They raise no objections to the proposal, subject to conditions relating to secure the mitigation measures outlined within the PEA and the submission of a Biodiversity Enhancement Strategy.

#### Biodiversity net gain

- 8.53 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP, via planning condition discharge, is approved.
- 8.54 Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential number of options available. This further supports the position that the biodiversity gain objective can always be met in some form. Sufficient information has been provided at this stage in relation to BNG and the full requirements are recommended to be secured by condition and legal agreement.

#### Protected Designated Habitats

- 8.55 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 8.56 The application scheme proposes a residential on a site that lies within the Zone of Influence (Zoi) but is approximately 6.1 kilometres from the Colne Estuary SPA, SAC and RAMSAR. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 8.57 A planning condition is recommended to secure this via a future legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Biodiversity Conclusion

- 8.58 In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. The development aligns with the statutory framework for biodiversity net gain, striving to achieve a 10% net gain in biodiversity value over 30 years. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

#### Public Open Space and Play Facilities

- 8.59 Policy HP5 of the adopted Local Plan requires major new residential development to provide a minimum 10% of the gross site area as open space. If new development would be better served by existing or proposed open spaces within an accessible distance (having regard to the standards set out in the Open Spaces Strategy or any future update), a financial contribution in lieu of on-site provision may be sought through a s106 legal agreement or an appropriate alternative mechanism towards any necessary improvement or expansion of existing, or the delivery of new, open spaces and/or sports facilities.
- 8.60 The Council's Open Space team have confirmed that there is a deficit of 2.22 hectares of equipped play in Clacton-on-Sea, and adequate formal open space to cope with some future development. However, they have clarified that as on site open space is being provided within the scheme, no off-site contribution is requested.

#### Renewable Energy

- 8.61 Paragraph 117 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.
- 8.62 Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.
- 8.63 The proposal includes for a development that has the potential to incorporate renewable energy features, and accordingly is supported by an Energy Statement which outlines a series of energy efficiency and low/zero carbon measures are to be adopted, including ULEV charging points for electric cars, air source heat pumps, solar panels, and highly efficient systems for lighting. Given this, it is not reasonable or necessary to include a condition requiring the submission of renewable energy details.

### **9. Planning Balance and Conclusion**

- 9.1 This application seeks the demolition of the existing multi-story car park and all other structures, to be replaced by a new multi-story car park providing 301 spaces, the erection of 28 affordable residential units and the erection of 1,330sqm of flexible commercial floorspace. Given that the site falls within the Settlement Development Boundary for Clacton-on-Sea, and is also an area prioritised for regeneration, the principle of development is acceptable. The proposed commercial uses may not necessarily be main town centre uses, but will still be a boost to the commercial offering in the surrounding area.
- 9.2 Officers consider that the design, scale and layout is an acceptable response to the character and appearance of the area, and whilst there will be a degree of harm to the amenities of Number 39 Carnarvon Road, on balance this is not considered so significant that it warrants recommending a reason for refusal. The residential units all meet the technical housing space standards and provide

for enough private amenity space, and Essex Highways Authority have raised no objections subject to conditions. The parking provision is also considered to be of an acceptable level.

- 9.3 The proposal would result in the loss of a Copper Beach tree, however whilst unfortunate it would not be feasible to retain it without significant revisions to the wider scheme. Furthermore, the proposal includes a significant increase of soft landscaping, and therefore on balance the wider benefits of the scheme are considered to outweigh the harm of the loss of this tree.
- 9.4 Taking all of the above into consideration, Officers conclude that whilst there are some minor harms as a result of the development, they are significantly outweighed by the benefits the scheme would generate.

## **10. Recommendation**

- 10.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section 106 legal agreement with the agreed Heads of Terms, for affordable housing and BNG.

### **10.2 Conditions and Reasons**

- 1 **CONDITION:** The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

**REASON:** To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **CONDITION:** The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 9613-CPL-ZZ-ZZ-DR-A-08000 Revision P4, 9613-CPL-ZZ-ZZ-DR-A-08200 Revision P10, 9613-CPL-01-01-DR-A-08201 Revision P9, 9613-CPL-01-02-DR-A-08202 Revision P8, 9613-CPL-01-03-DR-A-08203 Revision P8, 9613-CPL-01-RF-DR-A-08204 Revision P8, 9613-CPL-01-ZZ-DR-A-08301 Revision P7, 9613-CPL-01-ZZ-DR-A-08400 Revision P7, 9613-CPL-01-ZZ-DR-A-08401 Revision P7, 9613-CPL-01-ZZ-DR-A-08600 Revision P5, 9613-CPL-01-ZZ-DR-A-08601 Revision P5, 9613-CPL-01-ZZ-DR-A-08602 Revision P5, 9613-CPL-01-ZZ-DR-A-08603 Revision P5, 9613-CPL-02-04-DR-A-08210 Revision P9, 9613-CPL-02-01-DR-A-08211 Revision P8, 9613-CPL-02-02-DR-A-08212 Revision P8, 9613-CPL-02-03-DR-A-08213 Revision P8, 9613-CPL-02-04-DR-A-08214 Revision P8, 9613-CPL-02-ZZ-DR-A-08311 Revision P6, 9613-CPL-02-ZZ-DR-A-08411 Revision P6, 9613-CPL-02-ZZ-DR-A-08412 Revision P6, 9613-CPL-03-05-DR-A-08225 Revision P6, 9613-CPL-03-ZZ-DR-A-08321 Revision P6, 9613-CPL-03-ZZ-DR-A-08322 Revision P6, 9613-CPL-03-ZZ-DR-A-08323 Revision P6, 9613-CPL-ZZ-ZZ-DR-A-08150 Revision P6, 9613-CPL-ZZ-ZZ-DR-A-08151 Revision P5, 9613-CPL-ZZ-ZZ-DR-A-08152 Revision P2, 2487-WWA-ZZ-ZZ-D-L-0101 Rev P05, 2487-WWA-ZZ-ZZ-D-L-0103 Rev P02, 2487-WWA-ZZ-ZZ-D-L-0104 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0105 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0106 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0107 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0301 Rev P05, 2487-WWA-ZZ-ZZ-D-L-0302 Rev P04, 2487-WWA-ZZ-ZZ-D-L-0704 Rev P01 and the documents titled 'Planning Statement', 'Tree Survey, Arboricultural Impact Assessment and Outline Method Statement', 'Interim Travel Plan', 'Transport Statement', 'Townscape and Visual Appraisal', 'Superfast Broadband Statement',

'Preliminary Ecological Appraisal', 'Energy Strategy Report', 'Design and Access Statement', 'Contaminated Land Risk Assessment', 'Sitewide Existing Demolition Plan'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

- 3 CONDITION: No development of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) shall take place until;
- (i) A strategy for investigating any contamination present on site has been submitted for approval, in writing, by the Local Planning Authority. Development on site, including demolition, may be carried out in order to fully investigate contamination prior to the submission of said strategy subject to agreement, in writing, by the Local Planning Authority and all other pre commencement conditions being agreed by the Local Planning Authority first.
  - (ii) Following approval of the strategy, an investigation shall be carried out in accordance with the strategy and timescales as may be agreed.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health.

- 4 CONDITION: Prior to any works within each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) above slab level, a Noise Impact Assessment shall be submitted to, and agree in writing by, the Local Planning Authority. The details contained within this assessment shall thereafter be adhered to.

REASON: In the interest of the amenity of neighbouring residents.

- 5 CONDITION: Before any machinery/plant is first used on the development as hereby approved as part of this permission, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be approved, in writing, by the Local Planning Authority. The scheme shall thereafter be maintained as may be approved.

REASON: In the interest of the amenity of neighbouring residents having regard to the background noise levels in the area.

- 6 CONDITION: Prior to the commencement of development details of a construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-
- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
  - b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
  - c) Details of how construction and worker traffic and parking shall be managed. This shall include the intended routing of HGV traffic on the surrounding road network, programme of restoration works to soft highway verges, and any directional signs to be installed and where.
  - d) Details of any protection measures for footpaths and trees surrounding the site.
  - e) Details of all access points to be used to access the site during construction only and any staging of provision.
  - f) Details of the scheduled timing/phasing of development for the overall construction period.

- g) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portalooos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
- j) Site waste management plan (that shall include reuse and recycling of materials)
- k) Scheme for sustainable construction management to ensure effective water and energy use.
- l) Scheme of review of complaints from neighbours.
- m) Registration and details of a Considerate Constructors Scheme to be joined prior to the commencement of development, and confirmation of registration to be provided in writing to the LPA before the start of works, or similar scheme for which full details shall be provided and complied with
- n) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result in adverse harm on amenity.

- 7 **CONDITION:** All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

- 8 **CONDITION:** Prior to the first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Place Services, October 2024).

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations.

- 9 **CONDITION:** Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;



- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species and habitats.

- 10 CONDITION: No development/works shall be commenced above slab level of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

- 11 CONDITION: Prior to the erection/installation of any means of external lighting at the site, details to include position, height, aiming points, lighting levels and a polar luminance diagram shall be submitted to and approved, in writing, by the Local Planning Authority. The lighting shall be carried out and retained as may be approved. There shall be no other means of external lighting installed and/or operated on/at the site except that approved.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

- 12 CONDITION: Full details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building/s it would serve are commenced. No part of the development shall be brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall thereafter be maintained as approved.

REASON: To safeguard the ground water environment and minimise the risk of flooding.

- 13 CONDITION: Prior to first use of the access of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152), visibility splays shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway, and shall then be retained in its approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the access would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

- 14 CONDITION: Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the hereby permitted vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 15 CONDITION: Prior to first use of the new access details of the stopping up of all other means of vehicular access within the frontage as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The stopping up as approved shall be implemented in full prior to first use of the new access.

REASON: To ensure that an increase in accesses available does not increase in highway safety risk.

- 16 CONDITION: Prior to first occupation of each phase (as shown on the Sequencing Plan, drawing number 9613-CPL-ZZ-ZZ-DR-A-08152) of the hereby approved development, the vehicle parking area indicated on the approved plans shall be hard surfaced and sealed. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 17 CONDITION: Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the Local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 18 CONDITION: The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

- 19 CONDITION: The hereby approved development shall not be first commenced until detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfactory of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation, and thereafter shall be maintained as approved.

REASON: In order to safeguard protected wildlife species and their habitats in accordance with the NPPF and Habitats Regulations. Failure to achieve satisfactory mitigation would result in harm by new residents due to the development's impact on protected sites meaning the development must mitigate the burden of development regardless of scale of impact.

### 10.3 Informatives

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

#### Highways Informatives:

- i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details must be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- ii) The areas directly adjacent to the carriageway(s) in which trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
- iii) No permanent part of a development shall overhang the public highway.
- iv) In main urban areas with frequent and extensive public transport, cycling and walking links, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be applied to this proposal as it is located very close to regular public transport services and public car parking facilities.
- v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- vi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

## **11. Additional Considerations**

### Equality Impact Assessment

- 11.1 In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.
- 11.2 It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.
- 11.3 In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

### Human Rights

- 11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

- 11.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 11.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 11.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

### **12. Declaration of Interest**

Please refer to the minutes of this meeting, which are typically available on the councils website which will be published in due course following conclusion of this meeting.

### **13. Background Papers**

- 13.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

This page is intentionally left blank

## CABINET

27 JUNE 2025

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### A.3 ANNUAL HOUSING COMPLAINTS PERFORMANCE AND SERVICE IMPROVEMENT REPORT INCLUDING SELF-ASSESSMENT AGAINST THE HOUSING OMBUDSMAN'S COMPLAINT HANDLING CODE

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To present to Cabinet the Annual Housing Complaints Performance and Service Improvement Report for scrutiny and challenge, which includes a self-assessment carried out against the Housing Ombudsman's Complaint Handling Code for 2024/25 prior to publication and submission.

###### EXECUTIVE SUMMARY

In July 2020, the Housing Ombudsman published a new Complaint Handling Code ("the Code") that provided a framework for high-quality complaint handling and greater consistency across landlord's complaint procedures. Its aim was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements.

This Code was revised in 2022 to make it explicit about what was mandatory and where it was appropriate for landlords to use their discretion to achieve best practice in complaint handling.

Prior to the implementation of these revisions, complaints against the Council, as a landlord, were dealt with under the Corporate Complaints Policy. However, the revision of the Code and self-assessment at the time resulted in a stand-alone policy being developed for handling complaints received regarding the Council in its capacity as a landlord to ensure that it met all of the requirements of the code.

Following the implementation of the Social Housing (Regulation) Act 2023, the Housing Ombudsman's Complaint Handling Code became statutory on 1 April 2024. This was accompanied by a further revision of the Code and the Council's Housing Complaints Policy was reviewed and amended in April 2024 to take account of these changes.

The Complaint Handling Code 2024 requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge and this information should be presented to the landlord's governing body. As part of this, landlords are required to look beyond the circumstances of individual complaints and consider whether any service improvements can be made as a result of learning from complaints and these are outlined in Appendix A.

The annual complaints performance and service improvement report also includes a self- assessment against the Code and this is set out in Appendix B.

The Complaint Handling Code requires one member of the governing body to have lead responsibility for housing complaints. The role is responsible for ensuring the governing body receives regular information on complaints that provides insight and learning on the landlord's complaint handling performance.

In May 2024, Cabinet endorsed the Portfolio Holder for Housing and Planning performing the role of Member Responsible for Complaints for the purposes of the Housing Ombudsman Complaint Handling Code.

The Member Responsible for Complaints (MRC) is responsible for ensuring that the self-assessment is scrutinised and challenged and for ensuring that complaint handling drives service improvement for residents and learning and business improvement for the organisation. This accords with the Report to Cabinet being in the name of the Portfolio Holder for Housing and Planning. This forms part of their role in embedding a positive complaint handling culture across housing services.

Both the self- assessment and performance report have been presented to the MRC and, since April 2024, the MRC has an ongoing monitoring role chairing the Council's Housing Board and with complaints information being presented and reviewed by him on a quarterly basis. This ensures that data is scrutinised and challenged and provides assurance that the service is handling complaints effectively and using the insights gained from these to drive service improvement.

The report submitted to the Housing Ombudsman service in 2024 was made in time and was acknowledged by the Ombudsman as having been received. No queries were received in respect of the information submitted.

Cabinet as the governing body is required to provide scrutiny and challenge to the Annual Report and the self-assessment and provide a response prior to publication and submission to the Housing Ombudsman by 30 September 2025.

The purpose of publishing the governing body's response to the self-assessment is to provide assurance that the self-assessment is a true reflection of the landlord's complaint handling. The response should set out how the MRC has scrutinised and challenged the self-assessment and how any risks identified as part of the review have been addressed.

In 2023 the Local Government and Social Care Ombudsman and the Housing Ombudsman services consulted on a single code across both of their areas of responsibilities. In recognition of the different legal powers the organisations hold, the conclusion reached was to produce two closely aligned Codes for complaint handling.

In view of this, the Council is looking to harmonise the Corporate and Housing Complaints procedures to deliver the expectations of the closely aligned Ombudsman Codes and it is anticipated that a revised combined complaints policy will be adopted in July 2025.

The Council's Housing service received a greater number of complaints in 2024/25 than in 2023/24. Although the number of complaints increased, the speed of response to those complaints as measured against the published response timescales improved. The MRC has been a key driver behind this improvement in performance, with complaint handling performance discussed at monthly meetings with senior officers from the Housing service.

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

**That Cabinet:**

- (a) in accordance with the Housing Ombudsman's Complaint Handling Code and in compliance with Cabinet's scrutiny and oversight requirements, receives the Council's Annual Complaints Performance and Service Improvement Report, which includes the Annual Self-assessment against the Code, as set out in Appendices A and B;**



- (b) subject to (a) formally provides its response to the Annual Complaints Performance and Service Improvement report, for publication; and,
- (c) authorises officers to publish both the Report and the Cabinet's response on the Council's website within the section relating to complaints and to submit the self-assessment to the Housing Ombudsman by 30 September 2025.

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

To approve the self-assessment carried out and to provide a response before its submission to the Housing Ombudsman.

#### **ALTERNATIVE OPTIONS CONSIDERED**

The Council's complaints self-assessment sets out how it complies with the Housing Ombudsman's Complaint Handling Code and the evidence to support this position. The only alternative option would be to not complete this assessment.

The Social Housing (Regulation) Act 2023 places a duty on the Housing Ombudsman to monitor compliance with its statutory Complaint Handling Code. This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the Code for complaint handling. To assist with this, all landlords are required to submit their self-assessment to the Housing Ombudsman by 30 September 2025,

If this was to not be completed or submitted, the Council would risk non-compliance with the Complaints Handling Code

Where the Housing Ombudsman identifies any concerns with a landlord's compliance with the Code, they will engage with them to bring them back into compliance promptly. If there is evidence of ongoing failures in compliance, the Ombudsman will consider using their wider powers including Complaint Handling Failure Orders (CHFO). The Ombudsman Self-Assessment Guidance states a landlord's failure to provide their submission may be issued with a Type 3 CHFO (non-compliance with the statutory Complaint Handling Code).

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

#### **DELIVERING PRIORITIES**

The operation of an effective complaints policy and procedure contributes to the Corporate Plan 2024-28 themes of Pride in our Area and Services to Residents and of Financial Sustainability and Openness.

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

Consultation and engagement has been undertaken with members of the Council's Tenants Panel regarding the revised Housing Complaints Policy and the self-assessment and performance report will be presented to its next meeting. The Tenants Panel have also been consulted on the draft Corporate and Housing Complaints Policy.

We will continue to regularly engage with our Tenants Panel to review performance statistics relating to complaints.

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

	<b>Yes</b>	<b>If Yes, indicate which by which</b>	<b>X Significant effect on two or more wards</b>
--	------------	--	--

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>		<b>criteria it is a Key Decision</b>	<input type="checkbox"/> <b>Involves £100,000 expenditure/income</b> <input type="checkbox"/> <b>Is otherwise significant for the service budget</b>
		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b>	24 April 2025

The Social Housing (Regulation) Act 2023 placed a duty on the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code ("the Code"). This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the Code for complaint handling, regardless of their size and operating model.

The legal duty placed on the Ombudsman to monitor compliance with the Code, is regardless of whether it receives individual complaints from residents about a landlord.

Landlords must assess against the Code and assure policies and practices comply with the Code at least annually and submit this to the Housing Ombudsman. The self-assessment must form part of the Council's Annual Complaint Performance and Service Improvement Report. Landlords may wish to include wider scrutiny arrangements such as using a tenant panel to review its self-assessment or complaints policy to satisfy itself that its complaints function is operating with the Code.

The Housing Ombudsman Service has provided self-assessment guidance. The self-assessment must be provided to the Housing Ombudsman using the dedicated electronic form, which asks landlords to provide electronic links to key information and documentation required to support their submission, these include:

- The self-assessment as published on the website
- The annual complaints performance and service improvement report
- The governing bodies response to the report
- The complaints policy

For the purposes of complying with the self-assessment process Cabinet is the governing body and is required to provide a response to the report.

Failure to comply with the Code may result in Type 3 Complaint Handling Failure Orders (CHFOs) being issued. A Type 3a may be issued where a landlord fails to provide their annual submission form to demonstrate compliance in scrutiny and oversight of the complaints handling process. A Type 3b CHFO may be issued where the Ombudsman has found that there is non-compliance with the Complaint Handling Code with respect to policy or in handling complaints in practice.

The Code Compliance Framework ("the Framework") sets out how the Ombudsman will assess whether a landlord has effectively scrutinised itself, whether its complaints policy complies with the Code, and whether it complies with the Code of Practice.

The Framework states that the Ombudsman will assess compliance with the Code in three areas, and the requirements in all three areas must be met:

- Compliance in Scrutiny and Oversight
- Compliance in Policy
- Compliance in Practice

Under the area of Compliance in Scrutiny and Oversight, the landlord must have:

- Produced an Annual Complaints Performance and Service Improvement Report, for submission to the governing body, which must include:
  - the annual self-assessment against the Code to ensure their complaint handling policy remains in line with its requirements;
  - a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;
  - any findings of non-compliance with the Code by the Ombudsman;
  - the service improvements made as a result of the learning from complaints;
  - its actions following any annual report about the landlord's performance from the Ombudsman; and
  - its actions following any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.
- That the annual complaints performance and service improvement report has been reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.

These are Code provisions 8.1 and 8.2.

Under the area of Compliance in Policy, the landlord's complaints policy must meet the expectations of the Code contained in all other provisions.

Under the area of Compliance in Practice, the landlord's complaints handling must meet the expectations of the Code in practice. This assessment is based on an assessment of the landlord's own reported performance, data and insights from the Ombudsman's casework and information from external data sources.

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

The Monitoring Officer has previously provided the text within the Legal Requirements section above (the Report to Cabinet on 24 May 2024, Minute No. 12). The Self-Assessment Guidance states Landlords should consider the completion of the self-assessment as an opportunity to reflect on their approach, and to make any necessary changes to policy, process, or practice to ensure effective complaint handling.

In preparation for completing the self-assessment, landlords should ensure they are fully aware of the provisions and requirements for handling complaints effectively and fairly.

Completion of the self-assessment will typically require landlords to:

- review current practices to identify any gaps or actions required to comply
- take any necessary action to ensure that Code requirements are met
- gather and document evidence to support the assessment of compliance
- scrutinise and challenge the assessment, to provide assurance
- publish the self-assessment and wider documentation
- communicate and embed changes made through the self-assessment

The above is not an exhaustive list of the actions needed to complete the self-assessment; landlords should utilise their own governance and scrutiny channels to assure the governing body, and their residents that they comply with the Code.

