

RECORD OF EXECUTIVE DECISION (THE DECISIONS LIST)

Date:	Decision Maker:	Subject to Call-in*
25 September 2026	Cabinet	No

SUBJECT OF DECISION:

Report of the Portfolio Holder for Corporate Finance & Governance - A.1 - Amendments to the Council's Constitution - Planning Committees and the National Scheme of Delegation of Planning Authority Functions

Decision:

RESOLVED that Cabinet –

- (a) notes the contents of the report and the impact of the Government's National Scheme of Delegation of Planning Functions and the requirements to amend the Council's Constitution to ensure compliance with the new legislation coming into force with effect from 31st October 2026; and
- (b) formally **RECOMMENDS TO COUNCIL** that:
 - (i) Part 3 (Scheme of Delegated Powers – Planning Committee) of the Council's Constitution be amended to reflect the proposed changes, as set out in Appendix A attached hereto this report;
 - (ii) Part 6 (Codes and Protocols) of the Council's Constitution be amended to incorporate the new "Protocol for the Discharge of Local Planning Authority Functions", as set out in Appendix B attached hereto this report, together with the consequential deletion of the Members' Referral Scheme for Planning Applications;
 - (iii) these changes come into effect on 31st October 2026; and
 - (iv) authority to amend the Protocol, as set out in Appendix B, be delegated to the Corporate Director (Planning and Community), in consultation with the Chairman of the Planning Committee and the Monitoring Officer, to reflect any minor alterations considered necessary through the implementation of the new national scheme and best practice.

Reasons for Decision:

Having considered the fundamental review undertaken by Officers of the delegated powers relating to planning matters to comply with the new legislation implementing the new national scheme of delegation, and the recommended changes to the Constitution arising therefrom, and to enable those recommendations to be submitted to the Full Council for formal approval and adoption.

Alternative Options Considered:

Given that the 2026 Regulations impose mandatory requirements on relevant LPAs in England (including Tendring District Council) there has been limited scope for alternative approaches to be taken in putting these proposals together.

Some flexibility exists around determining, pursuant to Regulation 5 of the 2026 Regulations and Schedule 2 to those 2026 Regulations, whether any such Schedule 2 application made to the local planning authority is formally referred by the “nominated member” and the “nominated officer” to the Planning Committee for determination or to be determined by Officers. Similar flexibility exists around any “own interest” application made to the local planning authority pursuant to Regulation 6.

That flexibility was taken into account in formulating the new “Protocol for the Discharge of Local Planning Authority Functions”, as set out in Appendix B, and consequently some scope exists for a different approach or approaches to have been taken. In exercising flexibility, the review and proposed approach must be consistent with the Government’s policy, legislation and the statutory guidance.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Lisa Hastings, Corporate Director (Law & Governance) & Monitoring Officer

Date:	Decision Maker:	Subject to Call-in*
25 September 2026	Cabinet	Yes

SUBJECT OF DECISION:

Report of the Portfolio Holder for Housing and Planning - A.2 - Annual Housing Complaints Performance and Service Improvement Report including Self-Assessment against the Housing Ombudsman's Complaint Handling Code

Decision:

RESOLVED that Cabinet -

- 1) in accordance with the Housing Ombudsman's Complaint Handling Code and in compliance with Cabinet's scrutiny and oversight requirements, receives and formally notes 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;
- 2) formally provides the following response to the Annual Complaints Performance and

Service Improvement report, for publication:-

“Cabinet welcomes the Annual Housing Complaints Performance and Service Improvement Report, including self-assessment against the Housing Ombudsman’s Complaint Handling Code presented by Cllr Baker in his role as Portfolio Holder for Housing & Planning and member responsible for complaints.

We would like to thank Cllr Baker for continuing in this role and his commitment to it. We know that during the year covered by the report the service has introduced further new policies and undertaken significant work in respect of compliance with the Consumer Standards. Our tenants have been more involved in reviewing our performance in respect of complaint handling and we thank them for their input and insights into their own experiences.

As the report highlights, we do need to make some improvement to how we respond to complaints and learn from what those who complain tell us.

Cabinet is concerned to see that satisfaction with our approach to complaint handling, as measured through the annual tenant satisfaction survey, has decreased when compared to the 2024/25 survey response. It is also concerning to see our speed of response to Stage 2 complaints decrease over the previous year when we hoped for a year-on-year improvement. Cabinet would also like Cllr Baker to ensure that measures are put in place to improve tenant satisfaction and response times and welcome the improvements proposed in the report.

The self-assessment against the Housing Ombudsman’s Complaint Handling Code is an important document that Cllr Baker and our tenants have had input to.

Overall, Cabinet endorses the self-assessment but as has already been said, would like to see further improvement to complaint response times and learning.”;

- 3) 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 2026; and
- 4) notes the amended figures for the annual Tenant Satisfaction Measures return, as set out in the body of this report.

Reasons for Decision:

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 handling 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 2026.

If this was to not be completed or submitted, the Council would risk non-compliance with the Complaint 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).

In June, the Housing Ombudsman wrote to the Council to highlight some areas of the Corporate and Housing Complaints Policy that could be revised in order to more closely align with the requirements of the Complaints Handling Code. Amendments to the policy have been drafted and shared with the Ombudsman for confirmation that they meet its requirements.

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

Date:	Decision Maker:	Subject to Call-in*
25 September 2026	Cabinet	Yes

SUBJECT OF DECISION:

Report of the Portfolio Holder for Housing and Planning - A.3 - Consideration and Adoption of the Housing Succession & Assignment Exchange Policy

Decision:

RESOLVED that Cabinet -

- (a) formally adopts the Housing Succession and Assignment Policy, as set out in Appendix A to the report (A.3), for implementation;
- (b) authorises the Corporate Director (Operations and Delivery) to make future updates or amendments to the policy, in consultation with the Portfolio Holder responsible for Housing; and
- (c) requires that this Policy will be reviewed every three years.

Reasons for Decision:

To ensure that the policy was appropriately adopted, in accordance with the Council's Constitution and to evidence compliance with regulatory requirements.

Alternative Options Considered:

The policy is designed to ensure compliance with the relevant provisions of the Housing Act 1985 and to assist the Council in meeting the Regulator of Social Housing's Consumer Standards which came into effect on 1 April 2024 as well as the requirements and recommendations of the Housing Ombudsman. Failure to comply with the legislative provisions or meet the requirements of the Consumer Standards could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice.

The Regulator can also authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.

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

**Conflicts of Interest Declared
(and Dispensations Granted by the Monitoring Officer)**

None

Consultation with Ward Member:

N/A

Contact Officer:

Tim Clarke, Assistant Director (Housing and Environment)

* The call-in procedure will not apply to a decision where the Chairman of the relevant overview and scrutiny committee's agreement has been obtained that any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest, or any decision made where such decision is to be referred to the Council or one of the overview and scrutiny committees for their consideration.