<p>When completing the self-assessment landlords should continually ask themselves if it is a true reflection of their complaint handling service, and how they have assured that this is the case.</p>	
<p><b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b></p>	
<p>There are no significant financial implications associated with this self-assessment and performance report as it confirms existing arrangements which are currently funded via existing budgets in the Housing Revenue Account</p> <p>However, it is anticipated that the implementation of the revised Complaints Handling Code and the actions required to meet these will have a financial impact in the longer term.</p>	
<p><b>X</b></p>	<p><b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b></p>
<p>As highlighted within earlier reports relating to the HRA budgets and business plan, the new era of social housing regulation that continues to emerge from the Social Housing (Regulation) Act 2023 will have a major impact on the overall financial position of the HRA in future years. It is recognised that the impact will likely be due to the aggregation of a number of emerging requirements such as those set out in this report, rather than perhaps any single item. Although the importance of such regulation is acknowledged and reflects the Council's stated commitment and priority to provide good quality housing, the resulting costs involved either directly or through demand for the necessary additional capacity, were not reflected within the self-financing reforms implemented by the Government in 2012. Such costs therefore represent additional financial pressures that will have to be balanced against the broader challenge of delivering a long term financially sustainable HRA in future years.</p>	
<p><b>USE OF RESOURCES AND VALUE FOR MONEY</b></p>	
<p>The following are submitted in respect of the indicated use of resources and value for money indicators:</p>	
<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The Council has an adopted Financial Strategy.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,</p>	<p>The Council has a mature constitutional structure and framework of policy for decision-making.</p>
<p>.C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.</p>	<p>The Council has an adopted Financial Strategy.</p>
<p><b>MILESTONES AND DELIVERY</b></p>	
<p>If Cabinet agrees to the self- assessment, noting any comments it wishes to make in connection with this, it will then be submitted to the Housing Ombudsman by 30 September 2025 and published on the Council's website.</p> <p>The stated review of the Council's Corporate and Housing Complaints procedures to deliver the expectations of the now closely aligned Local Government &amp; Social Care and Housing Ombudsmen Codes is being presented to the Council's Audit Committee on 26 June 2025 with the aim that the revised policy is adopted by Cabinet in July. A draft of the policy was presented to the Council's Tenants Panel at their most recent meeting and was well received.</p>	
<p><b>ASSOCIATED RISKS AND MITIGATION</b></p>	

The Housing Ombudsman believes that all members should comply with all provisions in the Code as this represents best practice in complaint handling. The Social Housing (Regulation) Act also placed a duty on the Ombudsman to monitor compliance with their code.

Where a landlord does not meet the requirements of the Code in any areas and does not move into compliance within a reasonable timescale, the Ombudsman will issue a Complaint Handling Failure Order and publish this.

There are three types of Complaint Handling Failure Orders:

Type 1: A CHFO may be issued in relation to failings in an individual case where the Ombudsman has taken reasonable steps to seek engagement from a landlord, but the resident remains unable to progress a complaint through the landlord's process.

Type 2: A CHFO may also be issued on an individual case where the landlord has failed to provide information, either at the outset of the investigation or to confirm compliance with our orders, to the Ombudsman as requested.

Type 3: A CHFO may be issued where a landlord fails to comply with its membership obligations under paragraph 9 of the Scheme.

In addition to this, the Housing Ombudsman has powers to carry out wider investigation where there is evidence of a 'systemic failing' and where this the case, it will be referred to the Regulator of Social Housing. This could trigger the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.

#### **EQUALITY IMPLICATIONS**

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

#### **SOCIAL VALUE CONSIDERATIONS**

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

#### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050**

The operation of the Housing Complaints Policy and associated self-assessment does not present a direct impact on the Council's target for net zero greenhouse gas emissions from its business operations by 2050. The Council will be mindful of energy efficiency measures, wherever relevant, in the implementation of its policies.

#### **OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

##### **Crime and Disorder**

The Annual Housing Complaints Performance and Service Improvement Report, including the required self-assessment does not directly relate to crime and disorder considerations.

<b>Health Inequalities</b>	The Housing Complaints Policy, upon which the self-assessment is based, and supporting Reasonable Adjustments Policy and Vulnerability Policy ensures equal access to the Council's housing services.
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b>	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
<b>Area or Ward affected.</b>	All

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

#### **BACKGROUND**

The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.

In July 2020, the Housing Ombudsman published a new Complaint Handling Code providing a framework for high-quality complaint handling and greater consistency across landlord's procedures. Its aim was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements.

This 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.

This White Paper also included a 'Charter for Social Housing Tenants' and this contains seven commitments that social housing tenants should expect from their landlord, one of which was to have their complaints dealt with promptly and fairly.

The subsequent Social Housing (Regulation) Act 2023 introduces new social housing consumer standards that contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.

In relation to complaints, the Transparency, Influence and Accountability Standard states that:

- Registered providers must ensure their approach to handling complaints is simple, accessible and publicised.
- Registered providers must provide accessible information to tenants about:
  - a) how tenants can make a complaint about their registered provider;
  - b) the registered provider's complaints policy and complaints handling process;
  - c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled; and
  - d) the type of complaints received and how they have learnt from complaints to continuously improve services

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

Following consultation, a further revision of the Housing Ombudsman's Code came into force on 1 April 2024 and the Council's Housing Complaints Policy has been amended to take account of these changes.

The revised Complaint Handling Code requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge, which includes a self-assessment against the Code.

The Council welcomes complaints and actively encourages tenants and customers to express their dissatisfaction. All expressions of dissatisfaction represent a positive opportunity to gather intelligence and insight that will help to improve our service delivery.

Since the implementation of the Housing Ombudsman's Complaint Handling Code, there has been an increase in the number of housing complaints being recorded.

This is partly attributable to the adoption of the Housing Ombudsman's definition of a complaint and it being made easier for residents to complain by providing different channels through which complaints can be made. There has also been a national publicity campaign to raise awareness amongst social housing tenants about how to make a complaint if they are dissatisfied with the service being provided by their landlord.

The analysis of complaints enables the Council to understand where things have gone wrong and to identify what can be done to stop this happening again. The service takes a positive approach to learning from both individual complaints as well as any trends in the type of complaints being received.

Since April 2024, Portfolio Holder for Housing and Planning who is also the Member Responsible for Complaints has received a quarterly report on the volume, outcomes and trends of complaints being received and also overviews performance at the monthly meetings held with housing managers. This more formalised approach to reviewing issues, risks and trends is being implemented to support our revised complaint handling arrangements.

The outcome of this involvement from the MRC has been a significant improvement in complaint response times and the greater awareness that staff now have around complaints. The MRC has also provided some key points of challenge for senior officers around how the service is run, with the expectation that tenants receive a high standard of service.

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

None.

#### **APPENDICES**

**Appendix A – Annual Housing Complaints Performance and Service Improvement Report for 2024/25**

<b>Appendix B - Self assessment against the Housing Ombudsman's Complaint Handling Code</b>
---



<b>REPORT CONTACT OFFICER(S)</b>	
----------------------------------	--




<b>Name</b>	<b>Tim Clarke</b>
<b>Job Title</b>	<b>Assistant Director – Housing &amp; Environment</b>
<b>Email/Telephone</b>	trclarke@tendringdc.gov.uk



## Appendix A: Self-assessment form


### Section 1: Definition of a complaint


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	<p>A complaint must be defined as:</p> <p><i>'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.'</i></p>		<a href="#">Housing Complaints Policy</a>	The Council's Housing Complaints Policy adopts the Housing Ombudsman's definition of a complaint.
1.3	<p>A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.</p>		<a href="#">Housing Complaints Policy</a>	<p>Our Housing Complaints Policy explains what an "expression of dissatisfaction" means and confirms that the complainant does not have to use the word "complaint" when expressing dissatisfaction.</p> <p>The policy also explains that a third party i.e. someone acting on behalf of a person or organisation receiving or seeking to receive a service from the Council (e.g. Councillor, MP, next of kin), may use the complaints process.</p> <p>Information is also provided about organisations that may assist a person in making a complaint and staff will signpost to these where applicable.</p>


1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.		<a href="#">Housing Complaints Policy</a>	Our Complaints Policy explains that a first-time request for a service or for information from the Council is not viewed as a complaint. This would be classed as a service request.  However, a repeated request or if further enquiries are needed to resolve the matter, or if the resident requests it, the issue will then be logged as a complaint
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.		<a href="#">Housing Complaints Policy</a>	Our Policy states that, if a resident expresses dissatisfaction with our response to their service request, this would be classed as a complaint even if we are still handling their request.
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider		<a href="#">Housing Complaints Policy</a> Tenants newsletter, <a href="#">Tendring Reports</a> Response letter to transactional surveys	We often ask residents to complete surveys – for example, after major maintenance or improvement works have been carried out. Any dissatisfaction expressed through these surveys would not be defined as a complaint although we will make respondents aware of how they can pursue a complaint. A revision has been made to our processes so that any



	feedback about their services, they also must provide details of how residents can complain.			<p>tenant expressing dissatisfaction via a transactional survey is advised of how to submit a formal complaints.</p> <p>Regular articles are also be included in our all tenants newsletter, Tending Reports explaining how to complain and will also be included in any articles giving feedback on broader consultations, for example the TSM responses.</p>
--	--	--	--	--

## Section 2: Exclusions


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits.		<a href="#">Housing Complaints Policy</a>	<p>All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure - see para 2.2 below.</p> <p>Each complaint is considered on its individual merits and, if not accepted, the resident will be advised of the reason for this.</p>




2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> <li>• The issue giving rise to the complaint occurred over twelve months ago.</li> <li>• Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.</li> <li>• Matters that have previously been considered under the complaints policy.</li> </ul>		<a href="#">Housing Complaints Policy</a>	<p>Our Housing Complaints Policy sets out the circumstances when a complaint will not be accepted and these include:</p> <ul style="list-style-type: none"> <li>➤ requests for a service</li> <li>➤ complaints about the actions of a third party (for example, a noisy neighbour);</li> <li>➤ matters where there is a separate means of resolution (for example, a Tribunal or appeals route);</li> <li>➤ matters dealt with under the Council's Employment Procedures;</li> <li>➤ insurance claims against the Council;</li> <li>➤ requests for information;</li> <li>➤ corporate complaints (complaints about any other Council service – these are dealt with under the Corporate Complaints Procedure);</li> <li>➤ complaints that have already been investigated under this or another of the Council's complaints procedures;</li> </ul>

				<ul style="list-style-type: none"> <li>➤ complaints that have been investigated by the Housing or Local Government Ombudsman;</li> <li>➤ complaints made twelve months after the date the resident learned that something went wrong (unless there are exceptional circumstances why the complaint has not been made sooner);</li> <li>➤ complaints relating to Freedom of Information and Environmental Information Requests;</li> <li>➤ complaints about Councillors;</li> <li>➤ complaints outside of the Council's jurisdiction (for example, complaints about utilities companies);</li> <li>➤ complaints subject to legal proceedings;</li> <li>➤ complaints about the level of rent or service charge or the amount of the rent or service charge increase; or</li> <li>➤ complaints from contractors about their commercial or contractual relationships with the Council.</li> </ul>
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside		<a href="#">Housing Complaints Policy</a>	Our Housing Complaints Policy was revised in 2024 to confirm that we now accept complaints referred to us within 12 months of the issue occurring or the resident becoming aware of this. This time limit was previously six months. The Policy also confirm that we have the discretion to accept complaints




	this time limit where there are good reasons to do so.			outside of this timeframe where there are good reasons for doing to.
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.		<a href="#">Housing Complaints Policy</a> Complaints correspondence	<p>All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure (see para 2.2).</p> <p>In these circumstances, an explanation will be provide to the resident setting out why the matter is not being accepted as a complaint.</p> <p>The resident will also be informed of the right to take that decision to the Housing Ombudsman and provided with their contact details.</p>
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.		<a href="#">Housing Complaints Policy</a>	<p>All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure - see para 2.2 above.</p> <p>Each complaint is considered on its individual merits and, if not accepted the resident will be advised of the reason for this.</p> <p>There is not a blanket approach taken to excluding complaints.</p>

## Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process		<a href="#">Housing Complaints Policy</a> Website <a href="#">Tendring Reports</a> <a href="#">Reasonable Adjustments Policy</a>	<p>Our Policy sets out the various ways that a complaint can be made to us and these include</p> <ul style="list-style-type: none"> <li>➤ by filling in our Complaints form, which is available on our website and on request from any member of staff;</li> <li>➤ by raising it with any member of our staff</li> <li>➤ by emailing <a href="mailto:councilhousingcomplaints@tendringdc.gov.uk">councilhousingcomplaints@tendringdc.gov.uk</a></li> <li>➤ by phoning 01255 686868 or the direct number of the team you have been dealing with; or</li> <li>➤ by visiting our Reception at Pier Avenue in Clacton, which is open Monday, Tuesday and Wednesday from 10am to 1pm</li> </ul> <p>We regularly publish details about our complaints handling process and also publish information regarding the advice and support that can be provided by the Housing Ombudsman.</p> <p>A separate Reasonable Adjustments Policy was approved in May 2024 which specifically includes a section on complaint handling.</p>


3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.		Training delivered by East of England Local Government Association Emails to staff Staff newsletter articles	All staff have been and continue to be made aware of the complaints procedure This is included in the training delivered to all new staff and included in team members one to ones. Regular articles about complaints are included in the staff newsletter sent to all staff who deliver housing services
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.		Quarterly quantitative reports to Portfolio Holder responsible for Housing  <a href="#">Tenant Satisfaction Measures</a>	High volumes of complaints will not be seen as a negative. The volume of complaints received has increased significantly since the introduction of our Housing Complaints Policy and the adoption of the Housing Ombudsman's complaint definition. The volume of complaints received is reviewed following the publication of the annual TSM data.  Information published by the Regulator of Social Housing in the autumn of 2024 showed that the national average for all low-cost rental accommodation of complaints received at Stage 1 per 1,000 homes owned was 42.5. This compares with 22.5 for this authority. The national average for Stage 2 complaints was 5.7 per 1000 homes which compares with 4.2 for this authority.
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail		<a href="#">Housing Complaints Policy</a> Website Tenants newsletter, <a href="#">Tendring Reports</a>	The Complaints Procedure is published on the Council's website and this details the two stage process and timescales. Hard copies of this Policy are available on





	the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.			request and information is included in our tenant's newsletter, Tendring Reports.
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.		<a href="#">Housing Complaints Policy Website</a> <a href="#">Tenants newsletter, Tendring Reports</a>	We will regularly publish details about our complaints handling process and policy. We also publish information regarding the advice and support that can be provided by the Housing Ombudsman. Our Policy is published on our website.
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.		<a href="#">Housing Complaints Policy</a>	This is included in the Policy together with details of organisations who may be able to provide assistance, such as Citizens Advice Bureau.
3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with		<a href="#">Housing Complaints Policy Website</a> <a href="#">Tenants' newsletter, Tendring Reports</a> Posters	Each complaint acknowledgement and response advises that support and advice can be obtained from the Housing Ombudsman and provides contact details. The Ombudsman service is also publicised via posters in the Council's offices, via its website and tenants newsletters.


	the Ombudsman about their complaint.			
--	--------------------------------------	--	--	--

#### Section 4: Complaint Handling Staff



Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.		<a href="#">Housing Complaints Policy</a> Job descriptions	<p>The Council's Assistant Director, Corporate Policy and Support is the Council's Corporate Complaints Officer and has overall responsibility for the Corporate Complaints and for being the point of liaison with both the Local Government and Social Care Ombudsman service and the Housing Ombudsman. The Corporate Director (Operations and Delivery) is responsible for the effective operation of the complaints procedure within their area of responsibility. Following the revision of the Housing Ombudsman's Code in 2022, a stand-alone Housing Complaints Policy was introduced and the Senior Housing Manager is responsible for ensuring that complaints are dealt with in accordance with the Complaints Procedure.</p> <p>Complaints are received and logged by the Business Support Officer (Housing and Environment) and are then allocated to officers as follows:</p> <ul style="list-style-type: none"> <li>• Stage 1 complaints – the complaint is allocated to the relevant service Manager.</li> </ul>



				<p>• Stage 2 complaints – the complaint is allocated to the Assistant Director responsible for the function that is the subject of the complaint. The complaint will not be investigated by the same person who investigated the Stage 1 complaint.</p> <p>Reminders are sent in relation to Stage 1 and Stage 2 complaints to ensure resolution within to stated timeframes</p>
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.		<a href="#">Housing Complaints Policy</a> Job descriptions	The officer responsible for recording complaints has access to staff at all levels. However, the resolution of complaints and response rests with service managers and / or the relevant Assistant Director, depending on the Stage of the complaint.
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively		<a href="#">Housing Complaints Policy</a> Job descriptions Emails / training for staff Staff newsletter	We ensure that all relevant staff are aware of this policy and have the skills and knowledge to implement it and its associated procedures. Key messages regarding the prioritisation of complaint handling are disseminated to staff via team meetings and individual meetings.




### Section 5: The Complaint Handling Process


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this		<a href="#">Housing Complaints Policy</a>	A Housing Complaints Policy is in place and residents are not treated differently if they complain

	Code. Residents must not be treated differently if they complain.			
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.		<a href="#">Housing Complaints Policy</a>	Our Housing Complaints Policy states that the Council will try to resolve complaints informally wherever possible. Circumstances may warrant an informal complaint to proceed to Stage 1 of the formal complaints process. Where a review of a Stage 1 decision is requested, reconsideration of the decision is carried out at Stage 2 of the complaints process. The Complaints Procedure states that the complaint must be acknowledged within 5 working days of receipt by the Council.
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.		<a href="#">Housing Complaints Policy</a>	The Housing Complaints Policy comprises of only two stages.
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.		<a href="#">Housing Complaints Policy</a> Complaints correspondence Standard practice Relevant contract documentation	In the majority of cases, our complaint response – even if relating to a contractor – will be handled by the Council. Residents would not be expected to go via two separate complaints processes.
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.		<a href="#">Housing Complaints Policy</a>  Standard practice	See above comment in 5.4
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out		<a href="#">Housing Complaints Policy</a> Standard practice	The acknowledgement sent at stages 1 and 2 sets out the Council's understanding of the

	their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as “the complaint definition”. If any aspect of the complaint is unclear, the resident must be asked for clarification.			complaint and the outcomes the resident is seeking – also known as the complaint definition.  If any aspect of the complaint is unclear, the resident will be asked for clarification by the investigating officer.
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.		<a href="#">Housing Complaints Policy</a> Response letters sent	If any aspects of the complaint do not fall within the landlord responsibility, this will be clearly set out in the acknowledgement response sent and the complainant will be advised who this element of their complaint this matter should be referred to.
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> <li>a. deal with complaints on their merits, act independently, and have an open mind;</li> <li>b. give the resident a fair chance to set out their position;</li> <li>c. take measures to address any actual or perceived conflict of interest; and</li> <li>d. consider all relevant information and evidence carefully.</li> </ul>		<a href="#">Housing Complaints Policy</a>	Our Housing Complaints Policy includes the following complaint handling principles <ul style="list-style-type: none"> <li>➤ Conduct the investigation in an impartial manner</li> <li>➤ Deal with the complaint on its individual merits</li> <li>➤ Aim to resolve complaints at the earliest stage possible</li> <li>➤ Act independently and have an open mind</li> <li>➤ Take measures to address any actual or perceived conflict of interest</li> <li>➤ Consider all information and evidence carefully</li> <li>➤ Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter</li> </ul>



				<ul style="list-style-type: none"> <li>➤ Give the complainant and anyone who is subject to a complaint a fair chance to set out their position</li> <li>➤ Not generally identify individual members of staff or contractors</li> <li>➤ Keep the complainant updated about the progress of the investigation</li> <li>➤ Send a response when the answer to the complaint is known and not when outstanding actions to address the issue are completed.</li> <li>➤ Advise the complainant of their right to seek advice from the Housing Ombudsman Service throughout the complaints process</li> <li>➤ Advise the complainant of their right to escalate a complaint and not unreasonably refuse to escalate a complaint</li> <li>➤ Keep a record of all complaints and the outcomes at each stage</li> </ul>
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.		<a href="#">Housing Complaints Policy</a> Email reminders to staff Complaints correspondence	All investigating officers are aware of the requirement to agree any time extensions required with the complainant and to provide the Housing Ombudsman's contact details.
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed,		<a href="#">Housing Complaints Policy</a>  <a href="#">Reasonable Adjustments Policy</a>	A separate Reasonable Adjustments Policy was approved in May 2024 and this confirms that a record will be kept of any reasonable adjustments agreed, as well as a record of any

	as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.			disabilities a resident has disclosed. Reasonable adjustments will be kept under active review.
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.		<a href="#">Housing Complaints Policy</a>	The Council will not refuse to escalate any complaint unless it has valid reasons to do so.
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.		<a href="#">Housing Complaints Policy</a> Housing complaints database and supporting folders	All records relating to individual complaints are retained, in line with the Council's Retention Policy. This includes the original complaint, all subsequent correspondence with the resident, correspondence with other parties and any relevant supporting documentation.
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.		<a href="#">Housing Complaints Policy</a>	Our Housing Complaints Policy aims to ensure that complaints are resolved at the earliest stage possible using available remedies, as appropriate.
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons		<a href="#">Housing Complaints Policy</a> <a href="#">Unacceptable Customer Behaviour Policy</a>	A separate Unacceptable Customer Behaviour Policy was approved in May 2024 and implemented. This sets out what is defined as unacceptable behaviour and the action the Council can take in response to this, as well as the review mechanisms in place.





	for putting any restrictions in place and must keep restrictions under regular review.			
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.		<a href="#">Housing Complaints Policy</a> <a href="#">Unacceptable Customer Behaviour Policy</a>	This has been taken into account in the Unacceptable Customer Behaviour policy.




## Section 6: Complaints Stages

### Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.		<a href="#">Housing Complaints Policy</a> Complaint records <a href="#">Vulnerability Policy</a>	Our Housing Complaints Policy aims to ensure that complaints are resolved at the earliest stage possible using available remedies, as appropriate. Most complaints are able to be resolved at Stage 1.  A separate Vulnerability Policy has also been developed.
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <b><u>within five working days of the complaint being received.</u></b>		<a href="#">Housing Complaints Policy</a> Complaints database and records <a href="#">Vulnerability Policy</a>	Complaints are logged and acknowledged within five working days of the complaint being received. A complaints database records the complaints received, together with a summary of the complaint and applicable timescales. The acknowledgement will identify who will be responsible for investigating the complaint and the target date for response. The










				acknowledgement will also set out our understanding of the complaint and the outcome the resident is expecting.
6.3	Landlords must issue a full response to stage 1 complaints <b><u>within 10 working days</u></b> of the complaint being acknowledged.		<a href="#">Housing Complaints Policy</a> Complaint database and records	Our Housing Complaints Policy was amended in 2024 to reflect this change in response times.
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.		<a href="#">Housing Complaints Policy</a> Complaint database and records	<p>The investigating officer will be responsible for deciding whether an extension to the applicable timescale for response is required and for informing the complainant. Any extension will not exceed 10 working days unless there is a good reason for this and the reason(s) is clearly explained to the resident.</p> <p>In 2024/25, 69.9% of Stage 1 complaints were responded to within the timescales set out in the Code without the use of the permitted extension period, that is within 10 working days of the acknowledgement being sent.</p>
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.		<a href="#">Housing Complaints Policy</a>  Individual complaint responses	<p>This information is included in the correspondence informing the resident of the deadline extension.</p> <p>This information is also included in the acknowledgement of the complaint.</p>
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and		<a href="#">Housing Complaints Policy</a> Complaints records	The complaint response letter is sent as soon as the answer to the complaint is known. The Investigating Officer or someone nominated on their behalf is responsible for ensuring that outstanding actions are tracked and that updates are provided to the complainant




	actioned promptly with appropriate updates provided to the resident.			
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.		<a href="#">Housing Complaints Policy</a> Complaints records	The Investigating Officer is responsible for ensuring that all points raised in the complaint definition are addressed and for providing clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.		<a href="#">Housing Complaints Policy</a> Complaint correspondence Email reminders to staff	This information is included in the Policy to ensure that complainants know how additional issues raised will be dealt with. This will also be confirmed in correspondence to the complainant.
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: <ul style="list-style-type: none"> <li>a. the complaint stage;</li> <li>b. the complaint definition;</li> <li>c. the decision on the complaint;</li> <li>d. the reasons for any decisions made;</li> <li>e. the details of any remedy offered to put things right;</li> <li>f. details of any outstanding actions; and</li> <li>g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.</li> </ul>		<a href="#">Housing Complaints Policy</a> Complaints correspondence Email reminders to staff	The specified requirements for Stage 1 responses are confirmed in the Policy. Staff responsible for responding to complaints are reminded of these requirements when the initial complaint is sent to them for investigation

--	--	--	--	--

## Stage 2


Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.		<a href="#">Housing Complaints Policy</a> Complaint correspondence Email reminders to staff	Our Policy states that, if a complainant is unhappy with the initial response received to their complaint, they should contact us and ask for their complaint to be escalated to Stage Two. They do not have to explain or give a reason for requesting that a complaint is escalated to Stage 2.  We will only refuse to escalate a complaint to Stage 2 if we have a valid reason for doing so and, if this is the case, we will always provide an explanation.
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.		<a href="#">Housing Complaints Policy</a> Complaint database and records	Complaints are logged and acknowledged within five working days of the complaint being received. A complaints database records the complaints received, together with a summary of the complaint and applicable timescales. The acknowledgement will identify who will be responsible for investigating the complaint and the target date for response. The acknowledgement will also set out our understanding of the complaint and the outcome the resident is expecting.
6.12	Residents must not be required to explain their reasons for requesting a stage 2		<a href="#">Housing Complaints Policy</a> Complaint correspondence	Our Policy states that, if a complainant is unhappy with the initial response received to


	consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.		Email reminders to staff	their complaint, they should contact us and ask for their complaint to be escalated to Stage Two. They do not have to explain or give a reason for requesting that a complaint is escalated to Stage 2.
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.		<a href="#">Housing Complaints Policy</a> Complaint correspondence	Stage 2 complaints will be investigated by an Assistant Director responsible for the service in question or their nominated representative. Stage 2 complaints will not be investigated by the same person that considered the complaint at Stage 1.
6.14	Landlords must issue a final response to the stage 2 <b><u>within 20 working days</u></b> of the complaint being acknowledged.		<a href="#">Housing Complaints Policy</a> Complaint correspondence	Our Housing Complaints Policy has been amended to reflect this change in response times
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.		<a href="#">Housing Complaints Policy</a> Complaint correspondence	<p>The investigating officer will be responsible for deciding whether an extension to the applicable timescale for response is required and for informing the complainant. Any extension will not exceed 20 working days unless there is a good reason for this and the reason(s) is clearly explained to the resident</p> <p>In 2024/25, 72.8% of Stage 2 complaints were responded to within the timescales set out in the Code without the use of the permitted extension period, that is within 20 working days of the acknowledgement being sent.</p>
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.		<a href="#">Housing Complaints Policy</a> Complaint correspondence	<p>This information is included in the correspondence informing the resident of the deadline extension.</p> <p>This information is also included in the acknowledgement of the complaint.</p>


6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.		<a href="#">Housing Complaint Policy</a> Complaints correspondence	The complaint response letter is sent as soon as the answer to the complaint is known. The Investigating Officer or someone nominated on their behalf is responsible for ensuring that outstanding actions are tracked and that updates are provided to the complainant
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.		<a href="#">Housing Complaint Policy</a> Complaint correspondence	The Investigating Officer is responsible for ensuring that all points raised in the complaint definition are addressed and for providing clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: a. the complaint stage; b. the complaint definition; c. the decision on the complaint; d. the reasons for any decisions made; e. the details of any remedy offered to put things right; f. details of any outstanding actions; and g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.		<a href="#">Housing Complaints Policy</a> Complaint correspondence Email reminders to staff	The specified requirements for Stage 2 responses are confirmed in the Policy. Staff responsible for responding to complaints are reminded of these requirements when the initial complaint is sent to them for investigation

6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.		<a href="#">Housing Complaint Policy</a> Complaint correspondence	Our Housing Complaints Policy is a two-stage process.
------	---	--	--	---


### Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	<p>Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:</p> <ul style="list-style-type: none"> <li>• Apologising;</li> <li>• Acknowledging where things have gone wrong;</li> <li>• Providing an explanation, assistance or reasons;</li> <li>• Taking action if there has been a delay;</li> <li>• Reconsidering or changing a decision;</li> <li>• Amending a record or adding a correction or addendum;</li> <li>• Providing a financial remedy;</li> <li>• Changing policies, procedures or practices.</li> </ul>		<a href="#">Housing Complaints Policy</a> Complaint correspondence <a href="#">Housing Compensation Policy</a>	<p>Our Policy includes a section on Putting things right and this states: Where something has gone wrong, we will acknowledge this and set out the actions we have already taken or intend to take to put things right. These can include:</p> <ul style="list-style-type: none"> <li>➤ Acknowledging where things have gone wrong</li> <li>➤ Providing an explanation, assistance or reasons</li> <li>➤ Taking action if there has been a delay</li> <li>➤ Reconsidering or changing a decision</li> <li>➤ Amending a record or adding a correction or addendum</li> <li>➤ Providing a financial remedy</li> <li>➤ Changing policies, procedures or practice.</li> </ul> <p>Complaints can be resolved at any stage of our complaints policy.</p> <p>If we uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose one or more of the above actions. The aim of these actions is to put you</p>





				<p>back in the position you were in before the problem occurred and make amends for any loss you may have suffered as a result. Although we will consider each complaint on its merits we will try to ensure we offer similar remedies for similar situations.</p> <p>Remedies may include a review of our practices and procedures to ensure that the same thing does not happen again, or we may take a specific action.</p> <p>A Housing Compensation Policy was agreed by the Council's Cabinet in April 2025 and is now in operation. This takes into account the Housing Ombudsman's guidance on remedies.</p>
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.		<a href="#">Housing Complaints Policy</a> Complaints handling practice Complaint correspondence <a href="#">Housing Compensation Policy</a>	<p>In considering appropriate remedies, the Investigating Officer will consider</p> <ul style="list-style-type: none"> <li>• What outcome does the complainant want to achieve by complaining?</li> </ul> <p>What has gone wrong?</p> <ul style="list-style-type: none"> <li>• Can action be taken to put the person affected back in the position they would have been in if nothing had gone wrong?</li> <li>• Is there an actual quantifiable financial loss, such as costs incurred or payments not received?</li> <li>• How severe was any other impact in terms of distress, harm or risk?</li> <li>• Overall, is the remedy proportionate, appropriate and reasonable?</li> </ul>

7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.		<a href="#">Housing Complaints Policy</a> Complaint correspondence <a href="#">Housing Compensation Policy</a>	The complaint response letter will clearly set out any remedial actions and the timescales for these. The Investigating officer will then be responsible for ensuring that the proposed remedy is followed through to completion. A record of the remedy will be recorded on the complaints database.
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.		Complaint handling practice <a href="#">Housing Compensation Policy</a>	This guidance is taken into account when deciding on remedies. This guidance was also taken into account in the writing of the Council's Housing Compensation Policy that was adopted by the Council's Cabinet in April 2025.




#### Section 8: Self assessment, reporting and compliance





Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include: a) the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements. b) a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept; c) any findings of non-compliance with this Code by the Ombudsman;		<a href="#">Housing Complaints Policy</a> Cabinet report <a href="#">Complaints self-assessment</a> <a href="#">Complaint performance report</a>	A self-assessment is carried out each year to ensure that our complaints handling policy and processes remains in line with the requirements of the Housing Ombudsman's Complain Handling Code  An annual report will also be prepared and presented to the Council's Cabinet no later than the end of June covering these requirements to ensure transparency and enable scrutiny and challenge




	<p>d) the service improvements made as a result of the learning from complaints;</p> <p>e) any annual report about the landlord's performance from the Ombudsman; and</p> <p>f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</p>			
8.2	The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.		<a href="#">Housing Complaints Policy</a> Cabinet report <a href="#">Complaints self-assessment</a> <a href="#">Complaint performance</a> <a href="#">report</a>	This report will be presented to the Council's Cabinet no later than the end of June each year and will be published on the Council's website, together with any comments made by Cabinet. The required documents and confirmation will be submitted to the Housing Ombudsman by 30 September each year
8.3	Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.		<a href="#">Housing Complaints Policy</a> <a href="#">Complaints self-assessment</a>	A self-assessment will be carried out following any significant restructure, merger and / or change in procedures
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.		Relevant Ombudsman investigation <a href="#">Complaints self-assessment</a>	If required to do so, this will be carried out.
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. Landlords must provide a timescale for returning to compliance with the Code.		<a href="#">Housing Complaints Policy</a>	This is included in our Complaints Policy and will be actioned, if and when applicable.

## Section 9: Scrutiny &amp; oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.		<a href="#">Housing Complaints Policy</a> Quarterly performance reports <a href="#">Annual complaint performance report</a> Service meetings	Since 1 April 2024, the Portfolio Holder responsible for Housing has received quarterly updates on complaint performance including whether any service improvements can be made as a result of any learning from complaints. This information is also included in the annual complaint report presented to the Council's Cabinet. Complaint handling has also been a regular agenda item on the regular meetings that the Portfolio Holder responsible for Housing has with housing managers that started in April 2024.
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.		<a href="#">Housing Complaints Policy</a> Quarterly performance reports <a href="#">Annual complaint performance report</a> Service meetings	Since 1 April 2024, the Portfolio Holder responsible for Housing has received quarterly updates on complaint performance including whether any service improvements can be made as a result of any learning from complaints. This information is also included in the annual complaint report presented to the Council's Cabinet. Complaint handling has also been a regular agenda item on the regular meetings that the Portfolio Holder responsible for Housing has with housing managers that started in April 2024.
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints		Website <a href="#">Tenants' newsletter, Tendring Reports</a>	Updates on the Council's performance in handling housing complaints will be included on the Council's website and in its tenant

	to stakeholders, such as residents' panels, staff and relevant committees.		Tenant Panel meeting minutes Staff newsletters	newsletters. Regular items will also be included on the agenda for the Tenants Panel.
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.		<a href="#">Complaint performance reports</a> Service meetings Quarterly performance reports	This role has been carried out by the Senior Housing Manager who will assess any themes or trends to identify potential systemic issues, serious risks or policies and procedures that require revision.
9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').		<a href="#">Housing Complaints Policy</a> Service meetings Housing dashboard information	The Portfolio Holder responsible for Housing is the Member Responsible for Complaints (MRC) and has lead responsibility to support a positive complaint handling culture. The MRC will receive quarterly quantitative and quantitative reports and will discuss issues relating to complaints performance at monthly meetings with housing managers.
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.		<a href="#">Housing Complaints Policy</a> Quarterly performance reports <a href="#">Annual complaint performance report</a> Service meetings	An annual report will be presented will be presented by the MRC to the Council's Cabinet to provide insight on our complaint handling performance
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling;		<a href="#">Housing Complaints Policy</a> <a href="#">Annual complaint performance report</a> Quarterly performance reports	An annual report will be presented to the Council's Cabinet no later than the end of June covering these requirements to ensure transparency and enable scrutiny and challenge

	<p>c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and</p> <p>d. annual complaints performance and service improvement report.</p>			
9.8	<p>Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:</p> <p>a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;</p> <p>b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and</p> <p>c. act within the professional standards for engaging with complaints as set by any relevant professional body.</p>		<p><a href="#">Housing Complaints Policy</a></p> <p>Staff newsletter</p> <p>Job descriptions / one to ones</p>	<p>These objectives are included in our Housing Complaints Policy and reinforced to staff via various methods of internal communications.</p>



***Tendring***  
***District Council***

---

# **ANNUAL HOUSING COMPLAINTS AND SERVICE IMPROVEMENT REPORT FOR 2024/2025**

---



## **ANNUAL HOUSING COMPLAINTS AND SERVICE IMPROVEMENT REPORT**

This report outlines the complaints received in relation to housing services during the financial year 1 April 2024 to 31 March 2025 and covers the following;

Number of complaints recorded;

Number of complaints handled at each stage of the process;

Complaints by service area;

Complaints performance.

### **Background**

The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.

In July 2020, the Housing Ombudsman published a new Complaint Handling Code providing a framework for high-quality complaint handling and greater consistency across landlord's procedures. Its aim was to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements

The Social Housing (Regulation) Act 2023 introduced new social housing consumer standards that contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve.

In relation to complaints, the Transparency, Influence and Accountability Standard states that,

Registered providers must ensure their approach to handling complaints is simple, accessible and publicised.

Registered providers must provide accessible information to tenants about:

- a) how tenants can make a complaint about their registered provider;
- b) the registered provider's complaints policy and complaints handling process;
- c) what tenants can do if they are dissatisfied with the outcome of a complaint or how a complaint was handled; and
- d) the type of complaints received and how they have learnt from complaints to continuously improve services.

The Housing Ombudsman Service provides redress for individual tenant complaints. Its Complaints Handling Code became statutory from 1st April 2024 and this provides a single, robust set of standards for complaints procedures to be accessible, fair and efficient. A legal duty is also placed on the Ombudsman to monitor compliance with the Code, regardless of whether it receives individual complaints from residents about a landlord.

The revised Complaint Handling Code requires landlords to produce an annual complaints performance and service improvement report for scrutiny and challenge and this includes a requirement to carry out a self-assessment against the Code.

This report covers the period from 1 April 2024 to 31 March 2025 and encompasses all complaints relating to the services that Tendring District Council provides as a landlord and that come under the remit of the Housing Ombudsman. This does not include complaints regarding homelessness, housing allocations or other local authority functions that come under the remit of the Local Government and Social Care Ombudsman.

### **What is a complaint?**

Based on the requirements of the Housing Ombudsman's Complaint Handling Code and as set out in our Housing Complaints Policy, a complaint is defined as:

“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.”

A complainant does not have to use the word complaint for it to be treated as one.

Complaints can be made in any of the following ways:

- by filling in a Complaints form, which is available on our website and on request from any member of staff;
- by raising it with any member of our staff
- by emailing [councilhousingcomplaints@tendringdc.gov.uk](mailto:councilhousingcomplaints@tendringdc.gov.uk)
- by phoning 01255 686868 or the direct number of the relevant housing team; or
- by visiting Reception at Pier Avenue in Clacton, which is open Monday, Tuesday and Wednesday from 10am to 1pm

### **Who can make a complaint?**

A complaint can be made by:

- anyone who is or has been in a residential landlord/tenant relationship with the Council. This includes Council tenants and former tenants, leaseholders and shared owners. If the complaint is made by an ex-occupier they must have had a legal relationship with the Council at the time that the matter complained of arose;
- a representative of any of the people above who has that person's written consent to make a complaint on their behalf;
- a representative of any of the people above who does not have the capacity to give their consent to someone to act on their behalf. However, in these circumstances, we must be satisfied that the representative has the legitimate authority to act on the person's behalf; or
- a person with the legal capacity to make a complaint on behalf of any of the people above who is deceased.

### **The complaints process.**

There are two stages of the process for handling complaints made about the Council in its capacity as a landlord and these are as follows:

#### **➤ Stage One**

An acknowledgement will be sent within 5 days of the Council receiving a complaint about its housing services and this will set out the understanding of the complaint and the outcomes being sought. It also confirms who will be responsible for investigating the complaint

A thorough response to the complaint should then be sent within 10 working days of the acknowledgment. If this is not going to be possible, the Investigating Officer will contact the complainant to explain why and will also agree a date by which a response will be sent. This will not exceed a further 10 working days unless there are exceptional circumstances. The contact details for the Housing Ombudsman will also be provided at this time as a source of advice or support.

Our response to a Stage 1 complaint will contain the following, in clear plain language:

- The complaint stage
- The complaint definition (that is what the complaint is about and the outcome wanted)
- The decision about the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how to escalate the matter to Stage 2 if required
- Details of how to contact the Housing Ombudsman for advice and assistance

The Council will only refuse to escalate a complaint to Stage 2 if there is a valid reason for doing so and, if this is the case, an explanation will always be provided.

## ➤ **Stage Two**

An acknowledgement will be sent within 5 days of the Council receiving a Stage 2 complaint about its housing services and this will set out the understanding of the complaint and the outcomes being sought. It will also confirm who is responsible for investigating the complaint..

A thorough response to the complaint should then be sent within 20 working days of the acknowledgment. If this is not going to be possible, the Investigating Officer will contact the complainant to explain why and will also agree a date by which a response will be sent. This will not exceed a further 20 working days unless there are exceptional circumstances. The contact details for the Housing Ombudsman will also be provided at this time as a source of advice or support.

The Investigating Officer will not be the same person that investigated a complaint under Stage 1 to ensure that their investigation is independent and objective.

The response to a Stage 2 complaint will contain the following, in clear plain language:

- The complaint stage
- The complaint definition (that is what your complaint is about and the outcome you are seeking)
- The decision about the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how to contact the Housing Ombudsman for advice and assistance

Stage 2 is the final stage of investigation under the Council's Housing Complaints Policy.

## ➤ **Housing Ombudsman**

The Housing Ombudsman is a free (to residents), independent and impartial service. Their work is funded through landlord subscription fees. They investigate complaints and resolve disputes involving the tenants and leaseholders of social landlords.



Residents can take a complaint to the Housing Ombudsman Service for investigation after going through the landlord's complaint process, if the issues have not been resolved. The service also helps where the landlord is not responding to a complaint they've received. The Ombudsman has the power to make orders to landlords, this might mean ordering the landlord to apologise, carry out works or pay compensation. Please see the Housing Ombudsman website for more information.

The Housing Ombudsman Service is the final stage of the complaints process and they will consider whether a complaint comes within their jurisdiction, investigate as appropriate and come to a decision about the complaint.

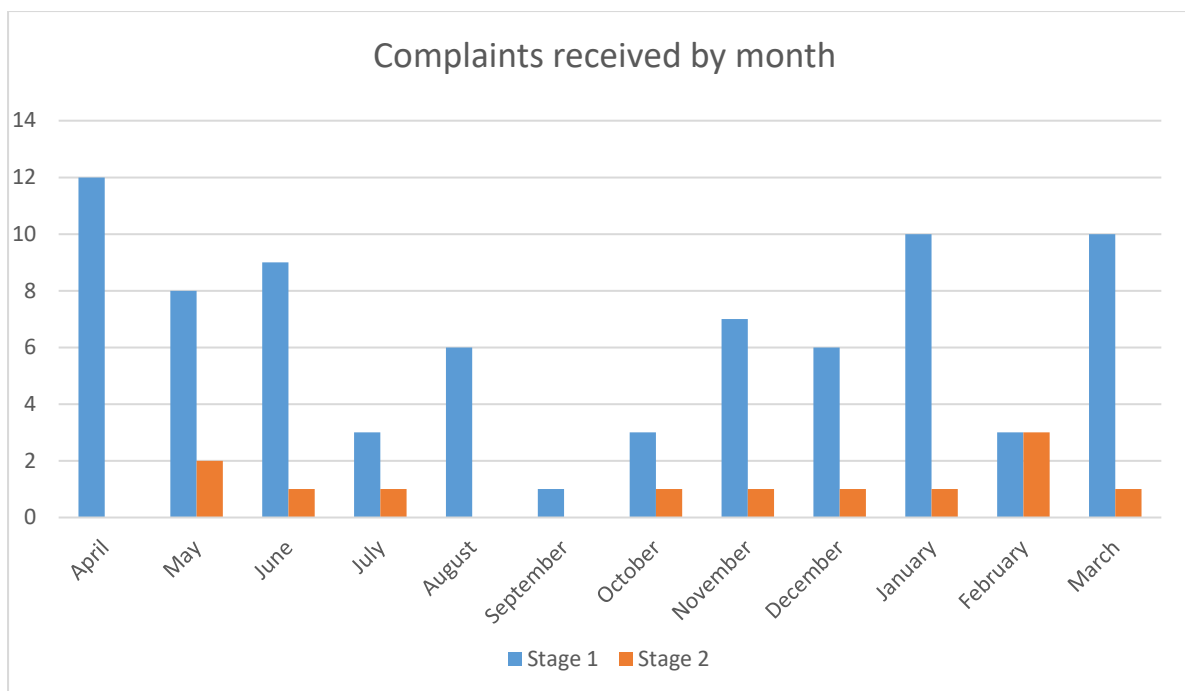
The Housing Ombudsman Service can also provide advice and support throughout the progress of a complaint through the Council's Housing Complaints Policy

### Complaints received

Complaints received	Number
Total number of complaints received: April 2024 to March 2025	90

### Complaints received by stage

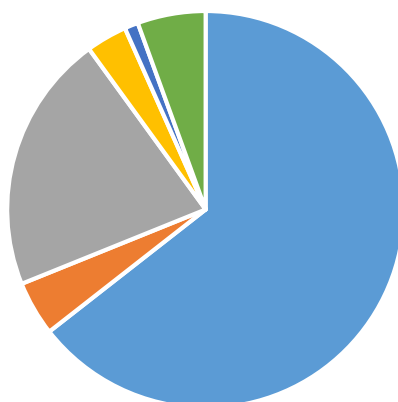
Stage 1	78
Stage 2	12
Total	90



#### Complaints received by service area

Service area	Stage 1	Stage 2
Repairs, planned maintenance or improvements	52	6
Rents or service charges	4	0
Tenancy matters	15	4
Neighbourhood issues	3	0
Transfers or mutual exchanges	1	0
Right to Buy or leasehold matters	3	2
<b>Total</b>	<b>78</b>	<b>12</b>

All complaints received by service area

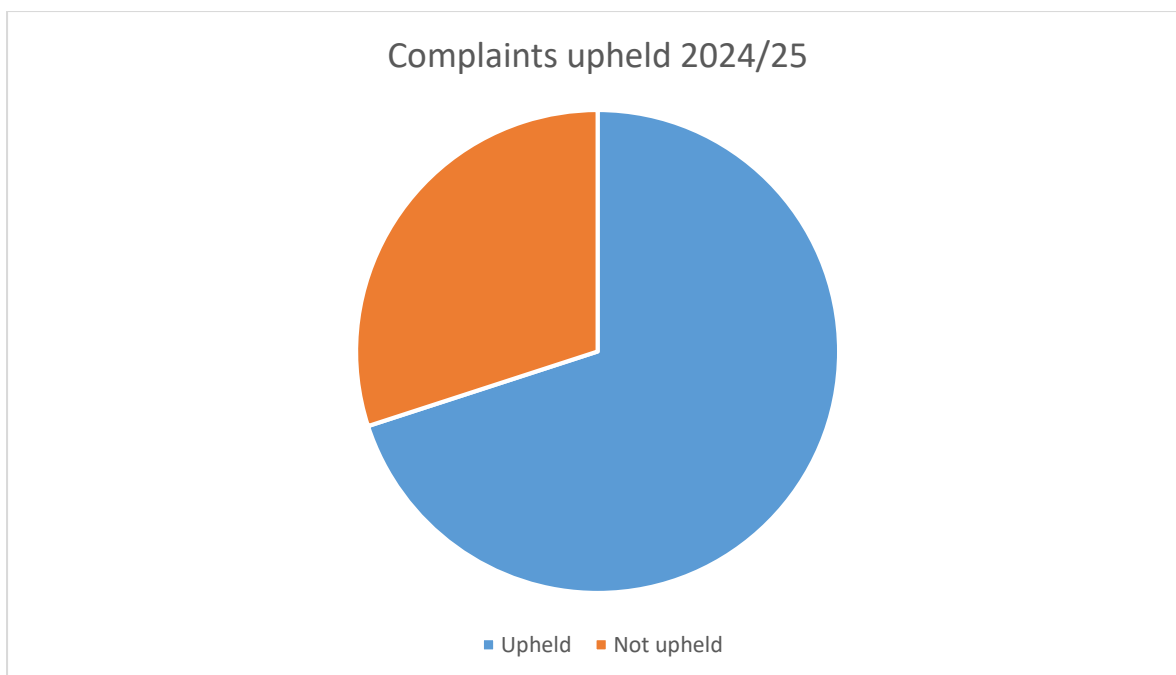


- Repairs, maintenance and improvements ■ Rents and service charges
- Tenancy matters ■ Neighbourhood matters
- Transfers or exchanges ■ Right to Buy or leasehold matters

### Outcome of complaints

Stage 1	Upheld	Not upheld
Repairs, planned maintenance and improvements	45	7
Rents or service charges	2	2
Tenancy matters	6	9
Neighbourhood issues	2	1
Transfers / mutual exchanges	0	1
Right to Buy or leasehold matters	1	2
<b>Total</b>	<b>56</b>	<b>22</b>

Stage 2	Upheld	Not upheld
Repairs, planned maintenance and improvements	4	2
Rents or service charges	0	0
Tenancy matters	3	1
Neighbourhood issues	0	0
Transfers / mutual exchanges	0	0
Right to Buy or leasehold matters	0	2
<b>Total</b>	<b>7</b>	<b>5</b>



### Complaints response times

Response to Stage 1 Complaint sent within Code timescales - 10 working days unless extended as permitted in the Code	93.6%
Response to Stage 2 Complaint sent within Code timescales – 20 working days unless extended as permitted in the Code	91.7%

### Use of the extension periods permitted in the Code

Stage 1	Number	Percentage
Response to Stage 1 Complaint sent within Code timescales without the use of the 10 day extension permitted in the Code	51	69.9%
Response to Stage 1 Complaint sent within Code timescales with the use of the 10 day extension permitted in the Code	22	30.1%

Stage 2	Number	Percentage
Response to Stage 1 Complaint sent within Code timescales without the use of the 20 day extension permitted in the Code	8	72.8%

Response to Stage 1 Complaint sent within Code timescales with the use of the 20 day extension permitted in the Code	3	27.2%
--	---	-------

## Tenant Satisfaction Measures

From 1 April 2023, all social housing providers have been required to start collecting data for tenant satisfaction measures on areas such as repairs, safety checks and complaints.

The measures are aimed at helping improve standards for people living in social housing, by:

- Providing visibility, letting tenants see how well their landlord is doing. And enabling tenants to hold their landlords to account
- Giving the Regulator insight into which landlords might need to improve things for their tenants

There are 22 Tenant Satisfaction Measures and, in relation to complaints, the relevant measures are:

- Satisfaction with the landlord's approach to handling of complaints (measured by tenant perception survey)
- Complaints relative to the size of the landlord (measured by landlord's management information)
- Complaints responded to within Complaint Handling Code timescales (measured by landlord's management information)

The Council's performance in relation to these indicators in 2024 2025 was as follows:

Measure	Performance
Satisfaction with the landlord's approach to complaint handling	48.8%
Complaints received per 1,000 homes: Stage 1 Stage 2	25.3 3.9
Complaints responded to within Complaint Handling Code timescales Stage 1 Stage 2	93.6% 91.7%

## Any findings of non-compliance the Housing Ombudsman's Code

The Social Housing (Regulation) Act 2023 places a duty on the Housing Ombudsman to monitor compliance with its statutory Complaint Handling Code. This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the Code for complaint handling. To assist with this, all landlords are required to submit their self-assessment by 30 September each year (previously 30 June).

Should the Housing Ombudsman identify any concerns with a landlord's compliance with the Code, they will engage with them to bring them back into compliance promptly. If there is

evidence of ongoing failures in compliance, the Ombudsman will consider using their wider powers including Complaint Handling Failure Orders.

The Council's Housing Complaints Policy was reviewed and revised in April 2024 to ensure that it meets the requirements of the Complaints Handling Code.

### **Housing Ombudsman determinations**

During the financial year 2024/25, the Housing Ombudsman determined two complaints received by it and found that there was maladministration in each of these cases.

A summary of each case is given below:

#### **Complaint 1 - 202302247**

This complaint concerned a tenant who had raised allegations of Anti-Social Behaviour by their neighbour. There were counter-allegations from the neighbour against the complainant. The allegations covered a lengthy period of time and, at times, the alleged incidents and counter allegations overlapped with processes to respond to them.

The Housing Ombudsman did not find maladministration in the Council's handling of the alleged anti-social behaviour reporting. Notwithstanding this, the Housing Ombudsman did highlight the absence of consideration by the Council of the use of CCTV to evidence the allegations and/or the counter allegations. Likewise there was no evidence of consideration of an Acceptable Behaviour Contract. In addition, the Housing Ombudsman raised questions about a possible risk assessment and liaison with Health Partners as part of partnership working given vulnerabilities in this case.

The Housing Ombudsman found maladministration in the handling by the Council of complaints about its response to the anti-social behaviour reporting. The full application, in this matter, of the Housing Ombudsman's Complaints Code and the Council's own procedures for housing complaints was questioned in so far as timescales and the content of responses provided were concerned.

In particular, the Housing Ombudsman states that the Stage 2 complaint response did not "address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate". It also did not provide the resident with a decision on the complaint, the reasons for the decisions made, the details of any remedy offered to put things right or details of any outstanding actions.

In recognition of the stated maladministration and the distress that the complainant will have experienced, the Housing Ombudsman recommended a payment of £300 to the complainant.

The decision to authorise the payment was made on 14 August 2024 and the tenant has received the necessary payment.

#### **Complaint 2 - 202116817**

In this case, the tenant raised serious concerns around asbestos tiles removal at the property in 2019 and the use of an adhesive product in the tenanted flat by the Council's contractor when refurbishing the kitchen. In exchanges with the tenant, further concerns about insulation at the property and the alleged presence of rats was raised. The tenant was also seeking to be relocated to a new property. In respect of the removal of asbestos tiles.

The Housing Ombudsman's report states that there is no evidence to suggest that the Council had failed to manage appropriately the asbestos within the property. With regards to the

insulation, the Council confirmed that this was in line with the building standards at the time of construction. Fitting insulation retrospectively would be costly and challenging. The property was double glazed and had a reasonable amount of loft insulation.

However, in respect of the insulation element of the complaint, the Housing Ombudsman found there was no evidence to demonstrate any temperature testing (or space heating calculations) had been carried out in order for it to be confident that the situation in the property did not give rise to a hazard (using the Housing Health and Safety Rating System (HHSRS) hazard risk-based tool).

Concerning the stated rat infestation, this was reported to the Council on 16 May 2023 (albeit that the report suggested the rats had left). The evidence showed that pest control attended on a number of occasions between May 2023 and December 2023.

The final inspection report from 7 December 2023 identified that there was 'no new activity'. May 2023 – December 2023 was, the Housing Ombudsman states, a considerable amount of time to live with a rat infestation and the distress this caused. There is a recognition in the report that there have been visits to the property when staff and contractors have been denied access by the tenant.

The Housing Ombudsman ordered in this case that the Council:

- a. Carry out an appropriate inspection of the property to determine if the internal temperature is considered to be in line with HHSRS guidance.
- b. Carry out a review of this case and its record keeping practices to establish what went wrong and ensure that its systems and processes are used effectively to ensure all contact from a resident is recorded and retained along with any dates of repairs visits.
- c. Provide a written summary of the outcome to the resident and this Housing Ombudsman.

In addition the Housing Ombudsman recommended that the Council:

- a. Pay the resident the £500 compensation it had previously offered, in recognition of rubbish left and poor cleaning of the kitchen following flooring works there;
- b. Arranges an in person visit to the resident to discuss whether it is required to remove any damaged tiles containing asbestos. During this visit it should provide the resident with a detailed plan of how it intends to mitigate any risk if works are required.

The orders and recommended actions above have been undertaken by the Council, with the exception of the payment to the tenant. The decision to authorise the payment was made on 19 August 2024 and the tenant was contacted to make the necessary payment. The tenant has advised the Council that they are refusing the payment.

The tenant subsequently challenged the Ombudsman's findings and, following further investigation, the Housing Ombudsman:

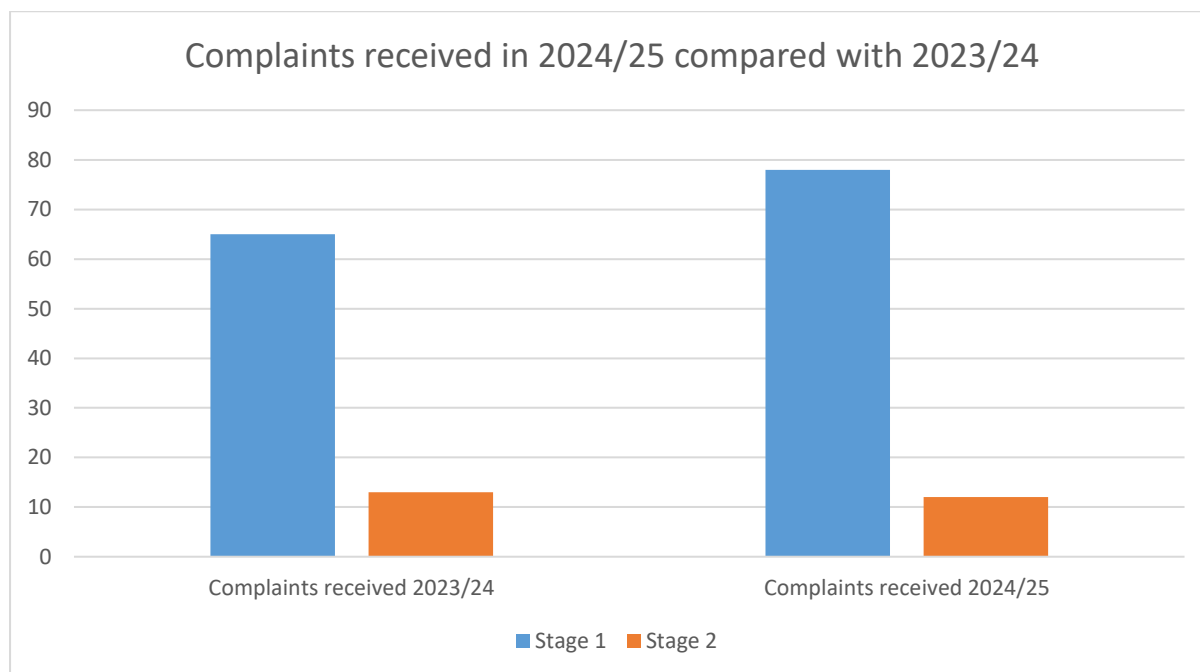
- a. Recommended that the landlord pay the resident the £500 compensation it offered, if not already done so, in recognition of its handling of the removal of the asbestos kitchen floor and the distress caused to the resident.
- b. Ordered that the landlord pay the resident £250 compensation for the distress and inconvenience experienced with the rat infestation and the landlord's failure to resolve this issue in a more timely manner.

The tenant has continued to refuse the payment.

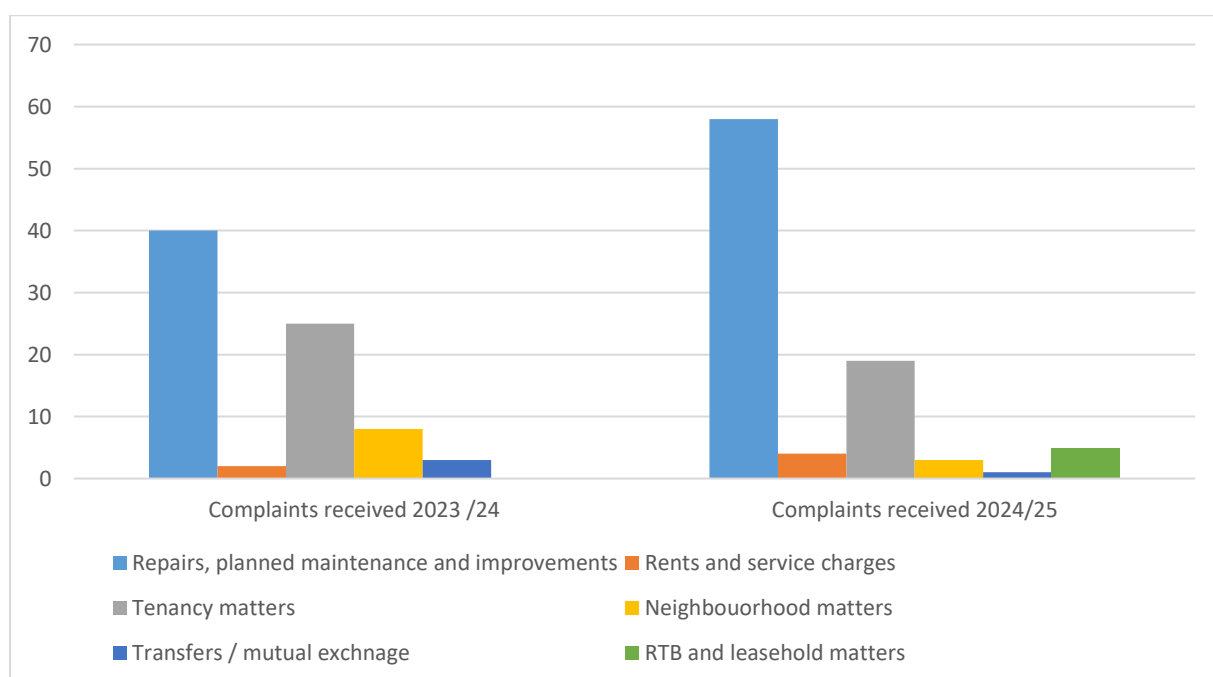
The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission has given rise to maladministration. These determinations were reported to Cabinet in September 2024.

### Comparison with performance in previous year

#### Complaints received

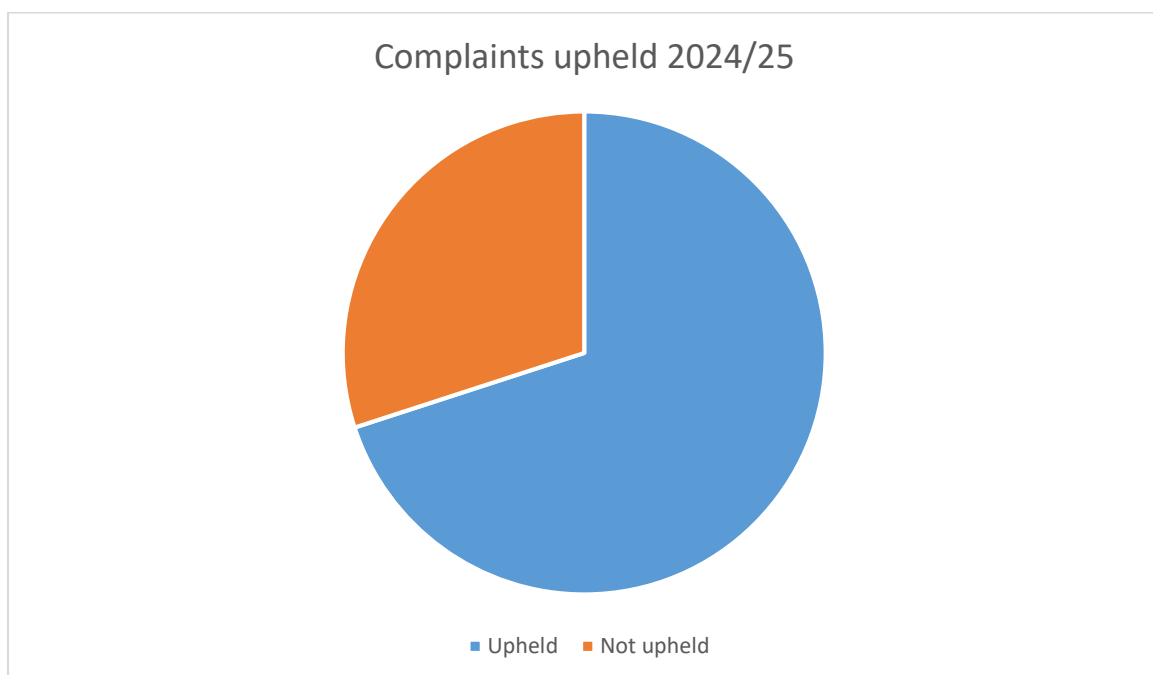
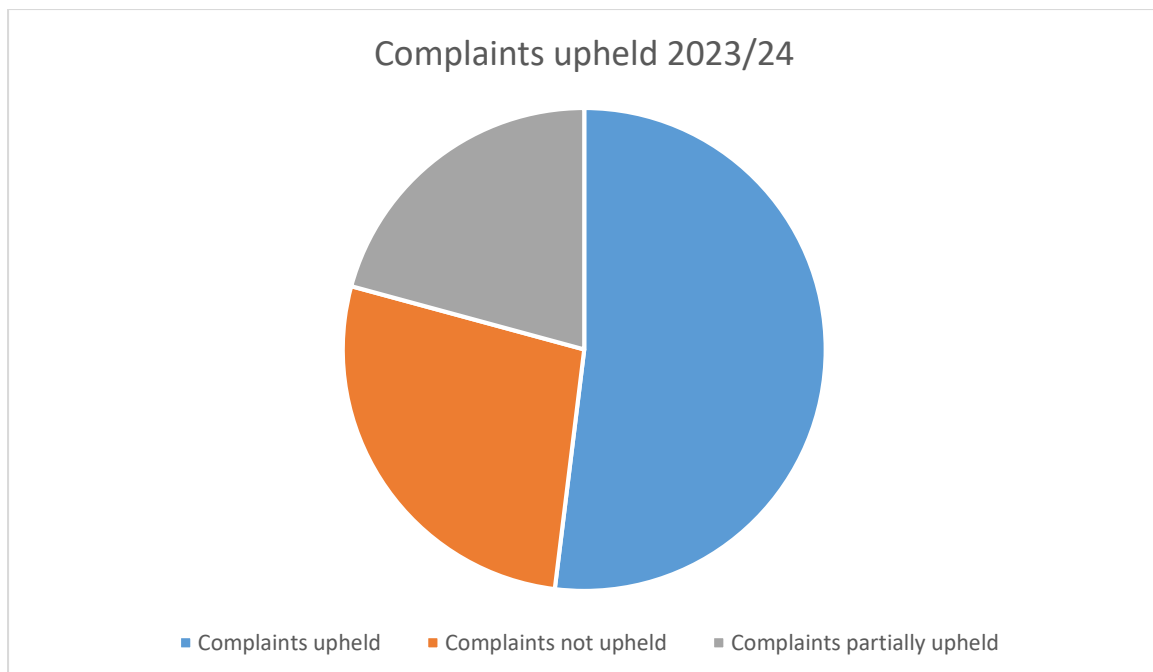


#### Complaints received by service area





## Complaints upheld



In accordance with the implementation of the revised Complaint Handling Code from 1 April 2024, a complaint can no longer be recorded as partially upheld. If an organisation has got something wrong, it must record the complaint as being upheld, even if there are elements of the complaint it has not upheld.

## Tenant Satisfaction Measures

Measure	2023/24	2024/25
Satisfaction with the landlord's approach to complaint handling	45.0%	48.8%
Complaints received per 1000 homes: Stage 1 Stage 2	22.5 4.2	25.3 3.9
Complaints responded to within Code timescales Stage 1 Stage 2	73.9% 61.5%	93.6% 91.7%

## Service Improvements and Learning from complaints

### Repairs

Systems have been put in place to enable more detailed monitoring of our contractors' performance to make sure they deliver the quality repairs service that our tenants deserve. The expectation is that this will result in more repairs being completed in a timely manner and to an improved standard. The Council also has an in house team that undertakes some repairs and this team is delivering an effective service to residents.

A new repairs reporting form has been developed and published on our website to help tenants and leaseholders to more accurately describe the repair that is needed in their property which will assist with the efficient and accurate raising of repair orders.

### Complaint Handling

All Investigating Officers are regularly reminded of the requirements of the Complaints Handling Code and all complaint responses are reviewed on a regular basis to ensure compliance.

A new Housing Compensation Policy has been developed that takes into account the Housing Ombudsman's guidance in relation to remedies

There has been a significant improvement in the response time to complaints. For Stage 1 complaints, the percentage responded to within the Code timescales has increased from 73.9% in 2023 – 24 to 93.6% in 2024 – 25. For Stage 2 complaints, this figure has increased from 61.5% to 91.7%

Regular articles have been included in the Council's tenants newsletter, Tendring Reports, to advise tenants how to make complaints, how well the Council performed in handling complaints and the role of the Housing Ombudsman

### Attitudes, Respect and Rights

We have developed the following policies in response to the requirements of the revised Code and the Housing Ombudsman's recommendations in the Spotlight report on Attitudes, Respect and Rights:

- Reasonable Adjustments Policy
- Vulnerability Policy
- Unacceptable Customer Behaviour Policy

Following the implementation of these policies, we are reviewing our approach to vulnerability and reasonable adjustments to ensuring that staff are clear on their roles and responsibilities and how our customers' requirements must be recorded and our services adapted to meet these needs. This is an area that requires more in-depth work and training for staff.

We have also developed a new Tenant Involvement Policy that provides a wide range of opportunities for become involved to challenge and scrutinise our performance.

We have also commenced a programme of tenancy checks that will see all tenants visited once every two years. This will ensure that the Council is better aware of the needs and expectations of its tenants and their households.

### **Anti Social Behaviour and Neighbourhood Management**

In May 2024 we revised our [Housing Anti-Social Behaviour Policy](#) to set out our approach to deterring and tackling anti-social behaviour(ASB) in the neighbourhoods where we provide social housing. The policy detail show 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.

We have also introduced a new Neighbourhood Management Policy that sets out how we will maintain Council owned by working with residents and partner agencies to keep neighbourhoods safe and clean.

### **Ombudsman determinations**

Learning points from the Housing Ombudsman determinations relate to evidencing consideration of options available in relation to anti-social behaviour and the vulnerabilities of tenants and that complaint responses (separate from service requests) must fully address the requirements of the relevant Ombudsman's Code and the Council's own procedures.

This page is intentionally left blank

## CABINET

27 JUNE 2025

### REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

#### A.4 OUTTURN PERFORMANCE AGAINST THE REGULATOR OF SOCIAL HOUSING'S TENANT SATISFACTION MEASURES FOR 2024/25

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To advise Cabinet of the Council's outturn performance against the Regulator of Social Housing's Tenant Satisfaction Measures for 2024/25.

###### EXECUTIVE SUMMARY

Tenant Satisfaction Measures (TSMs) are metrics that all social housing landlords in England are required to collect and report on to the Regulator of Social Housing (RSH). The TSMs should also be published by those organisations for others to see.

The Social Housing (Regulation) Act 2023 enacted a set of measures intended to improve standards for people living in social housing. It set out a new regulatory framework for the consumer regulation of social housing to strengthen the accountability of landlords for providing safe homes, quality services and treating residents with respect. The introduction of TSMs formed part of this framework.

Since 1 April 2023, all social housing providers have been required by the RSH to collect data to inform TSMs and these are aimed at helping improve standards for people living in social housing by:

- Providing visibility by allowing tenants to see how well their landlord is doing and enabling tenants to hold their landlords to account
- Letting tenants see how well their landlord is performing in comparison with other landlords
- Giving the RSH insight into which landlords might need to improve things for their tenants

There are 22 TSMs and these are grouped into the following five themes:

- Keeping properties in good repair
- Maintaining building safety
- Respectful and helpful engagement
- Complaints handling
- Neighbourhood management

Ten of the TSMs are measured by landlords through their performance indicators and 12 are measured by an annual tenant perception survey. The RSH also sets out its requirements (including mandatory questions and methodology) for data collection and reporting.

Landlords with 1,000 or more homes are required to send their data to the RSH by 30 June 2025 and the data for all landlords will be published by RSH in Autumn 2025

The Council's Outturn Performance Report against the TSMs indicates a general improvement in performance and tenant satisfaction with the proportion of respondents who report that they are satisfied with the overall service from their landlord increasing from 80.1% in 2023/24 to 81.3% in 2024/25.

Satisfaction with repairs, both overall satisfaction with repairs and satisfaction with the time taken to complete a repair, has decreased. The reasons for this is something that the Council will explore in more detail with the members of the Tenants Panel. Conversely, the proportion of non-emergency and emergency repairs completed within the Council's target timescale has increased.

It is notable that the number of complaints, both at Stage 1 and 2, that were responded to within the Housing Ombudsman's Compliant Handling Code timescales has improved significantly when compared to 2023/24 figures.

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

**That Cabinet:**

- 1. Notes the Council's Outturn Performance Report against the Tenant Satisfaction Measures, for publication on the Council's website and submission to the Regulator of Social Housing by 30 June 2025; and,**
- 2. Agrees a delegation to the Corporate Director for Operations and Delivery to ensure that the Council's Tenants Panel examines the data presented in this report and develops an action plan for continuous improvement**

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

To receive the outturn performance report before its submission to the Regulator of Social Housing and publication on the Council's website.

#### **ALTERNATIVE OPTIONS CONSIDERED**

The collation and submission of the TSM data is a mandatory requirement of the Consumer Standards for social housing providers. There is, therefore, not an alternative option.

In addition to reviewing the TSMs submitted, the RSH will also carry out regular inspections and investigate organisational complaints to ensure compliance with the new standards. It is fully expected that the Council will receive an inspection in the next two years.

Failure to meet the Consumer Standards could result in the RSH 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 RSH 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.

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

#### **DELIVERING PRIORITIES**

The service provision that informs the Regulator's TSMs contribute to a number of Corporate Plan 2024-28 themes:

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

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

Consultation and engagement is being undertaken with members of the Council's Tenants Panel regarding the TSM requirements and the Council's outturn performance. This consultation will be completed during the week that this report is considered by Cabinet.

It is proposed that a sub group of the Tenants Panel be set up to explore the TSM data in more detail.

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

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>Yes</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<b>X Significant effect on two or more wards</b> <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget
		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b>	24 April 2025

The Social Housing Regulation Act 2023 builds upon the existing regulatory framework for housing and introduced revised standards that came 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 Equality Act 2010 provides a legislative framework to protect the rights of individuals and to advance equality of opportunity for all. The Act sets out the duties the Council has 'to advance equality of opportunity between persons who share a protected characteristic and persons who do not share it'. It also sets out the circumstances when the Council has a legal duty to make adjustments to their services.

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

The Transparency, Influence and Accountability Standard requires all registered providers to collect and report annually on their performance using a core set of defined measures, with a view to providing greater transparency to support the effective scrutiny by tenants about their landlord's performance.

Guidance documents have been produced by the Regulator of Social Housing in relation to Tenant Satisfaction Measures.

It is considered that the report should highlight the themes of the TSMs to inform Cabinet whether action is required and how this data will inform continuous improvement.

<b>FINANCE AND OTHER RESOURCE IMPLICATIONS</b>	
<p>There are no significant financial implications associated with this performance report or its submission to the Regulator</p> <p>However, the requirement to carry out an annual survey to inform the perception measures does place a financial burden on the service's budgets.</p> <p>It is also anticipated that the implementation of the revised Consumer Standards and the actions required to meet these will have a financial impact in the longer term.</p>	
<b>X</b>	<b>The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:</b>
<p>As highlighted within earlier reports relating to the HRA budgets and business plan, the new era of social housing regulation that continues to emerge from the Social Housing (Regulation) Act 2023 will have a major impact on the overall financial position of the HRA in future years. It is recognised that the impact will likely be due to the aggregation of a number of emerging requirements such as those set out in this report, rather than perhaps any single item. Although the importance of such regulation is acknowledged and reflects the Council's stated commitment and priority to provide good quality housing, the resulting costs involved either directly or through demand for the necessary additional capacity, were not reflected within the self-financing reforms implemented by the Government in 2012. Such costs therefore represent additional financial pressures that will have to be balanced against the broader challenge of delivering a long term financially sustainable HRA in future years.</p>	
<b>USE OF RESOURCES AND VALUE FOR MONEY</b>	
<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.
<b>MILESTONES AND DELIVERY</b>	
<p>The Council is required to submit details of its performance against the TSMs to the Regulator of Social Housing by 30 June 2025. The performance information will also be published on the Council's website on or before this date.</p> <p>The Regulator is then due to publish the results for all housing providers in the autumn of 2025.</p>	
<b>ASSOCIATED RISKS AND MITIGATION</b>	
<p>The collation and submission of this information is a requirement of the RSH's revised Consumer Standards which 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>In addition to the TSMs, the RSH will also carry out regular inspections and investigate organisational complaints to ensure compliance with the new standards.</p>	
<b>EQUALITY IMPLICATIONS</b>	
<p>In line with the Public Sector Equality Duty, the Council has due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p>	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
<p>Creates healthier, safer and more resilient communities: To build stronger and deeper partnership working arrangements whilst continuing to engage and empower tenants.</p>	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
<p>The collation of data to inform the Regulator's Tenant Satisfaction Measures does not present a direct impact on the Council's target for net zero greenhouse gas emissions from its business operations by 2030. The Council will be mindful of energy efficiency measures, wherever relevant, in the implementation of its policies and procedures which inform this data.</p>	
<b>IMPLICATIONS ON DEVOLUTION AND LOCAL GOVERNMENT REORGANISATION</b>	
<p>The TSMs are a mandatory requirement and do not have implications on either devolution or LGR. It should be noted that the RSH have been clear that devolution and LGR should not impact upon social housing landlords' obligations and delivery of services and the inspection programme will be continuing.</p>	
<b>OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS</b>	
<p><b>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</b></p>	
<b>Crime and Disorder</b>	<p>The annual tenant perception survey records the level of satisfaction amongst tenants with the Council's approach to handling complaints of anti-social behaviour. It also records the number of complaints of anti-social behaviour received relative to the size of the landlord. The Council is also able to compare its performance with other housing providers.</p>
<b>Health Inequalities</b>	<p>Efficient delivery of housing services is likely to have a progressive effect in relation to the health of people of the locality.</p>
<b>Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).</b>	<p>The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.</p>

<b>Area or Ward affected</b>	All
<b>PART 3 – SUPPORTING INFORMATION</b>	
<b>BACKGROUND</b>	
<p>The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 389 garages.</p> <p>The Social Housing (Regulation) Act 2023 aimed to lay the foundations for changes to how social housing is managed. It includes increased regulation of social housing landlords and new rules for protecting tenants from serious hazards in their homes.</p> <p>Many of the provisions in the Act are responses to the tragedies of the 2017 Grenfell Tower fire and death of two-year old Awaab Ishak, who died in 2020 from exposure to serious mould.</p> <p>The Social Housing (Regulation) Act 2023 allows the RSH to take action against social landlords before people are at risk and hold landlords to account with regular inspections. It introduces new social housing consumer standards and gives the Secretary of State power to require social landlords to investigate and rectify serious health hazards.</p> <p>The Consumer Standards contain specific expectations registered providers of social housing must comply with and detail the outcomes that providers are expected to achieve. These standards came into force on 1 April 2024.</p> <p>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 cover:</p> <ul style="list-style-type: none"> <li>➤ Safety and Quality Homes</li> <li>➤ Transparency, Influence and Accountability</li> <li>➤ Neighbourhood and Community</li> <li>➤ Tenancy</li> </ul> <p>These standards aim to foster better relationships between landlords and tenants, improve housing conditions and enhance overall service delivery.</p> <p>One of these Consumer Standards – Transparency, Influence and Accountability sets out required outcomes that registered providers must achieve in relation to performance information and these are as follows:</p> <p>Registered providers must:</p> <ol style="list-style-type: none"> <li>a) collect and process information specified by the regulator relating to their performance against the tenant satisfaction measures. The information must be collected within a timeframe set by the regulator and must meet the regulator's requirements in Tenant Satisfaction Measures: Technical requirements and Tenant Satisfaction Measures: Tenant survey requirements</li> <li>b) annually publish their performance against the tenant satisfaction measures. This should include information about how they have met the regulator's requirements set out in Tenant Satisfaction Measures: Technical requirements and Tenant Satisfaction</li> </ol>	

Measures: Tenant survey requirements. This information must be published in a manner that is timely, clear, and easily accessed by tenants; and

c) annually submit to the regulator information specified by the regulator relating to their performance against those measures. The information must be submitted within a timeframe and in a form determined by the regulator.

In meeting these requirements, registered providers must ensure that the information is an accurate, reliable, valid, and transparent reflection of their performance against the tenant satisfaction measures.

The TSMs are as set out below, grouped into the 5 themes:

#### Keeping properties in good repair

- Satisfaction with repairs
- Satisfaction that the home is well maintained
- Satisfaction with time taken to complete most recent repair
- Homes that do not meet the Decent Homes Standard
- Repairs completed within target timescales

#### Maintaining building safety

- Satisfaction that the home is safe
- Gas safety checks carried out
- Fire safety checks carried out
- Asbestos safety checks carried out
- Water safety checks carried out
- Lift safety checks carried out

#### Respectful and helpful engagement

- Satisfaction that the landlord listens to tenants 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

#### Complaint handling

- Satisfaction with the Council's approach to handling of complaints
- Complaints relative to the size of the landlord
- Complaints responded to within the Housing Ombudsman's Complaints Handling Code timescales

## Responsible neighbourhood management

- Satisfaction that the landlord keeps communal areas clean and well maintained
- Satisfaction that the landlord makes a positive contribution to neighbourhoods
- Satisfaction with landlords approach to handling anti-social behaviour
- Anti-social behaviour cases relative to the size of the landlord

The information required to inform these measures is collected via either a tenant perception survey or via the landlord's management information.

Additionally, there is a single measure for overall satisfaction that is included in the tenant perception survey with the mandatory question "Taking everything into account, how satisfied or dissatisfied are you with the service provided by your landlord?"

The RSH has established specific technical requirements along with mandatory questions and methodologies for data collection and reporting. Landlords were required to start data collection during the 2023/24 financial year, and landlords with over 1,000 homes are required to submit their results annually to the RSH.

To inform the tenant perception measures, the Council commissioned ARP Research in 2024 to conduct a survey on its behalf to inform the 12 perception measures. As well as informing the TSMs, this survey enabled the Council to understand how our tenants feel about the services we provide and to be sure we are delivering them in the way and to the standard that tenants want.

The survey was sent to all general needs and sheltered housing tenants and it included the specific wording to inform the perception TSMs as well as some questions on topics such as interest in future engagement opportunities. Those who did not respond were subsequently sent two reminder mailings, one of which included a further copy of the questionnaire. The survey was also available for completion online, with additional email reminders to 114 households with a recorded email address (10% response). The survey was incentivised with a free prize draw.

Overall, 1,032 tenants took part in the survey, which represented a response rate of 34% (error margin +/- 2.5%). This comfortably exceeded the stipulated TSM target error margin of +/- 4.0%.

The final survey data was weighted by interlaced stock type, age group and area to ensure that the survey is representative of the tenant population as a whole.

Data to inform the management information performance indicators has been taken from the Council's own management records.

Officers will work with tenant representatives to review our outturn performance against the TSMs and to compare this with that of other housing providers and will agree an action plan of improvement items.

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.

## Analysis of the data collected

The data collected is presented in Appendices A and B with Appendix A presenting only the data collected for this year's submission and Appendix B presenting a comparison of that data against the data collected for 2023/24.

The comparison shows that in the majority of areas our performance and levels of tenant satisfaction have improved. TP01 measures the proportion of respondents who report that they are satisfied with the overall service from their landlord which for 2025/25 is reported at 81.3%, an improvement from 80.1% in 2023/24.

Satisfaction with repairs that have been carried out (TP02 and TP03) has reduced although the time taken to complete repairs as measured against the Council's target timescales (RP02) has improved significantly from 2023/24.

Anti-social behaviour complaints have significantly decreased between the two years however this is due to changes in how these cases are recorded with cases being recorded in 2023/24 as ASB when in fact they do not fall within the RSH's definition of an ASB complaint. A further reduction is expected for 2025/26 as further improvements to data recording have been made. It should be noted that the national average for ASB complains per 1000 homes is 35 and as such officers will be exploring with members of the tenants panel whether more needs to be done in this area.

The way in which RP01 is being reported differs to the methodology used in 2023/24. In that return the number of non-decent homes identified during the rolling stock condition survey (12) was reported as a proportion of the homes that had been surveyed at the time (270). For 2024/25 this has been reported as the number of non-decent homes identified though the rolling stock condition as at 31 March 2025 (9) reported as a proportion of the overall dwelling stock.

BS01, proportion of homes for which all required gas safety checks have been carried out, is very slightly below the expected 100%. This is because gas safety checks are a rolling programme and in a small number of cases access to the property proves difficult to achieve and in those instances immediate action is taken to enforce access or as a last resort disconnect the gas supply.

The data presented in the appendices will be discussed in some detail with the Tenants Panel with the aim that a sub-group of the panel is set up to explore the data in more detail and develop an improvement plan.

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

None.

#### **APPENDICES**

**Appendix A – Performance against the Regulator of Social Housing's Tenant Satisfaction Measures for 2024/25**

**Appendix B – Performance against the Regulator of Social Housing's Tenant Satisfaction Measures for 2024/25 compared with performance for 2023/24**

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

<b>Name</b>	<b>Tim Clarke</b>
<b>Job Title</b>	<b>Assistant Director – Housing &amp; Environment</b>
<b>Email/Telephone</b>	trclarke@tendringdc.gov.uk

This page is intentionally left blank

## Appendix A – Outturn Performance against the Regulator of Social Housing’s Tenant Satisfaction Measures for 2024/2025

### TSMs generated from perception survey

Reference	Measure	Performance
TP01	Proportion of respondents who report that they are satisfied with the overall service from their landlord	81.3%
TP02	Proportion of respondents who have received a repair in the last 12 months who report that they are satisfied with the overall repairs service	81.4%
TP03	Proportion of respondents who have received a repair in the last 12 months who report that they are satisfied with the time taken to complete their most recent repair	78.1%
TP04	Proportion of respondents who report that they are satisfied that their home is well maintained	77.0%
TP05	Proportion of respondents who report that they are satisfied that their home is safe	79.6%
TP06	Proportion of respondents who report that they are satisfied that their landlord listens to tenants views and acts upon them	65.2%
TP07	Proportion of respondents who report that they are satisfied that their landlord keeps them informed about things that matter to them	68.5%
TP08	Proportion of respondents who report that they agree their landlord treats them fairly and with respect	79.9%
TP09	Proportion of respondents who report making a complaint in the last 12 months who are satisfied with their landlord’s approach to complaint handling	48.8%
TP10	Proportion of respondents with communal areas who report that they are satisfied that their landlord keeps communal areas clean and well maintained	51.0%
TP11	Proportion of respondents who report that they are satisfied that their landlord makes a positive contribution to the neighbourhood	60.0%
TP12	Proportion of respondents who report that they are satisfied with their landlord’s approach to handling anti-social behaviour	56.0%

## TSMs generated from management information

Reference	Measure	Performance
CH01	Number of: Stage one complaints; and Stage two complaints received per 1,000 homes	25.3 3.9
CH02	Proportion of: Stage one complaints; and Stage two complaints responded to within the Housing Ombudsman's Complaint Handling Code timescales	93.6% 91.7%
NM01	Number of: Anti-social behaviour cases, of which Anti-social behaviour cases that involve hate incidents opened per 1,000 homes	98.5 1.0
RP01	Proportion of homes that do not meet the Decent Homes Standard	0.3 %*
RP02	Proportion of: Non-emergency; and Emergency repairs completed within the landlord's target timescale	74.3% 84.6%
BS01	Proportion of homes for which all required gas safety checks have been carried out	99.6%
BS02	Proportion of homes for which all fire risk assessments have been carried out	100%
BS03	Proportion of homes in buildings that have had all the necessary asbestos management surveys or re-inspections	100%
BS04	Proportion of homes for which all legionella risk assessments have been carried out.	100%
BS05	Proportion of homes for which all required communal passenger lift safety checks have been carried out	100%

\* This percentage is based upon information obtained via the 679 stock condition surveys carried out by 31 March 2025, which identified 9 properties as not meeting the Decent Homes Standard as at this date. The figure is reported as the proportion of the overall housing stock.



**Appendix B – Outturn Performance against the Regulator of Social Housing’s Tenant Satisfaction Measures for 2024/2025 compared with performance for 2023/2024**

**TSMs generated from perception survey**

<b>Ref</b>	<b>Measure</b>	<b>2023 / 2024 Performance</b>	<b>2024 / 2025 Performance</b>
TP01	Proportion of respondents who report that they are satisfied with the overall service from their landlord	80.1%	81.3%
TP02	Proportion of respondents who have received a repair in the last 12 months who report that they are satisfied with the overall repairs service	83.0%	81.4%
TP03	Proportion of respondents who have received a repair in the last 12 months who report that they are satisfied with the time taken to complete their most recent repair	81.6%	78.1%
TP04	Proportion of respondents who report that they are satisfied that their home is well maintained	75.1%	77.0%
TP05	Proportion of respondents who report that they are satisfied that their home is safe	78.2%	79.6%
TP06	Proportion of respondents who report that they are satisfied that their landlord listens to tenants views and acts upon them	64.2%	65.2%
TP07	Proportion of respondents who report that they are satisfied that their landlord keeps them informed about things that matter to them	65.2%	68.5%
TP08	Proportion of respondents who report that they agree their landlord treats them fairly and with respect	75.7%	79.9%
TP09	Proportion of respondents who report making a complaint in the last 12 months who are satisfied with their landlord’s approach to complaint handling	45.0%	48.8%
TP10	Proportion of respondents with communal areas who report that they are satisfied that their landlord keeps communal areas clean and well maintained	48.5%	51.0%
TP11	Proportion of respondents who report that they are satisfied that their landlord makes a positive contribution to the neighbourhood	56.6%	60.0%

TP12	Proportion of respondents who report that they are satisfied with their landlord's approach to handling anti-social behaviour	53.0%	56.0%
------	---	-------	-------

#### TSMs generated from management information

Ref	Measure	2023 / 2024 Performance	2024 / 2025 Performance
CH01	Number of: Stage one complaints; and Stage two complaints received per 1,000 homes	22.5 4.2	25.3 3.9
CH02	Proportion of: Stage one complaints; and Stage two complaints responded to within the Housing Ombudsman's Complaint Handling Code timescales	73.9% 61.5%	93.6% 91.7%
NM01	Number of: Anti-social behaviour cases, of which Anti-social behaviour cases that involve hate incidents opened per 1,000 homes	177.9 0.6	98.5 1.0
RP01	Proportion of homes that do not meet the Decent Homes Standard	4.4% *	0.3%*
RP02	Proportion of: Non-emergency; and Emergency repairs completed within the landlord's target timescale	68.4% 68.6%	74.3% 84.6%
BS01	Proportion of homes for which all required gas safety checks have been carried out	99.0%	99.6%
BS02	Proportion of homes for which all fire risk assessments have been carried out	100%	100%
BS03	Percentage of homes in buildings that have had all the necessary asbestos management surveys or re-inspections	96.4%	100%
BS04	Proportion of homes for which all legionella risk assessments have been carried out.	100%	100%
BS05	Proportion of homes for which all required communal passenger lift safety checks have been carried out	100%	100%

\*RP01 has been reported differently and for 2024/25 is based on the proportion on non-decent homes within the housing stock as a whole. 9 homes are known to be non-decent based on stock condition data held at 31 March 2025. In 2023/24 it was reported as a proportion of those that had been surveyed as part of the rolling stock condition survey, at that time 12 homes.

This page is intentionally left blank

## CABINET

27 June 2025

### REPORT OF PORTFOLIO HOLDER FOR LEISURE AND PUBLIC REALM

#### A.5 DELIVERY OF FOUR NEW PLAYZONE ACTIVITY HUBS FOR THE DISTRICT

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

Following a successful funding bid by the Council to contribute towards the delivery of four new Football Foundation Playzones in the district, this report requests Cabinet permission to accept the grant, agree the Council's financial contribution and subject to the outcome of final business plans, continue the project through to completion.

###### EXECUTIVE SUMMARY

The Council has an opportunity to install four new "Playzones"; which are modern, largely free to use intergenerational multi activity hubs around the Tendring District, at a total cost of £1,119,257, with 75% match funding from the Football Foundation (FF).

Playzones are modern, high quality, floodlit multi use activity hubs and community-led spaces, which were designed as part of a FF programme to target inequalities in physical activity. With the Playzone concept linking strongly with the themes and objectives in the Council's Sport and Activity Strategy and the potential to secure FF funding, the Council submitted an expression of interest for the scheme in early 2024 and in May of that year, following acknowledgement that the EOI was successful, a decision by the Portfolio Holder for Leisure and Public Realm agreed the following:

*'To accept £25,000 of capacity funding from the FF for the PlayZone scheme, to take the project through a community engagement process and up to and including the submission of a full bid for up to 3 of these facilities to be installed at locations in the district.'*

This provided Officers with authority to take the project through a community engagement process and up to and including the submission of a full bid for 'up to 3' of these facilities to be installed in the district. Although the EOI referred to 3 Playzones in Clacton, Harwich/Dovercourt and Walton, the actual number was to be determined with the FF and partners through the community engagement process – so the number was able decrease or increase, if appropriate and agreed by the Council.

The four Playzone locations listed below are proposed as the development sites, and were agreed following deliberation by a consortium of partners and subsequently through community consultation:

1. Clacton Leisure Centre
2. Bathhouse Meadow, Walton on the Naze
3. Cliff Park, Harwich
4. Crossways, Jaywick Sands.

Note: Further information about the consultation is set out later on in this report.

This project aligned with the Sport and Activity Strategy objectives by developing new free to use facilities in key locations around the district, which can support improved social outcomes and impact positively on reducing instances of crime and Anti-Social behaviour. Importantly, by using these hubs to provide a balanced, exciting and modern activity programme, they can positively impact on improved physical health, mental/emotional wellbeing, social engagement and inclusion. All of which have the potential to contribute significantly towards a place-based approach to active wellbeing and importantly the challenges surrounding the delivery of social care services in the district.

The recent Active Lives survey from Sport England shows an improvement on all the indicators for adults in Tendring. The data for children however has not changed significantly for \*\*\* years. The opening of free to use facilities has the power and potential to improve these statistics and subsequently improve obesity rates for young people in the district.

Playzones support the provision of a balanced activity programme and will include a well thought out mix of formal and informal sessions, which meet the needs of local people and impact on rates of participation in physical activity. The Council will need to work with a variety of local organisations in advance of project completion, in order to develop the Playzones programme. This process will be led by the Council's Community Sport and Activity Manager, who will be taking forward delivery of the new strategy.

The total breakdown for the cost of delivering the project is set out below, together with the grant funding offered and match funding required by the Council:

<b>Playzone Location</b>	<b>FF Funding Offered (£)</b>	<b>Match Funding Required (£)</b>	<b>Total Cost (£)</b>
Clacton on Sea	200,653	66,884	267,537
Jaywick Sands	192,167	64,054	256,221,
Harwich	249,824	83,274	333,098
Walton on the Naze	196,801	65,600	262,401,
<b>Total Project Cost</b>	<b>839,445</b>	<b>279,812</b>	<b>1,119,257</b>

The proposed facilities have been costed through the FF framework process and include design fees, project management, construction, project contingencies and risk mitigation costs. The FF have confirmed that all Playzone projects around the country to date have completed within the budget allocated. It should be noted however that any additional cost will be at risk to the Council, so strong project management will be required throughout the process. The Council will need to accept the FF funding offered through this report and enter into a funding agreement which is covered in the legal section. Furthermore, the 25% match funding will need to be agreed and it is proposed to finance this from a mix of section 106 funding with the balance funded from the Corporate Investment Fund. This is covered in the finance section of this report. Consideration will also need to be given to the ongoing maintenance costs for the pitches and the risk of any income derived from the facility, not being sufficient to fund this amount. In order to progress the project through detailed designs and planning permission, £40,000 of the Council's match funding contribution will require committing through this report.

Through a recent restructure, the Council have employed two new posts within the Council's Sports Facilities Team. This includes a Project and Procurement Manager, who will Project Manage the construction of this project and provide the resources required to work with the design team and contractor. In addition, a new Community Sport and Activity Manager has been recruited to deliver on the objectives adopted through the Sport and Activity Strategy. This will include working with a variety of organisations to programme the facilities and bring

opportunities for physical activity 'closer to where residents live'. Learning from previous projects, together with designated resources provided by the FF, this project will be subject to the development of a comprehensive management system, which will include a Project Initiation Document (PID), control measures for risk and regular reporting through a Capital Project Delivery Board. In addition, the Council is able to utilise the balance of capacity funding received for this project from the Football Foundation towards resourcing. This currently stands at £14,500, but this amount is required to be spent by 31 August 2025. In addition, there is potential to utilise the funding already received from the FF which is currently apportioned to cover resources already funded, e.g. salary costs.

In order to progress the project, the Council is required to enter into a 'Joining Agreement' with the FF, which is a formal document that allows an organisation to become part of the FF's Framework Alliance Contract for the duration of a project. The framework promotes collaboration among all parties involved, ensuring best value and quality for grant-funded projects. It is also designed to provide services including contract administration, cost management, Health & Safety compliance, and independent testing to international quality standards. This will reduce the risk of increased capital costs and manage quality control of the project. Importantly, this will also provide the Council with sufficient resources to progress the project and utilise specialist and professional expertise. Without engaging the professional teams, it is unlikely that the Council could progress such a project within the scope of other workstreams and existing 'in year' projects. It is estimated that construction will commence in February 2026 and with a 12 week build period, will be open in the spring of 2026.

Following approval of this stage of the project, the Council will be engaging with local organisations to discuss future management and operation of Playzones. It is important to set out that although the Council is leading on this project to provide evidence-based activity opportunities for local communities, other organisations could operate/manage Playzones following construction through a licence agreement. Future operational use of facilities and reference to consulting with local organisations about future management of these proposed facilities. This will be key in advance of Local Government Reorganisation, to understand how the facilities will be managed into the future. This will need to be established prior to submission of the funding bid. This process will also include detailed programming of the facilities to ensure there is a balance struck between free to use sessions for local people and hired sessions for organisations (although some of these are likely to be free at the point of use). The programme balance will ensure there is enough income derived from the facilities to cover the cost of annual maintenance. A high-level business plan has been appended to this report, but following Cabinet agreement, Officers will work with local organisations to finalise this process and develop a final business plan for approval prior to progressing to the construction phase.

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

**It is recommended that Cabinet:**

- a) Agrees to accept Football Foundation funding of £839,355 towards the development of four new Playzones at Clacton Leisure Centre, Dovercourt (Cliff Park), Jaywick Sands (Crossways) and Walton on the Naze (Bathhouse Meadow), with a total project cost of £1,119,257; furthermore, agrees for the Assistant Director, Sport, Culture and Health, in consultation with the Corporate Director,**

- Governance to enter into a funding agreement on behalf of the Council;**
- b) Agrees to contribute £204,643.88 from section 106 monies and £75,168.12 from the Corporate Investment Fund, making a total of £279,812 match funding towards this project;**
  - c) Agrees for the Assistant Director, Sport, Culture and Health, in consultation with Legal Services to enter into a Joining Agreement with the Football Foundation, to become part of the Football Foundation's Framework Alliance Contract for the duration of the project;**
  - d) Agrees for the Assistant Director, Sport, Culture and Health, in consultation with Legal Services to enter into a Pre-Construction Services Agreement with McArdle Sport, Edge Public Solutions and Sportslab UK to undertake the detailed design proposals and submit planning applications for the new Playzones, under the pre procured Football Foundation Framework;**
  - e) Subject to (a), (b), (c), (d) and (e) above agrees for £40,000 of the Council's agreed match funding contribution set out in (b) above to be committed towards the Playzones design phase and costs of submitting Planning Permission.**
  - f) Subject to (a),(b),(c) and (d) above, agrees for the Assistant Director, Sport, Culture and Health in consultation with the Portfolio Holder Leisure and Public Realm to submit Planning Permission applications where applicable, for the four facilities listed in the executive summary;**
  - g) Agrees that following consultation with local organisations, decision making for future management options for the Playzone facilities is delegated to the Portfolio Holder for Leisure and Public Realm in consultation with the Assistant Director, Sport, Culture and Health, Corporate Director, Governance and Corporate Director, Finance; and**
  - h) Agrees that approval of final business plans and associated actions, including the decision to enter into a JCT agreement with McArdle Sport for the construction phase of the Playzone Project be delegated to the Leader and Portfolio Holder for Finance and Governance and Leisure and Public Realm in consultation with the Corporate Director Finance, Assistant Director, Sport, Culture and Health and Legal Services.**
  - i) Subject to (h), above, agrees the inclusion of four new Playzone facilities within the Capital Programme in 2025/26, with a total budget of £1,119,257;**

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

Agreeing this report will progress the delivery of four new Playzone facilities in the district, which is a project set out in the action plan of the Council's approved Sport and Activity Strategy, through to completion.

#### **ALTERNATIVE OPTIONS CONSIDERED**

- 1. Not to progress the project any further:** Such a decision would result in the projects being cancelled, and loss of £839,355 of external funding. As this project is a key action in providing new free to use facilities in focus areas of the district, as set out in the Sport and Activity Strategy, a key route to delivering a Council objective would be lost.
- 2. To scale down the project and deliver fewer Playzones in the district:** This would reduce the project costs and resourcing implications involved, but would in turn reduce opportunity and a platform for increased activity levels across our communities.

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



## DELIVERING PRIORITIES

This project is listed in the Council's Sport and Activity Strategy as one of the actions to support delivery of objectives. A specific action in the strategy sets out an ambition to construct new Playzones in the district and agreeing this funding to develop the detailed proposals, which advance this action.

In addition, the installation of PlayZones would contribute to the following priorities:

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

The Sport and Activity Strategy lists 'Evidence Based District Wide Sport and Activity Offer to Meet Local Needs' as a key objective'. This sets out the following:

*The Council will actively work with local people, communities and key partners to ensure more local people have access to sport and physical activity opportunities. Together with continuing to provide traditional and mainstream sports through the council's sports facilities and local sports clubs, it should be recognised that more informal activity might be more appealing to significant areas of the population, due to a wide range of factors, including age, access to transport and levels of deprivation.*

*Key areas of focus will be:*

- *Using research available, work with communities and key partners to identify priority facilities and activities for local people.*
- *A varied and continually evolving activity programme at the Council's sports facilities*
- *The formation of 'activity hubs' on the land surrounding each of the Council's sports facilities, in Clacton on Sea, Dovercourt Bay and Walton on the Naze*
- *Working with clubs and community groups to provide both traditional and informal activity sessions around the district*

The installation of Playzones is subsequently listed in the Sport and Activity Strategy Action Plan, as one of the ways the Council can impact on encouraging more local people to become active.

## OUTCOME OF CONSULTATION AND ENGAGEMENT

The Playzones project was included in the action plan to support delivery of the Sport and Activity strategy which was subject to a formal consultation process.

Through that consultation process, sports clubs raised the lack of sport and activity space available around the district and also a lack of opportunity for some minority sports. In addition, stakeholders referred to more 'free to use' activities and increased opportunities for family sessions, to build on projects such as 'Parkplay' which has been offered through the Local Delivery Pilot (LDP) scheme. Further to this, consultees were keen to ensure the older population were included in sport and activity, to improve issues surrounding social isolation and related health matters. All these points support the delivery of free to use activity spaces, which allow residents of all age ranges to participate in organised and informal sessions.

In addition, the need for more free to use facilities around the district was raised during the consultation process for the Council's Corporate Plan.

The Council worked with a consortium of partners to develop proposals for consultation with local people. The partners included Essex Police, Essex Football Association, Community Voluntary Services Tendring, Essex Health Alliance, Active Essex, Sport for Confidence and other Council services. In addition, consultation was undertaken with Town Councils and other organisations in relation to options for sites.

#### Summary of Playzone Consultation Results

The consultation results from the resident consultation process for Playzones reveal a strong community consensus on the need for these facilities across the Tendring District. The majority of participants agree that PlayZones are necessary, although a smaller group disagrees. This indicates a general support for the initiative.

Regarding the usage of activity areas, the most popular choice is free-to-use sessions, with 422 responses. This is followed by casual pay-and-play sessions (138 responses), programme sessions (107 responses), and session-led activities (95 responses). These preferences highlight the community's desire for accessible and varied recreational opportunities.

PlayZones are seen as highly beneficial for social activities, with 347 responses indicating this as the most significant benefit. They are also valued for their role in helping people meet and make friends (255 responses), become active (217 responses), and remain active (209 responses). Additionally, PlayZones foster a sense of community (147 responses), provide inclusive activity spaces (131 responses), offer safe environments (130 responses), and support group-led sessions (92 responses). Overall, PlayZones are appreciated for promoting social interaction, physical activity, safety, and inclusivity, enhancing the well-being and sense of community among respondents.

PlayZones are also recognised as an investment to tackle inequalities and provide access to safe and inclusive facilities. The FF has identified four underrepresented groups less likely to be physically active. Among these, women and girls (189 responses) have the highest representation, followed by disabled individuals and those with long-term health conditions (66 responses), low-socio-economic groups (34 responses), and ethnically diverse communities (24 responses). The largest group, with 213 responses, does not consider themselves to fall within any of these underrepresented groups, indicating that PlayZones serve the broader community as well. A significant number of respondents (84 responses) prefer not to disclose their group affiliation, which may reflect privacy concerns or a lack of awareness about the importance of identifying with these groups.

When asked which PlayZone they would use, respondents showed a clear preference for Cliff Park in Harwich, with 440 responses. This is followed by Clacton Leisure Centre in Vista Road (55 responses), Walton-on-the-Naze in Bathhouse Meadow (30 responses), and Jaywick Sands in Crossways Recreation Ground (13 responses). These results suggest that Cliff Park is the most popular choice, while Walton-on-the-Naze and Jaywick Sands are less favoured. It should be considered however, that Jaywick Sands is a target location for the Sport and Activity Strategy and this consultation process, should be viewed as one indicator of need and demand.

In terms of sports preferences, football is the most popular sport across all locations. For Walton-on-the-Naze, Bathhouse Meadow, football received 18 responses, followed by

basketball and netball (11 responses each). At Clacton Leisure Centre, Vista Road, football received 32 responses, followed by basketball (23 responses) and netball (22 responses). Cliff Park in Harwich saw football as the top choice with 282 responses, followed by basketball (138 responses) and netball (99 responses). Finally, at Jaywick Sands, Crossways Recreation Ground, football received 6 responses, followed by basketball and netball (4 responses each).

Overall, the consultation results highlight the community's strong support for PlayZones, emphasising their role in promoting social interaction, physical activity, safety, and inclusivity. Cliff Park in Harwich is the most preferred location, and football is the most popular sport across all sites.

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

<b>Is the recommendation a Key Decision (see the criteria stated here)</b>	<b>YES</b>	<b>If Yes, indicate which by which criteria it is a Key Decision</b>	<ul style="list-style-type: none"> <li>✓ <b>Significant effect on two or more wards</b></li> <li>✓ <b>Involves £100,000 expenditure/income</b></li> </ul>
		<b>And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)</b>	N/A

Following consultation with the Council's Legal team, the funding agreement comes with detailed monitoring and compliance regime, which will need to be completed for compliance. Furthermore, there is a prohibition on disposal or otherwise of the facility without prior written consent of the FF. This may impact on the Council's flexibility and choice in the future on these sites. Due to three of the four proposed Playzones being installed on existing hard surface play areas, this is not considered a change from the current position. The final site at Harwich, Cliff Park was the most well received on the facilities, during the consultation process. There are also, clawback conditions, should the funds be used for unintended purpose, which is not considered a risk.

Under the Football Foundation's (FF) Framework Alliance Contract, the Council needs to sign a Joining Agreement with the Foundation. This means the FF will act as the main Client, and the Council will be an 'Additional Client'. This agreement allows the Council to work with the FF and other partners to ensure the project is successfully delivered. It also lets the Council award a contract to the Playzone Provider under the approved framework.

The project will follow a "Two-Stage Design & Build" approach. The contract will be a JCT Minor Works Design and Build Contract (2016), including Pre-Construction Services. The goal of this approach is to build strong relationships between the Council and the project team. Stage one involves initial planning and design. The second stage of the contract will not be initiated until funding is awarded and Cabinet have agreed to proceed.

If this report is approved, the Council will move to stage 4 of the Playzone Delivery Process, as detailed in the 'Milestones and Delivery' section of this report. In stage 4, the Council will enter into a Pre-Construction Services Agreement (PCSA) with listed providers. The Playzone Provider (PZP) will then work with the Project Team to develop detailed design proposals and submit a full planning application.

During this stage, the Framework Management Contractor (FMC) will:

- Draft the contract documents including the PCSA
- Agree on the project schedule
- Work with the PZP to ensure the project delivers Best Value and agree on the final Contract Sum
- Review and challenge the detailed design process
- Fulfil duties under Construction (Design and Management) Regulations 2015

Once additional surveys and detailed design are completed, the PZP will submit a planning application on behalf of the Council. The PZP will handle any queries from the Planning Team and meet any conditions of a successful award. Depending on discussions with the Planning Team, the project may require:

- No planning application (for refurbishing existing MUGA pitches)
- A minor application
- A full application

As with previous FF projects, entering into this framework is a pre-condition of securing FF funding and there is no mechanism to opt out if there remains a willingness to continue. It will enable the Council to award contracts to pre-procured suppliers, through their collaborative framework.

The Foundation has pre-procured three roles which are key to taking the project through to completion of a funding bid, which are as follows:

1. Framework Management Consultant (FMC) – Edge Public Solutions
2. Specialist Testing Consultant (STC) – Sportslab UK
3. PlayZone Provider (PZP) - McArdle Sport

Each contractor in the Framework Alliance was procured through a fully compliant open procurement process through the United Kingdom's 'Find a Tender' procurement rules. The FF has three sets of procured contractors for different regions of the country and the above list which have been appointed to oversee the Tending schemes (subject to the approval of this report) cover East of England, London, and South.

### **Tender / Pricing**

After submitting the planning application, the FMC and PZP will agree on the "Contract Sum". The FMC will gather all project information, finalize the Employer's Requirements, call-off contracts, warranties, and other necessary details. Once planning permission is obtained and the design is finalized, all project costs will be identified, resulting in an agreed Contract Sum.

### **Contract**

This process concludes with an agreed contract ready for execution, subject to a successful grant award and Cabinet decision from the Foundation. There will be a two stage contract process, which would ensure the Council was not bound to move to the construction stage, if there were complications during the final planning and design phase. Following Planning Permission, the Council will enter into a JCT agreement with the main contractor, McArdle Sport.

### **Future Operational Management**

It is possible for the Council to work with partners to manage any of these facilities, through a licence agreement. Although this will require approval from the FF, this report will provide authority for discussions to take place with a view to establishing agreements where appropriate and agreed by the Portfolio Holder.

### Section 106 (S106) funding

This project will use Section 106 funding towards the overall project costs. S106 refers to legally binding agreements made between the Council and developers as part of the planning permission process. These agreements are designed to mitigate the impact of new developments by requiring developers to contribute towards local infrastructure, services, and community facilities. Contributions can include funding for affordable housing, schools, healthcare, transport improvements, green spaces, and as in this case, leisure amenities.

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

No further comments to add to the content of the report.

## FINANCE AND OTHER RESOURCE IMPLICATIONS

### Financial Implications of this Decision

The table below sets out the breakdown of costs for the construction of four new Playzones for Tendring, including the Football Foundation funding offered and the match required from the Council.

Playzone Location	FF Funding Offered (£)	Match Funding Required (£)	Total Cost (£)
Clacton on Sea	200,653	66,884	267,537
Jaywick Sands	192,167	64,054	256,221,
Harwich	249,824	83,274	333,098
Walton on the Naze	196,801	65,600	262,401,
<b>Total Project Cost</b>	<b>839,445</b>	<b>279,812</b>	<b>1,119,257</b>

The Council has received a formal offer from the Football Foundation for the 75% contribution towards the project, as set out above. It is important to set out that the Football Foundation require the 25% match funding as an overall contribution towards the total project costs; and this does not need to be individual to each Playzone facility.

The costs include all design fees and pre-construction works required. The budget has been costed through a detailed technical phase, with budget costs set through work with the proposed contractor. As such, it is not anticipated that capital costs will increase. If they do however, it should be noted that the risk will fall to the Council. In this eventuality, a further report will be brought forward for consideration, with an opportunity to withdraw at that stage. Any finance committed/spent at this point will be lost. It should be noted that FF funding will be paid in arrears for the project and the Council will need to claim funds back during the project.

In order to progress the project through detailed designs and planning permission, £40,000 of the Council's match funding contribution will require committing through this report. If the Council decide not to commit to the construction phase, it should be noted that this sum will not be recoverable.

The total project costs include a contingency budget of 5%. There has been significant risk built into the budget costs and the FF have confirmed that all of the Playzone projects completed to date, have been completed within the budget allocated. In addition, the Council completed a FF funded project in 2022 which was managed through this process. The project was delivered under the approved budget allocation and the project was considered to be of a high standard.

### Match Funding

The Council's 25% contribution of £279,812 to the overall project will be funded as follows:

Section 106 funding: £204,643.88

Balance to be funded from the Corporate Investment Fund budget: £75,168.12

Total match funding contribution: £279,812

*\*Total currently available within the Corporate Investment fund is £4.457m*

All the section 106 agreements above have been agreed with the Council's Planning team and our appropriate for use on this project.

### Pricing of this Facility

Due to the purpose of these facilities, it is aspired to have minimal charging at the point of use. Following agreement of this report, the Council will build on work already undertaken with partners, to fully programme the facilities with a balance of free to use sessions and chargeable sessions (although some of these will also be free at the point of use). A balance programme however will include hiring the facilities for a charge to organisations, which would be used to offset any ongoing maintenance costs.

### Business Planning

Outline business plans are provided for all sites in the appendices, but a summary of the projected profit and loss accounts are set out below. These are based on standard templates required by the Football Foundation during the application process. Expenditure includes maintenance costs, software to support access and booking arrangements, training and marketing. It is important to state the expenditure also includes the allocation of a sinking fund to replace the pitch at the end of its lifespan. This is not a requirement of the funding, but best practice to ensure a new pitch can be laid, once the useable life of the current surface is over. A more detailed breakdown can be found in the appendices.

Following agreement of this this report, the Council will work with partners to develop the Playzone programme and detailed business plans to ensure there is a balanced schedule of activity, which meets the Football Foundation funding agreement, section 106 agreements and financial requirements of maintaining the facilities.

### Clacton Leisure Centre

Overall site Summary	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Income	£0	£25,200	£25,956	£26,735	£27,537	£28,363
Expenditure	£5,004	£14,426	£15,600	£18,485	£16,820	£17,965
Surplus /Deficit	-£5,004	£10,774	£10,356	£8,250	£10,717	£10,397

Harwich

Overall site Summary	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Income	£0	£24,960	£25,709	£26,480	£27,274	£28,093
Expenditure	£5,004	£14,426	£15,600	£18,485	£16,820	£17,965
Surplus /Deficit	-£5,004	£10,534	£10,109	£7,995	£10,455	£10,127

### Jaywick Sands

Overall site Summary	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Income	£0	£25,440	£26,203	£26,989	£27,799	£28,633
Expenditure	£0	£14,926	£16,115	£19,015	£17,366	£18,528
Surplus /Deficit	£0	£10,514	£10,088	£7,974	£10,433	£10,105

### Walton on the Naze

Overall site Summary	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Income	£0	£21,400	£22,042	£22,703	£23,384	£24,086
Expenditure	£5,004	£10,739	£11,901	£13,698	£12,503	£12,819
Surplus /Deficit	-£5,004	£10,661	£10,141	£9,006	£10,881	£11,267

As set out above, it is estimated that each pitch has enough income within the high-level programme, to ensure all costs are covered. This would include a sinking fund,

### Resource Implications

The decisions set out in this report will provide the resourcing to take the project through to completion of the projects. The recruitment and appointment of a new Project and Procurement Manager will provide sufficient resourcing towards delivering this project, which will ensure capacity is in place to oversee the project and manage the Council's relationship with the design team. Furthermore, the Council's Community Sport and Activity Manager will lead in developing the programme and working with organisations with consideration to manage the facilities on an operational basis.

In addition, the Council is able to utilise the balance of capacity funding received for this project from the Football Foundation towards resourcing. From the total figure of £25,000 the balance stands at £14,500, but this is required to be spent by 31 August 2025. In addition, there is potential to utilise the funding already received from the FF which is currently apportioned to cover resources already funded, e.g. salary costs. This would result in an additional resourcing budget of £25,000, which could be used to buy in bespoke resourcing if necessary.

### External Funding

The Council has been highly effective in attracting a significant amount of external funding towards priority projects for Sport and Activity provision over the last 3 years and the table below is a summary of the projects which have been funded, or part funded, through successful grant funding applications.

Project	Funding Source	Amount (£)
Playzone Project	Football Foundation	839,355
New 3G Pitch at Clacton Leisure Centre	Football Foundation	343,751
Clacton Leisure Centre Heating System	Salix Finance	1,204,481
Government contribution towards increased energy costs at the district's three sports facilities	Sport England (Swimming Pool Support Fund phase 1)	388,000

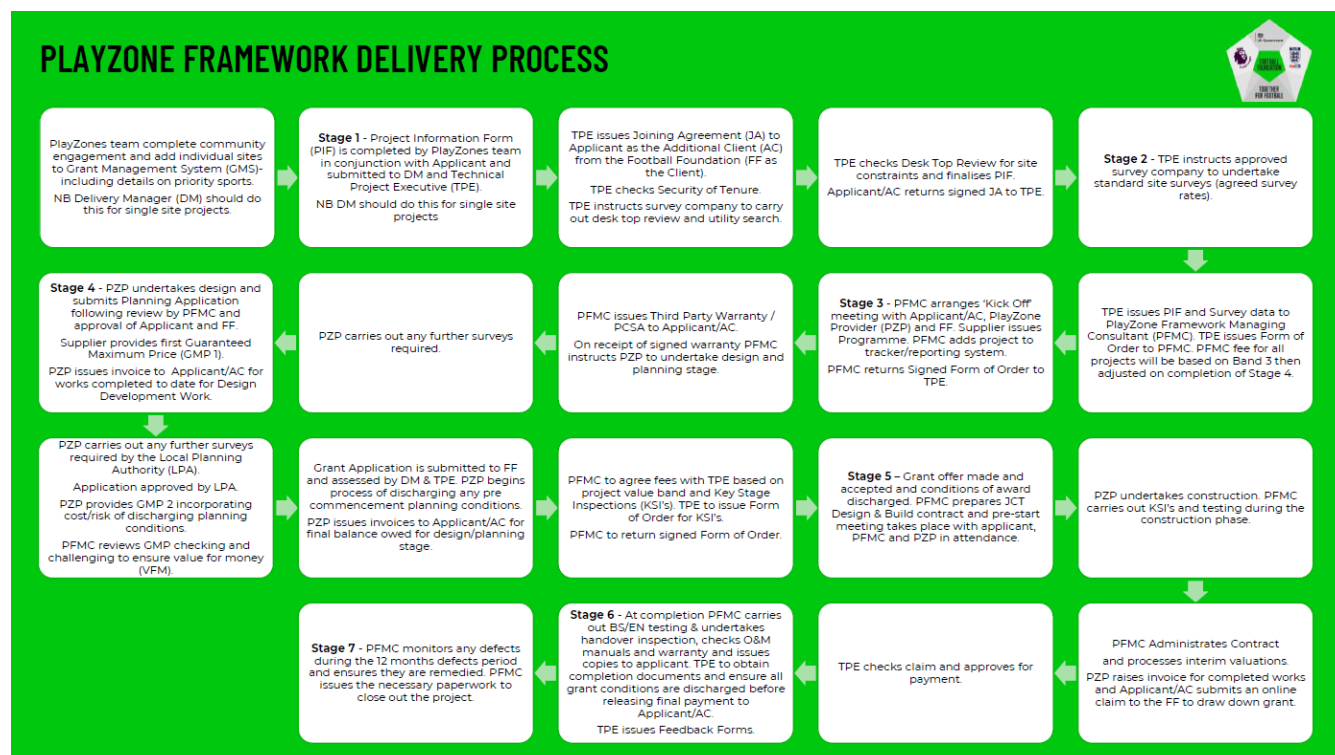
Government contribution towards new Building Management System and Air Handling Unit at Walton on the Naze Lifestyles	Sport England (Swimming Pool Support Fund phase 2)	94,500
Small Grant towards Active Wellbeing Centre Feasibility Study	Sport England	10,581
Total received (including this report)		2,880,668
<input type="checkbox"/>	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:	
Although there are no significant comments over and above those set out elsewhere in the report, it is important to highlight that the decision to continue with the project and its inclusion within the Capital Programme remains subject to the determination of the final business case. Any money spent from the Council’s own resources in the interim period is therefore a risk that is accepted by the Council.		
USE OF RESOURCES AND VALUE FOR MONEY		
The following are submitted in respect of the indicated use of resources and value for money indicators:		
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The appointment of external organisations to manage this process through to the submission of a bid, will ensure there are sufficient resources in place to manage the project and not draw on vital internal resources.  In addition, the Council will be engaging with external organisations, to understand appetite for managing/operating these facilities following construction.	
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	This report will agree to progress the Playzones project up to and including the submission of a funding bid to FF. This will allow full consideration of all the project implications, prior to Cabinet determining how to proceed.	
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 project will be informed by the management and learning of previous projects managed by the organisation. In particular, other projects funded by FF, which share the same procurement and contract pathways.	
MILESTONES AND DELIVERY		
The following table sets out the estimated timescales for the Playzone scheme to achieve Planning Permission and be in a position for construction. Following Cabinet approval, it is estimated that this will be completed by 31 December 2025.		



Task	Duration (Weeks)
PFMC arranges 'Kick-Off' meeting with Applicant / Additional Client (AC), PlayZone Provider (PZP) and FF	2
PFMC Issues PCSA Which is Completed by Applicant / AC and Issued to PZP	1
PFMC Instructs PZP to Undertake Detailed Design Phase (DDP) and Prepare Planning Application	1
PZP Completes DDP/Further Surveys and Provides Planning Application for Review	5
Planning Application is Reviewed and Approved by The Applicant/AC and FF	1
Planning Application is Submitted and Validated by the LPA / PZP Provides GMP 1	1
PZP Carries Out Any Further Surveys Required by LPA / Planning Application is Approved by LPA	13
PZP Provides GMP 2 Incorporating Cost Risk Associated With Planning Conditions	1
GMP is Reviewed by PFMC to Ensure Value For Money (VFM)	1

Following the milestones above, there will be a lead in period of 4 weeks, with an estimated date to start on site in February 2026. The average construction period is 10-12weeks, so it is projected that the four Playzones will be completed by spring 2026.

The following graphic sets out the entire Playzone process, from inception to delivery and if this report is approved, the Council will move to stage 4 of the process.



## ASSOCIATED RISKS AND MITIGATION

The following are considered to be the key risks in delivering this project:

Risk	Description	Likelihood	Impact
Budget overruns	There is potential for the project to increase in cost throughout the development. This has been mitigated by a thorough process of feasibility by the FF.	Low	Medium

	<p>If further costs are incurred through the planning stage such as Traffic Impact Assessments, Ecology or Noise Impact Surveys, this will fall on the Council to fund. Due to the sites selected, this is not considered a high risk.</p> <p>If, through circumstances within the Council's control, it is decided not to continue with the project prior to the construction contract having been signed, the FF reserves the right to seek payment for any costs it has incurred. Should it be for circumstances beyond the Council's control the FF will not seek recompense.</p> <p>In order to progress the project through detailed designs and planning permission, £40,000 of the Council's match funding contribution will require committing through this report. If the Council decide not to commit to the construction phase, it should be noted that this sum will not be recoverable.</p>		
Ground conditions	Poor ground conditions can lead to delays in construction and an increase in project costs. The FF have commissioned appropriate surveys to mitigate against this and three of the four facilities are being constructed on existing multi use games areas.	Low	High
Contractor performance	Poor contractor performance can impact on delivery. The FF framework has pre-procured contractors, design team and project management through a framework, which should mitigate against future challenges.	Low	Medium
Planning permission	There is potential for challenges through the planning process. The consultation which was undertaken for this project will mitigate against this. If planning permission is not approved for specific projects, the Council will not be committed financially (outside of any costs already committed/spent).	Low	High
Underutilisation	There is potential for the facilities to be underused following construction. The consultation process and the work	Low	Medium

		which will be undertaken on the programming for each Playzone will mitigate against this.		
Ongoing Maintenance Costs		There is potential for income derived from each Playzone being insufficient to cover ongoing maintenance costs. As this cost will be £6,000 - £9,000 per annum for each site, this could impact on the ongoing condition for each facility.	Medium	Low

## EQUALITY IMPLICATIONS

The FF PlayZone scheme is an innovative initiative aimed at creating safe, inclusive, and accessible outdoor sports facilities across England. Launched with funding from the Premier League, The FA, and the Government through Sport England, the programme seeks to tackle inequalities in physical activity and access to sports facilities by focusing on communities with the greatest need

### 1. Objectives and Goals:

- **Community Engagement:** The scheme emphasizes the importance of community involvement in the design and management of PlayZones. Facilities are developed in partnership with local communities to ensure they meet the specific needs and preferences of the area
- **Targeted Investment:** The programme prioritizes investment in lower socio-economic groups, women and girls, disabled people, and ethnically diverse communities. By doing so, it aims to provide equal opportunities for all to engage in sports and physical activities
- **Multi-Sport Facilities:** PlayZones are designed to support a variety of sports and activities, not just football. This includes built-in equipment for sports like cricket and basketball, making the facilities versatile and widely usable

### 2. Impact and Reach:

- **Facility Development:** The programme aims to deliver over 240 PlayZones by 2025, creating new or refurbished outdoor mini-pitches that cater to both football and other sports
- **Community Benefits:** By providing high-quality sports facilities, the PlayZone scheme helps to foster community spirit, encourage physical activity, and improve overall well-being
- The FF PlayZone scheme represents a significant step towards reducing inequalities in sports participation and ensuring that everyone has access to safe and welcoming sports facilities.

From the list of priority groups set out by the FF, the Council's expression of interest focussed

on providing facilities for the following:

- Lower socio-economic groups
- Disabled people and people with long term health conditions

### **SOCIAL VALUE CONSIDERATIONS**

In the period prior to the submission of planning applications for Playzones, work will be undertaken with local organisations on future management options. This has the potential to provide opportunities for local people to develop a wide range of skills, which could support future employment.

### **IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION**

Ongoing costs: As covered elsewhere in this report, there is a risk that ongoing costs will not cover annual maintenance costs and the facilities will deteriorate. This is being mitigated through the programming work to be undertaken by the Council's Community Sport and Activity Manager and work with external organisations with regards to future management arrangements.

Future Priorities: A future Unitary Authority might not prioritise the promotion of community hubs such as Playzones as part of a place based approach to tackling a range of issues. As such, the facilities may deteriorate through a lack of investment.

### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050**

The installation of Playzones will have the following implications to the Council's Climate Change Strategy:

#### **Carbon Emissions from Construction**

- The construction phase may generate carbon emissions due to the use of materials like synthetic surfacing and steel fencing
- Transport of materials and use of heavy machinery also contribute to the carbon footprint.

#### **Biodiversity and Land Use**

- Installing Playzones on open space will involve using green spaces at Harwich, which can reduce local biodiversity and natural carbon sinks. The schemes at Clacton, Jaywick Sands and Walton however, will be built on existing hard standing surfaces.

#### **Long-Term Environmental Benefits**

- Encouraging active lifestyles reduces reliance on motorised transport for recreation, indirectly lowering emissions.
- Well-used outdoor spaces can foster community stewardship and support broader sustainability goals.
- These facilities will encourage residents to be active closer to their homes and have the potential to reduce the car vehicles.

#### **Opportunities for Sustainable Design**

- These facilities will utilise LED lighting, which will significantly reduce the environmental impact of floodlights.

### **OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

<p><b>Crime and Disorder</b></p>	<p>The facilities are intended to be safe, inclusive, and welcoming for all, particularly targeting lower socio-economic groups, women and girls, disabled people, and ethnically diverse communities.</p> <p>The Department for Culture, Media and Sport affirm that the HM Prison and Probation Service support a vision for the role of '<i>sports-based interventions in tackling and reducing crime and preventing contact with the criminal justice system.</i>' Increasing opportunities for young people to become more active can lead to positive social outcomes and sport is a recognised diversionary activity which has the power to educate about team dynamics and how work ethic and endeavour can improve life chances and quality of life. Working with local clubs and organisations to encourage more people to use to utilise Playzones has the potential to decrease antisocial behaviour and pathways to crime in our communities.</p>
<p><b>Health Inequalities</b></p>	<p>Through increasing participation in physical activity levels in the district, there is a tangible prospect that local health statistics will continue to improve, with enhanced wellbeing and life expectancy levels for local people.</p> <p>Tendring has the highest under 75 mortality rate, at 388 per 100k population, in Essex. In 2021, 43.5% of Tendring residents described their health as "very good", which was an increase from 42.0% in 2011. Those describing their health as "good" fell from 35.9% to 35.2%. The proportion of Tendring residents describing their health as "very bad" remained 1.5%, while those describing their health as "bad" was 5.1% (similar to 2011).</p> <p>Tendring has historically low physical activity levels, compared with the County, Regional and National averages.</p> <p>In an area with challenges in terms of pockets of deprivation, transport links and historically low participation rates, as largely free to use facilities, Playzones would remove 'price' as a barrier to participation. Furthermore, it would provide hyperlocal facilities for key communities in the district.</p>

	<p>Importantly, with innovative intergenerational programming these activity hubs will impact on the challenges of adult social care. The elements of this are summarised below:</p> <p><b>Improved Physical Health</b></p> <ul style="list-style-type: none"> <li>• <b>Enhanced mobility and strength:</b> Regular movement helps maintain muscle mass, joint flexibility, and balance, reducing the risk of falls and injuries</li> <li>• <b>Chronic disease prevention:</b> Physical activity lowers the risk of conditions such as heart disease, type 2 diabetes, and obesity</li> <li>• <b>Pain management:</b> Gentle exercises can alleviate discomfort from arthritis and other chronic conditions</li> </ul> <p><b>Mental and Emotional Wellbeing</b></p> <ul style="list-style-type: none"> <li>• <b>Mood enhancement:</b> Exercise stimulates endorphin production, which helps reduce symptoms of depression and anxiety</li> <li>• <b>Cognitive benefits:</b> Staying active supports brain health and may slow cognitive decline in older adults</li> </ul> <p><b>Social Engagement and Inclusion</b></p> <ul style="list-style-type: none"> <li>• <b>Reduced isolation:</b> Group activities encourage social interaction, helping to combat loneliness and build community connections</li> <li>• <b>Empowerment and independence:</b> Being physically active can boost confidence and support individuals in maintaining daily living skills</li> </ul> <p>Finally, increased activity levels can improve system-level benefits, which impact on wider social costs as follows:</p> <ul style="list-style-type: none"> <li>• <b>Cost savings:</b> Preventing health deterioration through physical activity can reduce demand on health and social</li> </ul>
--	--

	<p>care services</p> <ul style="list-style-type: none"> <li>• <b>Workforce wellbeing:</b> Encouraging activity among care staff can improve morale, reduce absenteeism, and enhance productivity</li> </ul>
<b>Area or Ward affected</b>	St Pauls, Walton, Harwich and Kingsway, West Clacton and Jaywick

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

In recent years, the importance of accessible and high-quality sports facilities has become increasingly evident. Communities thrive when they have safe spaces where individuals of all ages can engage in physical activity, fostering not only physical health but also social cohesion and community spirit. Recognising this, the FF has launched the PlayZones Programme, a transformative initiative aimed at creating inclusive outdoor sports facilities across the country. This is consistent with the evidence base set out in the Council's Sport and Activity Strategy and agreed as part of the action planning for delivery.

The PlayZones Programme is a collaborative effort funded by the Premier League, The FA, and the Government through Sport England, with a substantial investment of £100 million. This ambitious programme aims to develop over 240 PlayZones by 2025, focusing on areas with the greatest need. These PlayZones are designed to tackle inequalities in physical activity by providing high-quality, accessible spaces for football and other sports, ensuring that everyone has the opportunity to be active and engaged in their community.

Through both the evidence base established through the strategy development and consultation undertaken to inform the Council's Corporate Plan, we know that quality free to use facilities are important to residents. By delivering this project, the Council will provide our communities with modern facilities that will encourage participation in sports, promote healthy lifestyles, and strengthen community bonds. These PlayZones will serve as vital hubs for local residents, offering a safe and welcoming environment for physical activity and social interaction.

#### Football Foundation

The FF is the United Kingdom's largest sports charity, and the Council have collaborated on previous projects, such as a new 3G Artificial Grass Pitch at Clacton Leisure. Their key objective is to support grassroots sports facilities across England, ensuring every community has access to high-quality places to play. The FF has developed a procurement Framework as a complete package that ensures best value for the level of quality required of grant funded projects.

### PREVIOUS RELEVANT DECISIONS

Cabinet report on the Council's draft Sport and Activity Strategy, 12 March 2024  
[Microsoft Word - Sport and Activity Strategy March 2024 Final Version Final](#)

Football Foundation Playzone Scheme, 15 May 2024  
[Decision - Football Foundation Playzone Scheme](#)

<b>BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL</b>

<b>APPENDICES</b>
N/A

<b>REPORT CONTACT OFFICER(S)</b>	
<b>Name</b>	Michael Carran
<b>Job Title</b>	Assistant Director Economic Growth, Culture and Leisure
<b>Email/Telephone</b>	mcarran@tendringdc.gov.uk





## GUIDANCE NOTES

Information entered elsewhere within the project plan will pre-populate a number of the income & expenditure figures below. Please enter amounts within the yellow boxes to provide both the baseline (current) amounts. Where information cannot be pulled through from elsewhere in

## INCOME

Category	Income Category	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5	Notes/ Guidance
PlayZone	Peak Hire Income (48 weeks)	£0	£25,200	£25,956	£26,735	£27,537	£28,363	
	Other	£0	£0	£0	£0	£0	£0	
	<b>Total Income</b>	£0	£25,200	£25,956	£26,735	£27,537	£28,363	

## EXPENDITURE

Category	Expenditure Category	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5	Notes/ Guidance
PlayZone	Annual maintenance contract	£0	£0	£0	£1,000	£0	£0	
	Equipment replacement	£0	£0	£500	£515	£530	£546	
	Regular maintenance (weekly)	£0	£0	£0	£0	£0	£0	
	Sinking Fund	£0	£5,000	£5,000	£5,000	£5,000	£5,000	10 year lifespan expected - circa £50k for replacement of 2G and Polymeric surfaces and circa £50k for replacement of 3G surface after that time
	Line Marking	£0	£0	£0	£0	£0	£800	
Floodlighting	Paint top up (delete row if not needed)	£0	£0	£0	£1,000	£0	£0	
	Lamp replacement	£0	£300	£300	£300	£300	£300	
	Maintenance	£0	£0	£400	£412	£424	£437	
	Utilities	£0	£735	£757	£780	£803	£827	
Revenue	Booking Systems	£0	£887	£914	£1,517	£1,563	£1,609	£576 license fee from per year 2 onwards, £598.50 annual maintenance fee, £288 software fee. Additional cost of £40 charge fee per £1000 income processed.
	Site Staff Costs	£0	£0	£0	£0	£0	£0	
	On costs	£0	£0	£0	£0	£0	£0	
	Training and education costs	£0	£2,000	£2,060	£2,122	£2,185	£2,251	
	Marketing	£0	£500	£515	£530	£546	£563	Safeguarding/ First Aid & Emergency First Aid/ Coaching Courses
	Regular Site Maintenance (in-house)	£5,004	£5,004	£5,154	£5,309	£5,468	£5,632	Social Media/ Local Advertising in line with Marketing Plan to increase usage in specific user groups (working with Steering Group) Encourage Community/ Partners to activate sessions.
	Other	£0	£0	£0	£0	£0	£0	
	<b>Total Expenditure</b>	£5,004	£14,426	£15,600	£18,485	£16,820	£17,965	

## SITE OVERVIEW

Overall site Summary	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Income	£0	£25,200	£25,956	£26,735	£27,537	£28,363
Expenditure	£5,004	£14,426	£15,600	£18,485	£16,820	£17,965
<b>Surplus /Deficit</b>	<b>-£5,004</b>	<b>£10,774</b>	<b>£10,356</b>	<b>£8,250</b>	<b>£10,717</b>	<b>£10,397</b>

This page is intentionally left blank



## GUIDANCE NOTES

• Information entered elsewhere within the project plan will pre-populate a number of the Income & Expenditure figures below. • Please enter amounts within the yellow boxes to provide both the baseline (current) amounts. • Where information cannot be pulled through from elsewhere

## INCOME

Category	Income Category	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5	Notes/ Guidance
PlayZone	Peak Hire Income (48 weeks)	£0	£24,960	£25,709	£26,480	£27,274	£28,093	
	Other	£0	£0	£0	£0	£0	£0	
	<b>Total Income</b>	£0	£24,960	£25,709	£26,480	£27,274	£28,093	

## EXPENDITURE

Category	Expenditure Category	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5	Notes/ Guidance
PlayZone	Annual maintenance contract	£0	£0	£0	£1,000	£0	£0	
	Equipment replacement	£0	£0	£500	£515	£530	£546	
	Regular maintenance (weekly)	£0	£0	£0	£0	£0	£0	
	Sinking Fund	£0	£5,000	£5,000	£5,000	£5,000	£5,000	10 year lifespan expected - circa £50k for replacement of 2G and Polymeric surfaces and circa £60k for replacement of 3G surface after that time
	Line Marking and top up (delete row if not required)	£0	£0	£0	£0	£0	£800	
Floodlighting	Lamp replacement	£0	£300	£300	£300	£300	£300	
	Maintenance	£0	£0	£400	£412	£424	£437	
	Utilities	£0	£735	£757	£780	£803	£827	
Revenue	Booking Systems	£0	£887	£914	£1,517	£1,563	£1,609	£576 license fee from per year 2 onwards; £598.50 annual maintenance fee; £288 software fee. Additional cost of £40 charge fee per £1000 income processed.
	Site Staff Costs	£0	£0	£0	£0	£0	£0	
	On costs	£0	£0	£0	£0	£0	£0	
	Training and education costs	£0	£2,000	£2,060	£2,122	£2,185	£2,251	Safeguarding/ First Aid & Emergency First Aid/ Coaching Courses
	Marketing	£0	£500	£515	£530	£546	£563	Social Media/ Local Advertising in line with Marketing Plan to increase usage in specific user groups (working with Steering Group) Encourage Community/ Partners to activate sessions.
	Regular Site Maintenance (in-house)	£5,004	£5,004	£5,154	£5,309	£5,468	£5,632	
	Other	£0	£0	£0	£0	£0	£0	
<b>Total Expenditure</b>		£5,004	£14,426	£15,600	£18,485	£18,820	£19,565	

## SITE OVERVIEW

Overall site Summary	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Income	£0	£24,960	£25,709	£26,480	£27,274	£28,093
Expenditure	£5,004	£14,426	£15,600	£18,485	£18,820	£19,565
<b>Surplus /Deficit</b>	£5,004	£10,534	£10,109	£7,995	£10,455	£10,127

This page is intentionally left blank



## GUIDANCE NOTES

Information entered elsewhere within the project plan will pre-populate a number of the income & expenditure figures below. Please enter amounts within the yellow boxes to provide both the baseline (current) amounts. Where information cannot be pulled through from elsewhere in

## INCOME

Category	Income Category	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5	Notes/ Guidance
PlayZone	Peak Hire Income (48 weeks)	£0	£25,440	£26,203	£26,989	£27,799	£28,633	
	Other	£0	£0	£0	£0	£0	£0	
	<b>Total Income</b>	<b>£0</b>	<b>£25,440</b>	<b>£26,203</b>	<b>£26,989</b>	<b>£27,799</b>	<b>£28,633</b>	

## EXPENDITURE

Category	Expenditure Category	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5	Notes/ Guidance
PlayZone	Annual maintenance contract	£0	£0	£0	£1,000	£0	£0	
	Equipment replacement	£0	£0	£300	£315	£330	£346	
	Regular maintenance (weekly)	£0	£0	£0	£0	£0	£0	
	Sinking Fund	£0	£5,000	£5,000	£5,000	£5,000	£5,000	10 year lifespan expected - circa £50k for replacement of 2G and Polymeric surfaces and circa £60k for replacement of 3G surface after that time
	Line Marking paint top up (average row 11 row 12)	£0	£0	£0	£0	£0	£800	
Floodlighting	Lamp replacement	£0	£300	£300	£300	£300	£300	
	Maintenance	£0	£0	£400	£412	£424	£437	
	Utilities	£0	£735	£757	£780	£803	£827	
Revenue	Booking Systems	£0	£887	£914	£1,517	£1,563	£1,609	£376 license fee from per year 2 onwards, £598.50 annual maintenance fee, £288 software fee. Additional cost of £40 charge fee per £1000 income processed.
	Site Staff Costs	£0	£0	£0	£0	£0	£0	
	On costs	£0	£0	£0	£0	£0	£0	
	Training and education costs	£0	£2,500	£2,575	£2,652	£2,732	£2,814	Safeguarding/ First Aid & Emergency First Aid/ Coaching Courses
	Marketing	£0	£500	£515	£530	£546	£563	Social Media/ Local Advertising in line with Marketing Plan to increase usage in specific user groups (working with Steering Group) Encourage Community/ Partners to activate sessions
	Regular Site Maintenance (in-house)	£0	£5,004	£5,154	£5,309	£5,468	£5,632	
	Other	£0	£0	£0	£0	£0	£0	
	<b>Total Expenditure</b>	<b>£0</b>	<b>£14,926</b>	<b>£16,115</b>	<b>£19,015</b>	<b>£17,366</b>	<b>£18,528</b>	

## SITE OVERVIEW

Overall site Summary	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5
Income	£0	£25,440	£26,203	£26,989	£27,799	£28,633
Expenditure	£0	£14,926	£16,115	£19,015	£17,366	£18,528
<b>Surplus /Deficit</b>	<b>£0</b>	<b>£10,514</b>	<b>£10,088</b>	<b>£7,974</b>	<b>£10,433</b>	<b>£10,105</b>

This page is intentionally left blank

## CABINET

27 June 2025

### REPORT OF PORTFOLIO HOLDER PARTNERSHIPS

#### A.6 Tendring District Council (Career Track) Apprenticeships

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

The purpose of this report is to update the Cabinet on the activities of Career Track, the Council's apprenticeship training provider.

Furthermore, this report satisfies the requirements of the Governors' framework, which aims to implement and provide a quality experience for apprentices and employers and meet the expectations of funders and regulators, whereby the Board will undertake to provide clarity between the Board and the Cabinet with a yearly update.

###### EXECUTIVE SUMMARY

At its meeting on 19 April 2024, the Cabinet considered a report from the Partnerships Portfolio Holder (A.5), which provided an update on the work of Career Track, the Council's apprenticeship training provider. The report also sought the Cabinet's approval to continue its support for Career Track and to acknowledge the outcome of the recent Ofsted visit, which rated Career Track as 'Good' and noted that apprentices enjoy their learning and feel valued by staff.

This report details the outcome of the annual review as required by the Governors' framework.

Career Track has been offering apprenticeship opportunities since its inception in 1983, both within the Council and to external employers, particularly other public sector bodies. This programme is a key component of the Council's strategy to develop a skilled workforce and create job opportunities for Tendring residents, which is crucial given the socio-demographic challenges of the area.

Tendring district, with a population of around 146,500, faces significant educational and employment challenges. It has the lowest job opportunities per working-age resident in Essex, and 34.3% of residents aged 16 and over have no formal qualifications, compared to the national average of 22.5%. Additionally, only 21.78% of pupils achieved five or more GCSEs at grades 4-9 in 2023, below the national average of 30.01%. These statistics highlight the need for targeted interventions to improve educational and employment outcomes.

As part of its commitment to providing work and learning opportunities, Career Track has consistently received strong support from the Council. Over the past decade, 500 individuals have participated in the Career Track apprenticeship programme. It is regarded as a key mechanism for young people across the district to pursue careers within Tendring. Career Track directly impacts the "Raising Aspirations and Creating Opportunities" theme in the Council's current Corporate Plan, which emphasises supporting residents in reaching their potential by collaborating with businesses and enhancing access to skills, learning, and training.

The government-set maximum funding band levels for the delivery of apprenticeships, which form the basis of fees and charges, have not been increased since 2017. Career Track operates on a non-profit basis and receives funding from the Department for Education (DfE) to deliver apprenticeships. However, this funding does not cover the full costs incurred by the service. The shortfall is primarily due to increased costs since 2017, with no adjustments made to the allowable fees set by the government when the current apprenticeship system was established eight years ago.

To assist with mitigating the revenue shortfall, Career Track provides apprenticeships for other local authorities, creating an additional revenue stream to further support the provision of the service. As of the time of writing, Career Track has a total of 54 apprentices currently enrolled on the programme. Of these, 29 are employed within Tendring District Council, while the remaining apprentices are placed in local authorities across Essex, including Braintree and Colchester, and Suffolk, Kent, and two London Boroughs.

Current data indicates a 32% increase in the number of apprentices participating in the Career Track programme since it was last reported to Cabinet. As a result of this growth, the net direct cost of the service is projected to decrease by 13% in the 2025/26 financial year compared to the previous year. In addition, the Council's workforce profile reveals that approximately one-fifth of current employees, circa 100 employees, began their careers at Tendring District Council as Career Track apprentices. This highlights the programme's continued importance as a strategic recruitment pathway for the organisation

In line with the Cabinet's decision at its meeting on the 19 April 2024, Officers have evaluated several alternative solutions (set out below) to reducing the overall subsidy required, which addresses the specific request of Cabinet to undertake a review of the service. However, it is strongly considered that Career Track is fundamental in supporting the authority's Corporate Plan, upskilling local residents, and enhancing Council services. Therefore, the Cabinet is asked to acknowledge these efforts and the team's success in delivering the forecast subsidy as outlined in the long-term financial plan. This therefore forms the basis of the proposals moving forward.

Finally, Career Track is particularly important in the context of Local Government Reorganisation, as effective apprenticeship programs are essential for building a resilient workforce and addressing employment challenges for the future of local government.

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

**It is recommended that Cabinet:**

- a. Notes the annual review undertaken by the Career Track team, including the proposed actions (set out in this report) to deliver the forecast subsidy reflected in the long-term financial plans;**
- b. Requests financial updates to be included as part of the quarterly financial reports, as necessary.**

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

The Career Track apprenticeship programme is central to Tendring District Council's efforts to support local talent and businesses while contributing to economic and social progress. With



its "Good" Ofsted rating and positive outcomes, it is a key contributor to the Cabinet's priority of "Raising Aspirations and Creating Opportunities" theme in the Council's current Corporate Plan.

#### **ALTERNATIVE SOLUTIONS CONSIDERED**

1. Join Crown Commercial Services (CCS): this option was disregarded due to resource needs, loss of autonomy, increased competition, and existing legislation allowing collaboration without competition.
2. Career Track Becomes an Approved Employer Provider: this option was disregarded because it requires a higher apprenticeship wage budget, limits regional reach, and reduces adaptability to demand changes.
3. Utilise Alternative Local Authority Providers: this option was disregarded due to lack of prioritisation for Tendring, potential decline in support and success rates, unmatched local understanding, and significant role in staff recruitment and retention.

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

#### **DELIVERING PRIORITIES**

The 2024-2028 Corporate Plan 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** (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

#### **Board of Governors Engagement and Programme Overview**

The Board of Governors has been consulted on the content of this report through its scheduled quarterly meetings. As part of their ongoing engagement, the Board has also participated in a series of discussions with apprentices to gather direct feedback on their experiences. The insights gained from these consultations are being actively considered to inform future service developments and to enhance the Council's support for both apprentices and their supervisors.

#### **Employer Engagement**

During National Apprenticeship Week in 2023, Career Track hosted a 'Celebration of

Success event', which also marked the programme's 40th anniversary. In addition to celebrating achievements, Career Track has continued to provide tailored support to employers through one-to-one sessions, with a particular focus on curriculum development and the effective use of OneFile software.

### Learner and Employer Feedback

A comprehensive survey was conducted for the 2023/2024 academic year, targeting both learners and employers. The results were overwhelmingly positive:

- **Employers** reported that their apprentices are acquiring the knowledge, skills, and behaviours necessary for their chosen career paths. They also confirmed that Career Track collaborates effectively with their organisations to review individual apprentice progress and plan future training needs.
- **Learners** indicated that their apprenticeship programme meets their needs, the feedback they receive helps them improve, and they feel their voices are heard on matters that affect them.

### Ofsted Inspection Findings

The most recent Ofsted inspection further reinforced these findings, highlighting that apprentices enjoy their learning experiences and feel valued by the staff, whom they respect. Apprentices were found to be highly motivated, making good progress, and committed to successfully completing their training.

### 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 report is not seeking a decision but is merely asking the cabinet to note the outcome of the annual review.

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.

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 and can only do so, through a company. 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). The Council is not seeking to trade in these services for commercial purpose.

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

Nothing to add in addition to the content of the report.

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

**Impact on the Net Budget 2024/25 and anticipated impact on Net Budget 2025/2026.**

<b>Original Base Estimate</b>	<b>2024/25</b>	<b>2025/26</b>
Direct Expenditure	214,490	226,360
Direct Income	(188,080)	(188,080)
Net Direct Cost of Service	26,410	38,280
Financial Forecast adjustment to reduce estimated income	75,000	50,000
Net Direct Cost of Service (after financial forecast adjustment)	101,410	88,280

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

As acknowledged via associated amendments to the budget from 2025/26 that were agreed by Full Council in February, as the Service continues to work towards lowering the overall subsidy where possible, a phased approach was adopted with an estimated reducing net position reflected in the budget over the medium term. The proposals set out in this report support this overall approach.

#### **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, including clear Terms of Reference
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including and	As above.
C) Improving economy, efficiency, and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As above.

#### **MILESTONES AND DELIVERY**

The progress of Career Track is monitored at the termly governance meetings and recorded formally with a continued yearly report to Cabinet.

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, with the next Ofsted visit anticipated 2026/27.

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

Reduced government funding or changes to the Apprenticeship Levy could make programmes less viable. However, the levy is a key part of the government's strategy to fund apprenticeship training. Employers who pay the levy can use these funds to cover the costs of training and assessing apprentices, while non-levy paying employers receive significant government funding to support their apprenticeship programmes.

Other authorities may determine that, to satisfy their internal governance requirements, a competitive process must be implemented to procure an apprenticeship provider. If this trend is observed by Career Track, it is noted that future decisions on the use of procurement frameworks to deliver the service to other public sector organisations will need to be made at the Cabinet level, supported by a business case.

#### **EQUALITY IMPLICATIONS**

Section 149 of the Equality Act 2010 places a statutory duty (The Public Sector Equality Duty, “PSED”) on the Council in the exercise of their functions and is applicable when making decisions to have due regard to the needs to:

(a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.

(b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

(c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender assignment, pregnancy and maternity, marriage and civil partnership, race, religion, or sexual orientation. The Act states that notably, ‘marriage and civil partnership’ is not considered a relevant protected characteristic for advancing equality of opportunity (b) and fostering good relations (c).

An Equality Impact Assessment ("EqIA") has been conducted to ensure that the report proposals comply with these requirements.

### **SOCIAL VALUE CONSIDERATIONS**

Social Value is defined through the Public Services (Social Value) Act 2012 and requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area.

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.

### **IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION**

Career Track has been successfully supporting apprentices at Tendring District Council and in the wider community, including Braintree District Council and Colchester City Council, for over 40 years.

As local authorities in Essex, including Tendring District Council, explore new opportunities through Devolution and Local Government Reorganisation, the need to upskill individuals for the local government sector remains essential. Tendring District Council is committed to collaborating closely with Colchester and Braintree during this reorganisation process, with the Board of Governors including representation from both councils. Given Career Track's valuable contributions across these three councils, the Cabinet is asked to continue supporting its initiatives.

### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050**

No implications.

### **OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS**

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

<b>Crime and Disorder</b>	No direct implications
<b>Health Inequalities</b>	No direct implications
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	<p>Since the legislation came into force in January 2023, public authorities must assess whether they are providing subsidies within the definition of the Act, which equates to financial assistance conferring an economic advantage to one enterprise over another.</p> <p>Reference to the Act is specifically mentioned in the Department for Education Apprenticeship Funding Guidance updated on 15 May 2025, in</p>

	particular in considering the ability for employers to transfer unused funds in their account to any number of other employers, for any number of apprenticeships. The Guidance states that the subsidy control rules need to be taken account of when receiving funds from other organisations.
<b>Area or Ward affected</b>	All wards.

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

The Tendring district, with a population of approximately 146,500, faces significant educational and employment challenges. Findings from the Office for National Statistics demonstrate that Tendring has the lowest job opportunities per head of the working-age population in Essex. Additionally, 34.3% of residents aged 16 and over are reported as having no formal qualifications, which is notably higher than the national average of 22.5%. Furthermore, GCSE achievement rates in Tendring are below the national average, with only 21.78% of pupils achieving five or more GCSEs at grades 4-9 in 2023, compared to the England average of 30.01%. These statistics highlight the pressing need for targeted interventions to improve educational outcomes and employment opportunities in the district.

Career Track is the name used by Tendring District Council for its apprenticeship service. Established in 1983, Career Track has been offering apprenticeship opportunities both within the Council and to external employers, specifically other public sector bodies. This programme is a key component of the Council's strategy to develop a skilled workforce and create job opportunities for Tendring residents. In the last 10 years, over 500 people have taken part in a Career Track apprenticeship programme.

Career Track is registered with the Department for Education (DfE) and the Education and Skills Funding Agency (ESFA) as a Local Authority Provider and is therefore subject to inspection by Ofsted. The most recent Ofsted inspection rated Career Track as 'Good' and 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.

In order to provide apprenticeships, the organisation has to continue to be an Approved Training Provider with the ESFA/DfE. Providers apply to be approved on a register, referred to as the apprenticeship provider and assessment register (APAR) (previously 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; it is anticipated that re-registration will be required during 2025/2026.

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](http://www.ofsted.gov.uk/reports).

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 Apprenticeship Funding Rules set by the Education and Skills Funding Agency (ESFA) and the Department for Education (DfE) govern how apprenticeship training providers must charge for their services within the funding bands. The key legislation underpinning this is the Apprenticeships, Skills, Children and Learning Act 2009, which established the framework for apprenticeships in England. However, the specific funding rules and band limits are enforced through ESFA's funding guidance, which is updated annually. Since 2017, the government-set maximum funding band levels for apprenticeships have remained unchanged, as a result, Career Track faces a funding shortfall as the current funding does not fully cover the full costs incurred.

In light of this, at its meeting 19 April 2024, the Cabinet acknowledged that the long-term cost of providing a subsidy will need to be considered as part of developing the long-term financial forecast. It was noted that the Career Track Service will continue to work towards reducing the subsidy as reflected in the long-term forecast.

To support its governance requirements, Tendring District Council (Career Track) Board of Governors was established in 2022, the membership is currently as follows: -

<b>Name</b>	<b>Job Role/Organisation</b>	<b>Board Function</b>
Cllr. Gina Placey	Portfolio Holder for Partnerships, Tendring District Council	Chair
Ian Davidson	Chief Executive, Tendring District Council	Representative
Richard Barrett	Corporate Director, Finance and IT, Tendring District Council (deputy for Ian Davidson)	Representative
Gary Guiver	Corporate Director, Planning and Community, Tendring District Council	Representative
Debianne Messenger	Work Based Learning Manager, Tendring District Council	Representative
Katie Wilkins	Assistant Director, People, Tendring District Council	Representative/ Management Team Lead
Marcia Fuller	People Development Manager, Tendring District Council	Representative
Jess Douglas	Strategic People and Performance Manager, Colchester City Council	Independent
Robin Harbord	Acting Strategy Development Lead in Education, Essex County Council	Independent
Hassan Shami	Commissioner for Skills, Essex County Council	Independent
Tracey Headford	People and Performance Manager, Braintree District Council	Independent

The addition of the four 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. It should be noted that there is governor representation from two other local district councils, who are likely to make up part of the new Unitary Council moving into LGR alongside Essex County Council.

When figures were previously reported to members in April 2024, there were 37 apprentices on the programme, this is now 54, with a view to reaching a maximum target position of 60 learners. 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. A detailed breakdown of apprentice numbers by apprenticeship type is provided in Appendix A.

Career Track also provides apprenticeships for care experienced young people at the Virtual School, Kent (run by Kent County Council) and two apprentices in two London Boroughs. The vacancies at other local authorities are taken up by people in those local areas.

#### PREVIOUS RELEVANT DECISIONS

Cabinet - Friday, 19th April 2024 10.30 am

119. [Cabinet Members' Items - Report of the Partnerships Portfolio Holder - A.5 - Tendring District Council \(Career Track\) Apprenticeships](#)  [PDF 144 KB](#)

#### BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

- [View the background to item 119.](#)
- [View the decision for item 119.](#)

#### Additional documents:

- [A5 Appendix A - ToR Apprenticeship Board updated August 2023 , item 119.](#)  [PDF 94 KB](#)
- [A5 Appendix B - TDC Ofsted Inspection Report 2023 , item 119.](#)  [PDF 419 KB](#)

#### APPENDICES

Appendix A - Apprentice Numbers by Apprenticeship Type

#### REPORT CONTACT OFFICER(S)

Name	Katie Wilkins Debianne Messenger
Job Title	Assistant Director - People Work Based Learning Manager
Email/Telephone	<a href="mailto:kwilkins@tendringdc.gov.uk">kwilkins@tendringdc.gov.uk</a> 01255 686315 <a href="mailto:dmessenger@tendringdc.gov.uk">dmessenger@tendringdc.gov.uk</a> 01255 686313



## Appendix A – Total Number of Apprentices

	Level of Apprenticeship	Total Apprentices	TDC Apprentices
<b>Business Administrator</b>	Level 3	18	8
<b>Customer Service Practitioner</b>	Level 2	20	15
<b>Customer Service Specialist</b>	Level 3	1	0
<b>Public Service Operational Delivery Officer</b>	Level 3	15	6
<b>Team Leader</b>	Level 3	0	0
		54	29

**Overall total of apprentices: 54**

This page is intentionally left blank

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank