



CABINET

DATE:	Friday, 25 September 2026
TIME:	10.30 am
VENUE:	Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

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

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DATE OF PUBLICATION: THURSDAY, 17 SEPTEMBER 2026

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 - 22)

To confirm as a correct record and sign the minutes of the last meeting of the Cabinet held on Friday 24 July 2026.

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

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

9 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 (Pages 23 - 54)

This report asks Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a fundamental review undertaken by Officers of the delegated powers relating to planning matters following the introduction of the Government's new National Scheme of Delegation of Planning Functions and associated legislation.

The main proposals cover miscellaneous amendments to the Scheme of Delegated Powers (Part 3) and the Codes and Protocols (Part 6) to ensure the Council's Constitution remains effective, efficient and consistent at an operational level and complies with the new legislation.

10 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 (Pages 55 - 106)

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 2025/26 prior to publication and submission.

11 Report of the Portfolio Holder for Housing and Planning - A.3 - Consideration and Adoption of the Housing Succession & Assignment Exchange Policy (Pages 107 - 120)

To present to Cabinet the Housing Succession and Assignment Policy for consideration and adoption.

12 Management Team Items

There are **no items** submitted to the Cabinet by Management Team on this occasion.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Cabinet is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.30 am on Friday, 23 October 2026.

Information for Visitors

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**MINUTES OF THE MEETING OF THE CABINET,
HELD ON FRIDAY, 24TH JULY, 2026 AT 10.30 AM
IN THE 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 and Portfolio Holder for Economic Growth, Regeneration & Tourism
Councillor A P H Baker	Portfolio Holder for Housing & Planning
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 D Bray (Leader of the Reform UK Group), J B Chapman BEM (Leader of the Independent Group) and P B Honeywood (Leader of the Conservative Group)

Also Present: None

In Attendance: Chief Executive (Ian Davidson), Corporate Director (Finance and IT) & Section 151 Officer (Richard Barrett), Director (People) (Katie Wilkins), Assistant Director (Corporate Policy & Support) (Keith Simmons), Assistant Director (Sport, Culture & Health) (Mike Carran), Assistant Director (Housing and Environment) (Tim R Clarke), Acting Head of People (Marcia Fuller), Democratic Services Manager (Ian Ford), Work Based Learning Manager (Debianne Messenger), Democratic Services Officer (Bethany Jones) and Communications Officer (James Dwan)

14. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mick Barry (the Portfolio Holder for Leisure & Public Realm).

15. MINUTES OF THE LAST MEETING

It was moved by Councillor Stephenson, seconded by Councillor Henderson and:-

RESOLVED that the minutes of the meeting of the Cabinet, held on Friday 26 June 2026, be approved as a correct record and be signed by the Chairman, subject to the inclusion of the word "Engineering" in the relevant sub-heading under Minute 6 (Cabinet Members' Announcements).

16. DECLARATIONS OF INTEREST

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

17. ANNOUNCEMENTS BY THE LEADER OF THE COUNCIL

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

18. ANNOUNCEMENTS BY CABINET MEMBERS**Tendring Youth Awards**

The Portfolio Holder for Partnerships made the following announcement:-

"I would like to take a moment to recognise the fantastic Tendring Youth Awards, which this year marked its tenth anniversary with a brilliant celebration at the Princes Theatre in Clacton on Tuesday 7th, just a couple of weeks ago.

The evening was a wonderful reminder of the talent, kindness and community spirit we have among young people across Tendring. From young carers and lifesavers to volunteers, performers, environmental champions and those who have shown real determination in their learning and personal growth. The finalists and winners were truly inspiring.

It was also right that the awards recognised the adults, groups and organisations who support young people and help them to thrive. Their work often happens quietly in the background, but it makes a real difference to families and communities across our District.

I would like to congratulate all of this year's nominees, finalists and winners, and thank the Tendring Youth Awards committee, sponsors, supporters, volunteers and everyone involved in making the event such a success.

Above all, I want to say how proud we should be of the young people celebrated at these awards. They are a credit to themselves, their families and Tendring, and they give us every reason to feel positive about the future of our District."

The Leader of the Council echoed those sentiments.

Harwich – Felixstowe – Shotley Foot Ferry

The Portfolio Holder for Economic Growth, Regeneration & Tourism made the following announcement:-

"I bring some good news to Cabinet today on the back of Freeport East's Board meeting on Wednesday of this week. There has been a long-standing call for support for the Harwich – Felixstowe – Shotley Foot Ferry. The Tourism Group in Harwich has continually lobbied for extra support to help, perhaps, the Ferry service to extend beyond its normal short period of operation during the summer.

The good news is that as one of the Freeport East Transport Masterplan's priorities the Foot Ferry the Freeport East Board has now agreed to delegate authority to its Chief Executive to finalise a financial agreement with the owners of the Foot Ferry to extend its operating period into the winter. This will extend, and remove existing barriers to increasing, visitor footfall for Harwich, Felixstowe and Shotley. It will also "test the water" to see what commuter interest there is between those ferry destinations.

The funding is there for a three year period and it will be monitored on a yearly basis to see how successful it is. But if we don't try it we will not know how successful it could be and what the need is. So, I am really pleased that we are going to make that connection and it is also what Freeport East is all about. It is making a direct connection between Tendring District and the Suffolk border. Freeport East was created on the back of deprivation and the need to create jobs and skills. What we have always said is if we can make that mutual connection between Felixstowe and Tendring it opens up opportunities for people taking on jobs and opportunities across the water. So, I am really pleased to report that news today."

The Leader of the Council endorsed that this was a good news story.

Story Walks and Well-being

The Portfolio Holder for the Environment & ICT made the following announcement:-

"I wanted to take a moment today to highlight a wonderful initiative our Council recently supported – the Story Walks campaign delivered in partnership with Essex storyteller, James Lawrence, known as Man About Country.

I had the privilege of joining the guided walk at The Naze, Walton and as I shared on social media afterwards, the experience really brought home the deep, practical value of three simple things: 'walking, talking and mindfulness'.

First, the walking. Getting outside and moving along our coast is not just about physical health – it is about discovering, preserving and taking genuine pride in Tendring's extraordinary landscapes and natural heritage.

Second, the talking. Walking side-by-side creates a natural, unpressured space for people to chat, connect and share experiences. James' brilliant storytelling reminded us that our local history and identity are rich, vibrant and something to be proud of.

And finally, the mindfulness. In a world that often feels rushed and screen-focused, taking three hours to walk in nature, listen and truly be present is one of the best preventative mental health measures we can encourage for our residents.

Initiatives like this touch on so many of our corporate priorities – from public health and mental well-being to local tourism, culture and community cohesion. I want to commend the team for backing this initiative and urge us to keep supporting opportunities that get our residents outdoors, connecting with one another and experiencing the best of Tendring."

The Chief Executive expanded on those sentiments, and he mentioned that The Naze had featured in a recent episode of the BBC's *Countryfile* TV programme.

19. MATTERS REFERRED TO THE CABINET BY THE COUNCIL

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

20. MATTERS REFERRED TO THE CABINET BY A COMMITTEE

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

21. LEADER OF THE COUNCIL'S ITEMS

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

22. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.1 - OVERVIEW OF THE FINANCIAL OUTTURN 2025/26 AND PROPOSED ALLOCATION OF THE GENERAL FUND VARIANCE FOR THE YEAR AND OTHER IN-YEAR BUDGET ADJUSTMENTS 2026/27

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.1) that provided it with an overview of the financial outturn for 2025/26, and which sought Cabinet's approval of the allocation of the overall 2025/26 General Fund revenue variance along with several proposed budget adjustments across 2026/27 and 2027/28.

Cabinet recalled that the Corporate Finance & Governance Portfolio Holder had agreed the overall financial outturn position for 2025/26 on 30 June 2026, with a high level summary of the General Fund revenue position as set out below:-

Variance for the year before carry forward requests	(£23.167m)
Less revenue carry forwards requested by Services	£19.778m
Variance for the year after requested carry forwards	(£3.389m)

Some key highlights of the Portfolio Holder report mentioned above are as follows:

- 1) *the favourable variance for the year of £3.389m was currently being held in the Corporate Investment Fund (Revenue) via the Revenue Commitments Reserve;*
- 2) *requested revenue carry forwards totalled £19.778m which remained subject to on-going and separate review. Once the review had been completed and agreed under an existing delegation to the Portfolio Holder for Corporate Finance and Governance, the money relating to any items not agreed would be transferred to the relevant Corporate Investment Fund.*
- 3) *strong, effective and proactive financial management continued to influence the outturn position each year. Set against this approach, the complementary and comprehensive reviews as part of the quarterly financial performance / budget reports during the year, had provided opportunities to reflect on issues affecting the Council's general financial position in 2025/26, with timely revisions made where necessary.*
- 4) *the majority of budget areas had therefore performed to this adjusted position, with only a limited number of variances being highlighted at the end of the year, with many of the items therefore relating to issues highlighted / discussed during the year rather than new items emerging.*
- 5) *following the introduction of the two-year financial plan that had been developed as part of the budget setting process for 2026/27, that in-turn reflected an holistic*

approach to a two-year window leading up to 1 April 2028 (the potential vesting day for the new Unitary authority based on the Government's current timetable), the outturn position formed an important element of this wider position.

It was reported that the Council's overall general fund reserves totalled £44.368m at 31 March 2026. (excluding the General Fund outturn variance of £3.389m for 2025/26). However, £40.368m was in respect of earmarked reserves, which related to future years' commitments (including the currently requested carry forward amounts). Earmarked reserves therefore predominantly reflected previously identified priorities of the Council. The balance of £4.000m was the level of uncommitted reserves that were held based on a broad risk assessed approach, which included a 'working balance' that formed part of the Council's treasury management processes. The total earmarked reserves also included the balance on the Forecast Risk Fund of £7.235m, which was in-line with the previously agreed amount that remained available to support the Council's financial plans in future years.

In respect of the Housing Revenue Account (HRA), the outturn position for 2025/26 reflected an overall favourable variance of £1.652m, that had been transferred to general balances to support the HRA in future years. The HRA general balance at the end of 2025/26 totalled £3.996m.

The Portfolio Holder's report (A.1) also provided a timely opportunity to briefly reflect on the position for 2026/27 and 2027/28, with some further proposed adjustments set out within Appendix A, which reflected / supported the delivery of Council priorities / Departmental Plans and the two-year financial plan.

The recommendations within the report (A.1) set out a number of delegations associated with the delivery / implementation of the various items agreed within Appendix A as necessary.

Cabinet was aware that the Council's two-year financial plan would be subject to updates throughout 2026/27 and would need to reflect new / emerging issues along with any significant changes to issues already identified. In respect of the latter, the two-year plan would need to be reviewed in light of the outturn position for 2025/26.

To enable the financial outturn position for 2025/26 to be noted and to allocate the overall General Fund favourable outturn variance for 2025/26 along with agreeing a number of proposed budget adjustments in 2026/27 and 2027/28:-

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

RESOLVED that -

- (a) the high level Financial Outturn Position, as set out in this report (A.1) and the favourable General Fund Revenue variance of £3.389m for the year, which is currently held within the Corporate Investment Fund (Revenue) via the Revenue Commitments Reserve, be noted;
- (b) the use of the General Fund Outturn for the year of £3.389m along with the other budget adjustments, as set out in Appendix A to report A.1, be approved;

- (c) in respect of the additional £0.250m set aside within the existing Contingency budget, the Chief Executive, in consultation with the Portfolio Holder for Corporate Finance and Governance, be authorised to utilise this funding during the year;
- (d) in respect of the additional £1.000m set aside to support general capacity within the Council, the Chief Executive, in consultation with the Portfolio Holder for Corporate Finance and Governance, be authorised to utilise this funding during the year;
- (e) in respect of the additional £0.050m set aside in both 2026/27 and 2027/28 to support the extension to the existing local sports grant schemes, the Corporate Director (Place and Wellbeing), in consultation with the Portfolio Holder for Leisure and Public Realm, be authorised to implement the necessary associated arrangements; and
- (f) the Council's Section 151 Officer, in consultation with the Corporate Finance and Governance Portfolio Holder, be authorised to adjust the outturn position for 2025/26 along with any corresponding adjustment to earmarked reserves / Corporate Investment Funds as a direct result of any recommendations made by the Council's External Auditor during the course of their audit activities relating to the Council's 2025/26 accounts.

23. CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE AND GOVERNANCE PORTFOLIO HOLDER - A.2 - TREASURY MANAGEMENT PERFORMANCE 2025/26

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.1) that reported on the Council's treasury management activities and Prudential Indicators for 2025/26.

It was confirmed that borrowing and investments had been undertaken in accordance with the 2025/26 Annual Capital and Treasury Strategy that had been approved by full Council on 31 March 2025.

Summary of the Council's Borrowing Position:

Amount Outstanding at the end of March 2026	Average Interest Rate Paid in 2025/26	Total Interest paid in 2025/26
£0.112m (General Fund)	6.884%	£0.008m
£28.120m (HRA)	3.591%	£1.048m

Members were informed that no new external borrowing had been undertaken in 2025/26 for either the General Fund (GF) or Housing Revenue Account (HRA).

Summary of the Council's Investment Position:

Value of Investments held at the end of March 2026	Average Interest rate on Investments 2025/26	Interest Earned on Investments 2025/26
£97.642m	4.378%	£4.949m

Cabinet was made aware that the amount of interest earned from investments had remained at a relatively high level during the year. Although the Bank of England had announced some interest rate reductions during the year, many of the Council's investments were fixed for 6 months at a time and therefore such reductions did not necessarily feed immediately through to the investment income earned. The rate at the beginning of the year was 4.5%, with modest reductions made over the course of the year, with the rate at the end of March 2026 being 3.75%. Advantages from the Council's cashflow position had been also seen during the year due to the significant Government grant income relating to the associated major regeneration projects. Estimated investment income had increased through the quarterly financial performance and budget reports during the year - from **£1.806 million** at the start of the year to **£3.878 million** at the end of the year, with the outturn figure being **£4.949 million** as set out in the table above.

It was reported that the Council continued to hold one property within its Commercial Investment Portfolio, which had a balance sheet value at 1 April 2025 of **£2.212 million**. This 'book value' had been decreased by the Council's appointed valuers by **£0.076 million** at the end of 2025/26. However, this was an 'accounting' valuation and not a direct value that would be achieved on the market if it was sold. In-line with the budget, rental income of **£0.237 million** had been earned on the property in 2025/26, in line with estimates.

The treasury performance figures for the year were set out in Appendix A with the Prudential Indicators attached as Appendix B.

It was reiterated that responding to inflation continued to be a challenge for the Bank of England with their current forecast suggesting CPI could breach 4.5% in 2026, which was a stark contrast to their earlier forecast which had suggested inflation would reach their target amount of 2% from 2026/27.

In terms of interest rates, the forecast from the Council's own treasury advisors was for rates to remain steady at the current level of 3.75% in March 2026 to 3.5% in September 2027. Steady returns were therefore expected throughout 2026/27.

In terms of borrowing costs, the outstanding loans currently held by the Council were at fixed rates and were therefore not subject to any short / medium term fluctuations such as those mentioned above. The Council would continue to consider the opportunities from borrowing internally whilst current market interest rates remained relatively high, which was relevant when existing HRA loans matured and are 'replaced'.

As reflected within the recommendations in this report (A.2), it was proposed to increase the maximum amount that could be invested per money market fund to **£6.000m** from **£4.000m**, as set out within the Council's Treasury Management Practices (TPM's). This approach would provide Officers with the required additional flexibility when making investment decisions during the year but still set against a proportionate balance with risk.

To provide timely / key financial information to Members and to demonstrate compliance with the Treasury Management and Prudential Codes:-

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

RESOLVED that -

- a) the Treasury Management performance position for 2025/26 be noted;
- b) the Prudential and Treasury Indicators for 2025/26 be approved; and
- c) an amendment to the Council's Treasury Management Practices be approved that allows the maximum amount of money that can be invested per money market fund to increase to £6.000m from the current limit of £4.000m.

24. CABINET MEMBERS' ITEMS - REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER - A.3 - PRIDE IN PLACE PROGRAMME CLACTON-ON-SEA: CAPACITY FUNDING, YEAR 1 DELIVERY FUNDING, MEMORANDUM OF UNDERSTANDING AND DELEGATED AUTHORITY ARRANGEMENTS

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.3) which formally advised Council of the UK Government's endorsement of the Pride in Place 10 Year Vision and Investment Plan and the intended release of the Year 1 funds to pursue the initial delivery steps in the Vision. That Vision had been developed and approved through the Clacton Town Board and the area to which the Vision applied was that of Clacton-on-Sea and Holland-on-Sea. This Council was the Accountable Body under the programme and, through a decision of the Leader of the Council taken in November 2025, had endorsed the principles set out in the 10 Year Vision.

Cabinet recalled that the Council had previously received funds under Pride in Place to meet expenditure associated with the development of the 10 Year Vision and community engagement. Prior to this report, several decisions had been taken since the initial identification of Clacton as a locality to receive £20m over 10 years from the UK Government.

Members were informed that this report sought Cabinet's approval to confirm and implement the financial and governance arrangements necessary to give effect to the decisions of the Clacton Town Board in respect of the Clacton Pride in Place Programme. Specifically, the report sought:

- *approval of the Year 1 Delivery Funding allocation (£360,000 capital and £232,000 revenue) and the proposed projects to be funded in 2026/27 as approved by the Clacton Town Board at its meeting on 27 March 2026;*
- *approval of a Memorandum of Understanding between Tendring District Council (as Accountable Body) and the Clacton Town Board (MoU 1 the TDC/Board MoU), which sets out the governance, assurance and programme management arrangements between the two parties;*
- *approval of the Memorandum of Understanding between Tendring District Council (as Accountable Body) and the UK Government's Ministry of Housing, Communities and Local Government (MHCLG) (MoU 2 the TDC/MHCLG MoU), which is the grant agreement with the UK Government and which must be signed by TDC and returned to MHCLG before Year 1 delivery funding (£360,000 capital and £232,000 revenue) can be released; and*
- *a delegation of authority to give effect to funding decisions of the Clacton Town Board, including the ability to vary spending arrangements where necessary, subject to the governance safeguards set out in this report.*

Cabinet was cognisant that the Clacton Pride in Place Programme (formerly Plan for Neighbourhoods and, before that, Long Term Plan for Towns) was a UK Government-funded regeneration programme for Clacton-on-Sea. The Clacton Town Board (“the Board”), established in March 2024, oversaw delivery of up to £20 million over ten years under the programme. This Council acted as the Accountable Body for the programme, and was responsible for ensuring compliance with legal, procurement and financial requirements.

It was reported that the Board's 10-Year Vision and 4-Year Investment Plan had been submitted to MHCLG in November 2025 and had been formally endorsed on 23 March 2026. This endorsement had triggered the requirement to finalise and sign two separate Memoranda of Understanding (MoU) before Year 1 delivery funding could be released, namely:

- *MoU 1 TDC/Board MoU: the governance agreement between TDC as Accountable Body and the Clacton Town Board, setting out the programme management, assurance and financial control arrangements between the two parties. MHCLG had confirmed it wished to see this document before it was finalised. A draft had been approved by the Board at its January 2026 meeting and a revised version approved at the March 2026 meeting. This MoU was attached at Appendix B to the Portfolio Holder's report.*
- *MoU 2 TDC/MHCLG MoU: the grant agreement between TDC as Accountable Body and the UK Government (MHCLG). This was the document that directly triggered the release of Year 1 delivery funding (£360,000 capital and £232,000 revenue) once it had been signed by TDC and returned to MHCLG. This MoU was attached at Appendix C.*

In advance of the Year 1 delivery funding to which this report related, the programme had received £600,000 in capacity funding, of which £129,237 had been spent and a further sum committed. The capacity funding had been used to establish governance structures, develop the Regeneration Plan, undertake community engagement, build the Love Clacton brand and appoint key staff including the Programme Manager and part-time Communications Officer.

Year 1 delivery funding of £360,000 capital and £232,000 revenue was now available subject to both MoUs being signed.

The Clacton Town Board had approved the Year 1 delivery programme and budget at its meeting on 27 March 2026. The first MHCLG six-monthly monitoring return had been submitted in May 2026 in respect of the use of the capacity funding and the initial plans for Year 1 delivery funding.

This report therefore sought the necessary Cabinet approvals and delegations to enable this Council as Accountable Body to sign both MoUs and implement the Board's Year 1 funding decisions efficiently and transparently, in compliance with MHCLG requirements and the Council's own governance obligations.

Given that this Council had obligations as the Accountable Body for the Pride in Place Programme to ensure that public funds were utilised appropriately, that procurement requirements were observed and that openness and transparency requirements were complied with and that approval of the MoU and of the delegation to implement the

Board's delivery funding decisions was therefore an essential step in enabling the programme to move into that delivery phase and avoid unacceptable delays in programme delivery whilst not over-ride separate decision making in respect of the individual elements of that overall budget allocation (following a decision by the Clacton Town Board):-

It was moved by Councillor Henderson, seconded by Councillor Stephenson and:-

RESOLVED that Cabinet -

- (a) welcomes the endorsement by the UK Government of the locally developed and approved 10 Year Vision and Investment Plan for Clacton as the principal document for delivery of the Pride in Place programme here;
- (b) approves the Year 1 delivery funding programme for the Clacton Pride in Place Programme, as set out in this report and Appendix A, comprising £360,000 capital and £232,000 revenue as approved by the Clacton Town Board at its meeting on 27 March 2026;
- (c) approves:
 - (1) the finalised Memorandum of Understanding between this Council (as Accountable Body) and the Clacton Town Board (MoU 1 TDC/Board MoU) as set out at Appendix B to this report, and authorises the Chief Executive to then sign on behalf of the Council;
 - (2) the Memorandum of Understanding between Tendring District Council (as Accountable Body) and the Ministry of Housing, Communities and Local Government (MoU 2 TDC/MHCLG MoU) as set out at Appendix C to this report and authorises the Chief Executive to then sign on behalf of the Council. This signature will trigger the release of Year 1 delivery funding;
- (d) delegates authority as follows to give effect to delivery funding decisions of the Clacton Town Board (upon production of an approved Minute from the Board/confirmation of a decision taken by Board Members outside of a meeting) that fall within the approved budgets and is otherwise in accordance with the MoUs applicable to this programme:
 - (1) Capital delivery funding is delegated to the Portfolio Holder for Economic Growth, Regeneration and Tourism to authorise capital expenditure decisions in line with Board resolutions;
 - (2) Revenue delivery funding is delegated to the Deputy Chief Executive following consultation with the Council's Section 151 Officer; and
- (e) notes that future year allocations of delivery funding will be reported to Cabinet within the appropriate budget update report and the delegations in (d) above will apply to those funds.

25. CABINET MEMBERS' ITEMS - JOINT REPORT OF THE ECONOMIC GROWTH, REGENERATION & TOURISM PORTFOLIO HOLDER AND THE PORTFOLIO HOLDER FOR ARTS, CULTURE & HERITAGE - A.4 - TEN 14 CLACTON THRIVING - A CULTURE-LED FRAMEWORK FOR THE TOWN CENTRE: APPROVAL OF DRAFT REPORT TO PROGRESS TO PUBLIC CONSULTATION

Cabinet considered a report of the Economic Growth, Regeneration & Tourism Portfolio Holder (A.4) which sought its approval for the Clacton Town Centre Culture-Led Framework (Clacton Thriving) to proceed to public consultation, prior to its consideration for formal adoption. The report also set out a vision for the future of Clacton-on-Sea and identified a range of interventions to support the regeneration of the town centre.

Community Regeneration Partnership

Cabinet was aware that the Ten_14 Culture-Led Framework formed part of the Government-funded Community Regeneration Partnership (CRP) programme for Clacton and Jaywick. The project had been identified through the Government's "Deep Dive" review of the area in 2024 and had been included within the package of regeneration projects selected by Ministers for investment.

Members were reminded that, on 20 December 2024, Cabinet had accepted the CRP funding and commenced delivery. The Ten_14 Culture-Led Framework had received total revenue funding of £100,000 and the detailed brief and approach for delivering the project had been set out in the Project Initiation Document (PID) approved by Officers, in August 2025, in consultation with the Portfolio Holder for Arts, Culture and Heritage. The design consultants, Publica, had been appointed in August 2025 which had represented a successful defrayment of funds.

Regeneration Context

It was reported that this Culture-Led Framework sat within the wider context of significant regeneration activity underway across Clacton, supported by a range of Government-funded programmes including the Community Regeneration Partnership and the Clacton Civic Quarter project. Those initiatives shared a common ambition to strengthen the town centre, improve the public realm, support economic growth and enhance quality of life for residents.

The Framework also supported the ambitions of the Clacton's *Pride in Place* programme by providing a clear strategic basis for future investment within the funded Pride in Place Regeneration Plan and beyond, helping to coordinate regeneration activity, attract external funding and ensure that projects contributed to a coherent long-term vision for the town centre. The Framework was also an opportunity to connect the multiple Government-funded regeneration projects underway in the town centre, to ensure they worked together to deliver best impacts for local communities.

Lastly, the Framework built upon and complemented the Council's Creative and Cultural Strategy (2019-2024) by translating its strategic ambitions into a place-based vision for Clacton town centre. The Framework used culture as a catalyst for regeneration, supporting priorities around economic growth, town centre vitality, community wellbeing, participation, heritage, creativity and place-making. In doing so, it provided a spatial and delivery-focused approach to achieving the wider objectives set out within the Council's Creative and Cultural Strategy and related regeneration programmes.

The Framework would also inform the update of the Creative and Cultural strategy that was currently under development.

Work to Date

Cabinet was informed that the Culture-Led Framework had been prepared as part of the Community Regeneration Partnership programme and provided an overarching vision and spatial framework for the future regeneration of Clacton Town Centre.

Developed by Publica Associates on behalf of the Council, the Framework built on extensive evidence gathering, the review of previous studies and strategies, baseline analysis, and engagement with residents, businesses, cultural organisations and stakeholders.

The Framework was structured around five interrelated themes: Open Spaces; “High Street”; Civic and Culture; Community Participation; and Governance. Those themes were translated into a series of spatial strategies, projects and practical interventions that sought to strengthen connections across the town centre, improve the quality of the public realm, support local businesses, increase cultural activity and encourage greater community participation.

The Framework adopted a Culture-Led approach to regeneration, recognising the role that culture, creativity and community activity could play in supporting economic growth, improving wellbeing, increasing civic pride and creating a more vibrant and attractive town centre.

It was intended to provide a long-term direction for future investment and project development whilst identifying a range of short-term opportunities and deliverable interventions that could contribute towards the wider regeneration ambitions for Clacton. As such, the Framework would inform the Clacton Town Board’s plans for the town under Pride in Place; the longer term plans in the Framework were not funded and would require external investment, most likely from Government.

Next Steps

Public Consultation:

To undertake public consultation in September 2026 on the draft Culture-Led Framework and associated Action Plan to ensure that the proposals secured community support and developed a strong sense of ownership as delivery progressed. It was intended that public consultation would run in conjunction with Pride in Place to ensure a cohesive approach to both projects.

Consultation activity would include attendance at key public events, supported by target promotion through the Council’s communications channels, including press releases, e-newsletters and social media. As the document, once adopted, would have weight in planning terms, this consultation provided an opportunity to join up with consultation on the Local Plan.

Adoption:

Following public consultation, the Final Report and accompanying Action Plan would be presented to Cabinet for formal adoption.

The PID had originally envisaged adoption of the framework as a Supplementary Planning Document (SPD). However, this was no longer feasible in the light of the

Government's ongoing Planning reforms, which would replace SPDs with 'Supplementary Plans' under a revised plan-making system.

Notwithstanding this, the Culture-led Framework and Action Plan would be taken forward for formal adoption as a non-statutory document. Once adopted, it could be a material consideration in the determination of planning applications where relevant, providing a strategic framework to inform regeneration, place-making and investment within Clacton town centre. The Framework was being prepared with a view to informing decision-making in the town both in advance of, and following, Local Government Reorganisation.

To support the Council's ambition to bring about economic regeneration, improve quality of life, and address socio-economic issues in Clacton-on-Sea through the preparation of a Culture-Led Framework that advanced the objectives for growth set out in the Council's Local Plan and the Council's Corporate Priorities:-

It was moved by Councillor Henderson, seconded by Councillor Stephenson and:-

RESOLVED that Cabinet -

- (a) formally approves the Draft Clacton Town Centre Culture-Led Framework (Clacton Thriving), as set out in Appendix A to report A.4 and the accompanying Draft Action Plan, as set out in Appendix B to report A.4, for public consultation for a period of 8 weeks;
- (b) requests that the consultation period commences on 17th August 2026, and authorises the Portfolio Holder for Arts, Culture & Heritage to approve the consultation arrangements, prior to its commencement; and
- (c) notes that the outcome of the consultation will be taken into consideration with the final documents when they are submitted to Cabinet for adoption in due course.

26. CABINET MEMBERS' ITEMS - REPORT OF THE HOUSING & PLANNING PORTFOLIO HOLDER - A.5 - CONSIDERATION AND ADOPTION OF THE HOUSING MUTUAL EXCHANGE POLICY

Cabinet considered a report of the Housing & Planning Portfolio Holder (A.5) which presented the Housing Mutual Exchange Policy for its approval. The policy formalised the work that was already undertaken in the Housing and Environment service unit. This work complied with the legal framework associated with mutual exchanges and assisted the Council in meeting the Regulator of Social Housing's Consumer Standards as well as the requirements and recommendations of the Housing Ombudsman.

It was reported that the purpose of the Housing Mutual Exchange Policy was to enable eligible secure tenants of the Council to exchange their home with other eligible social or affordable housing tenants, in accordance with provisions under the Housing Act 1985 and the Housing Act 2004.

At the meeting, the Housing & Planning Portfolio Holder read out the following statement:-

“Leader, I am pleased to present the Housing Mutual Exchange Policy for adoption by Cabinet this morning.

The purpose of the Housing Mutual Exchange Policy is to enable eligible secure tenants of the Council to exchange their home with other eligible social or affordable housing tenants, in accordance with the relevant legislation. It also formalises work already being undertaken within the Council’s Housing Service.

The Policy itself provides clear guidance for tenants, and our partners, on the mutual exchange scheme, the eligibility criteria and sets out the circumstances for assigning or surrendering a tenancy, along with the grounds for refusing an exchange and providing a clear appeals process. The policy is also designed to ensure compliance with the relevant provisions of the Housing Act 1985.

It improves housing mobility for social housing tenants, promotes more effective use of the Council’s existing housing stock by enabling tenants to move to a property that is more suitable to their needs, and addresses under-occupancy and/or overcrowding pressures by releasing suitably adapted homes for those that need them.

It also assists the Council in meeting the Regulator of Social Housing’s Consumer Standards as well as the requirements and recommendations of the Housing Ombudsman.

I do not intend to say much more, other than the Tenants Panel were consulted on the draft policy at their last meeting on 16th June 2026 and indicated their support for the introduction of this Policy.”

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

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

RESOLVED that Cabinet -

- (a) formally adopts the Housing Mutual Exchange Policy, as set out in Appendix A to the report (A.5), 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 two years.

27. CABINET MEMBERS' ITEMS - REPORT OF THE PARTNERSHIPS PORTFOLIO HOLDER - A.6 - TENDRING DISTRICT COUNCIL (CAREER TRACK) APPRENTICESHIPS

Cabinet considered a report of the Partnerships Portfolio Holder (A.6) which updated it on the activities of Career Track, the Council’s apprenticeship training provider. The report also fulfilled the requirements of the Governors’ Framework, which was designed to ensure the delivery of a high-quality experience for apprentices and employers, whilst meeting the expectations of funders and regulators. In accordance with this framework,

the Tendring District Council (Career Track) Apprenticeship Governance Board (“the Board”) provided Cabinet with an annual update to maintain transparency and effective governance.

To maintain appropriate oversight of Career Track in accordance with the Governors’ Framework and the annual reporting role of the Board, whilst recognising the programme’s contribution to the Council’s Corporate Plan priority of raising aspirations and creating opportunities and to ensure that any significant emerging financial risks or variances were considered through the Council’s established financial monitoring arrangements:-

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

RESOLVED that Cabinet –

- a) notes the annual review of Career Track, including the programme’s impact, governance arrangements through the Board, quality assurance activity, financial position and proposed actions to support its continued development, together with the forecast subsidy reflected in the Council’s long-term financial plans; and
- b) requests that Officers continue to report financial updates through the two-year financial planning process and/or quarterly financial reporting arrangements, as appropriate.

28. MANAGEMENT TEAM ITEMS

There were no formal items submitted to the Cabinet by the Management Team on this occasion.

The Meeting was declared closed at 11.23 am

Chairman

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CABINET

25 SEPTEMBER 2026

REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER

A.1 AMENDMENTS TO THE COUNCIL'S CONSTITUTION – Planning Committees and the National Scheme of Delegation of Planning Authority Functions

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report asks Cabinet to approve the recommended changes to the Constitution for referral onto Full Council following a fundamental review undertaken by Officers of the delegated powers relating to planning matters following the introduction of the Government's new National Scheme of Delegation of Planning Functions and associated legislation.

The main proposals cover miscellaneous amendments to the Scheme of Delegated Powers (Part 3) and the Codes and Protocols (Part 6) to ensure the Council's Constitution remains effective, efficient and consistent at an operational level and complies with the new legislation.

EXECUTIVE SUMMARY

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ("the 2026 Regulations"), which will come into force on 31st October 2026, relate to the national scheme of delegation of planning functions and the size of planning committees. These Regulations require relevant local planning authorities ("LPAs") in England (as defined by section 319ZZF(1) of the Town and Country Planning Act ("TCPA 1990")) to make arrangements for specified planning functions to be discharged by committees (including sub-committees) or by officers.

In making and operating arrangements under these Regulations, section 319ZZE(4) and (5) of TCPA 1990 requires LPAs to have regard to any relevant guidance issued by the Secretary of State. Such (draft) guidance was issued by the Ministry for Housing, Communities & Local Government on 1st June 2026, and along with the 2026 Regulations, have been taken into account in producing the proposals contained within this report and its appendices.

The Government's aim behind the national scheme of delegation is *"to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. Committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers"*.

The 2026 Regulations set out types of applications where decisions:

- must be delegated to officers in all cases as set out in Schedule 1; and
- are presumed to be delegated to officers unless:
 - they meet at least one of the criteria in regulation 5(2); or
 - the application is made by or on behalf of a local authority, a member or officer of that local authority or an entity owned or controlled by the authority or any of its members or officers (regulation 6); and
 - the nominated officer and nominated member of the planning committee agree the application should be referred to a planning committee for determination.

Where a planning function is not listed in either Schedule 1 or 2, it is for the LPA to decide

whether it should be delegated to an officer or referred to a committee for a decision, for this reason a local protocol complying with the legal framework should be adopted.

Part 3 of the Council's Constitution provides the Responsibility of Functions - Scheme of Delegated Powers, with the determination of planning applications being contained within Schedule 2 – non-executive functions. Currently, all planning (including all prior approval applications), enforcement, building control and conservation matters are delegated to the Corporate Director (Planning & Community) **except** in relation to the determination of certain planning applications as detailed within Part 3.15-3.18, for determination by the Committee. The changes required to comply with the legislation are set out in Appendix A.

Under the national scheme of delegation, current practices set out in local authority constitutions must be reviewed to ensure compliance with the legislation and the most fundamental change for this Council will be removal of the power for Ward councillors to require cases to be referred to for committee consideration, as this will no longer be possible. Local authorities will need to amend their constitutions to align with the national scheme of delegation and further information is contained within the Protocol, as set out in Appendix B.

RECOMMENDATION

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.**

REASON(S) FOR THE RECOMMENDATION(S)

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.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed changes will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities, whilst complying with current legislation.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Chairman of the Planning Committee was consulted on the Protocol.

The subject matter was discussed at an All Members’ Briefing held on 16 September 2026.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	☐ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ 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)	Not Applicable in this instance

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

Article 15 of the Council’s Constitution provides that changes to the Constitution are approved by Full Council after receiving a recommendation from Cabinet following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with

responsibility for corporate governance. Article 15 also provides authority to the Monitoring Officer to make minor changes to the Constitution arising from changes to the organisational structure of the Council.

Article 12 of the Constitution provides that the Council's Monitoring Officer will ensure the Constitution is up to date. This function takes into account legislative requirements and best practice.

In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority, operating executive arrangements, must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority considers appropriate.

Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to make amendments to the standing orders and the Constitution rests with full Council.

All comments within the Monitoring Officer's responsibility are picked up throughout the content of the report, where the principles around Officers exercising delegated powers is being emphasised. This is also to reflect the requirements of the revised Best Value Statutory Guidance issued in May 2024.

Town and Country Planning Act 1990

Local planning authorities in England are required to implement the provisions in sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 (introduced through section 54 of the Planning and Infrastructure Act 2025 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026). These sections relate to the national scheme of delegation of planning functions and the size of planning committees.

LPAs in England are defined by section 319ZZF(1) of the Town and Country Planning Act 1990. Sections 319ZZC to 319ZZE of the Town and Country Planning Act 1990 apply to all local planning authorities with certain exceptions (for the avoidance of any doubt, district councils are not excluded).

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Through these Regulations the Secretary of State has exercised their power under Section 319ZZC of the Town and Country Planning Act 1990 to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee.

These Regulations set out the following general approach to decision making:

- where applications fall under Schedule 1, decisions must be delegated to officers under regulation 4;
- where applications fall under Schedule 2, there is a presumption under regulation 5 that decisions are delegated to officers unless the nominated officer and nominated member agree the application should be referred to a planning committee or sub-committee for determination and that it meets at least one of the criteria in regulation 5(3);
- there is further specific provision under regulation 6 for own-interest applications i.e. an application made (whether or not jointly with any other person) by the authority or an

officer or member of the authority or an application where the authority or any of its members or officers has an interest, to support transparency and propriety. These applications can be referred to a planning committee or sub-committee for determination if the nominated officer and nominated member of the planning committee agree; and

- where a planning function is not listed in either Schedule 1 or 2, it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision (as part of its local constitution).

MHCLG Guidance – “Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England”

As required by section 319ZZE(4) and (5) of the Town and Country Planning Act 1990, local planning authorities must have regard to this guidance in operating or making arrangements required under the Regulations.

The Guidance makes clear that where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committees make decisions on applications which must be delegated to Officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision.

Member Involvement

The regulations remove the ability for individual councillors to automatically require committee determination. However, as part of triage arrangements, Members may (only) request a Schedule 2 application to be discussed by the Nominated Member and the Nominated Officer to ensure applications of potential significant impact are considered further. Any such request needs to be aligned to the consultation period to ensure review meetings between the Nominated Member and the Nominated Officer can take place without affecting required application timeframes and any refund risk.

Significant

The nominated officer and nominated member when considering a potential committee item must determine this based on the two tests only (except for own interest when these tests do not need to apply). In the tests, reference to ‘significant’ is made and this is defined as:-

(1) The Guidance (at paragraph 23) advises that what is “significant” varies and depends on the local area. As examples, the Guidance provides the following:

- An application for outline planning permission for a large multi-phase residential development allocated in the local plan;
- An application for planning permission for change of use of a community shop in a rural area;
- An application for planning permission or listed building consent for changes to a notable listed building in a town centre.

(2) The Guidance (at paragraph 24) provides two examples where this criterion is unlikely to apply, namely:

- The application for development aligns with a detailed site allocation and relevant local or national policies, including the National Planning Policy Framework. However, it is added that significant planning issues may arise from new material considerations introduced by the application.
- If a statutory consultee initially raised a concern about a specific planning matter

(e.g., highways or flood risk), but the development proposal has since been modified to address this. It is added in the end, however, that the above will not apply if the nominated officer has compelling reasons to consider otherwise.

In addition, the Guidance states that, under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for Ward councillors to require cases to be called in for committee consideration or having trigger points for referral to committee if a certain number of objections is reached, will not be possible. Local authorities will need to amend their constitutions to align with the national scheme of delegation. Failure to do so may make decisions on whether to delegate applications to Officers or refer them to committees for determination liable to judicial review. For Tendring District Council this means that the "Members' Referral Scheme for Planning Applications" will no longer be lawful and therefore it will be inoperable.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Risk

Complying with current legislation and providing clarity through clear and consistent schemes of delegation and codes and protocols contained within the Constitution prevents confusion and different interpretation and enhances the Council's overall governance arrangements. However, it is anticipated that initially there is a risk of increased legal challenges by way of judicial review applications on the exercise of increased delegated powers, where interested parties are not satisfied with the outcome, calling into question how such decisions have been made. This risk will be mitigated by officers ensuring their decisions are robust, fully recorded with reasons set out justifying the matters considered.

Resources

As the new arrangements are required to ensure compliance with new legislation implementing the Government's policy of a National Scheme of Delegation for Planning Functions, it is anticipated that, whilst the number of applications being presented to the Planning Committee will reduce, the nominated officer and nominated member roles will have additional review and engagement responsibilities.

The review undertaken by officers has taken into account best practice and guidance provided by national planning resources. There is a view that the nominated officer should be the Chief Planning Officer for the local planning authority, which at Tendring District Council would be the Corporate Director (Planning and Community), who has oversight of all planning functions including Policy and the Garden Community. The rationale for proposing the nominating officer would be the Head of Planning and Building Control comes down to the officer structure, as the Head of Service has more direct oversight of planning decisions and operational matters.

A review on the impact of the role of the Planning Committee membership will need to be factored into the Members' Allowance Scheme, which will be reviewed in readiness for the new shadow unitary authority in 2027.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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There are no further comments over and above those set out elsewhere within the report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Constitution sets out the Council's standing orders and associated scheme of delegation, policies and procedures for decision making.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Governance is a theme of the Best Value Duty and is described (amongst other things) as ensuring decision-making processes, within clear schemes of delegation, should be transparent, regularly reviewed, clearly followed and understood, enabling decision-makers to be held to account effectively. There should also be evidence of the decisions following good public law decision making principles (reasonableness, rationality, proportionality, legality, fairness etc).
MILESTONES AND DELIVERY	
Submission of Corporate Finance & Governance Portfolio Holder's recommendations to formal Cabinet meeting – 25 September 2025.	
Submission of Cabinet's recommendations to Full Council for approval and adoption – 13 October 2026.	
Implementation of approved changes to the Constitution – from 31 st October 2026.	
ASSOCIATED RISKS AND MITIGATION	
Not implementing the amendments to the Constitution will negatively impact the Council's governance arrangements and will also mean that the Council will not be operating in accordance with legislation thereby leaving planning application decisions open to judicial review by anyone aggrieved by the decision(s). This may lead to the quashing of that decision(s).	
EQUALITY IMPLICATIONS	
The purpose of the Constitution is to:	
1 Provide key elements of the Council's overall governance arrangements; 2 Enable decisions to be taken efficiently and effectively; 3 Create an effective means of holding decision-makers to public account; 4 Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations for the long term well-being of the District; 5 Support the involvement of the local community in the process of local authority decision making; 6 Ensure that no one will review, or scrutinise, a decision in which they were directly involved; 7 Help Councillors represent their residents more effectively; 8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and	

9 Provide the framework and structure in which cost effective quality services to the community are delivered.	
SOCIAL VALUE CONSIDERATIONS	
There are no such considerations associated with this report.	
IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
On 7th September 2026, the Secretary of State for Housing, Communities and Local Government announced in Parliament that a review of the Local Government Reorganisation programme was commencing and that the decision made in March 2026 for Greater Essex (and other areas) had been withdrawn in the light of new legal advice. Following this announcement, local authorities received correspondence from the Minister of Housing, Communities and Local Government requesting that until this review has concluded, Councils cease work on implementing the decisions that have previously been announced. The timetable for completion of the review is unknown at this time. This proposal is not impacted by MHCLG's request, as it to enable the Council to comply with the new legislation implementing the new national scheme of delegation, through 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, in accordance with the Council's Constitutional requirements.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
There are no direct 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.	
Crime and Disorder	None
Health Inequalities	None
Area or Ward affected	None directly. Though the 2026 Regulations (and consequent amendments to the Council's Constitution) will apply to planning applications submitted in any and all Wards of the District.

PART 3 – SUPPORTING INFORMATION

BACKGROUND
The Government's stated aim behind the national scheme of delegation is to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. The Government feels that planning committees should focus on the key proposals that matter to an area, enabling other, often more minor and technical, decisions to be made by planning officers. Section 319ZZC of the Town and Country Planning Act 1990 gives the Secretary of State the power to set out which functions of a local planning authority should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee. The Secretary of State has exercised this power through the 2026 Regulations. These Regulations set out the following general approach to decision making:

Regulation 4 provides that the function of determining an application of a kind listed in Schedule 1 must be delegated to an officer, unless—

- the application is also of a kind listed in Schedule 2 (for example, a minor residential application which the LPA considers is connected with an application for listed building consent), in which case regulation 5 applies, or
- the application is made by the LPA itself, or a member or officer of the LPA, or the LPA otherwise has an interest in the application (an “own-interest application”), in which case regulation 6 applies.

Regulation 5 provides that the member and officer nominated by the LPA under regulation 3 may refer the function of determining an application of a kind listed in Schedule 2 to a committee, if they agree that the application raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter. Any such application not referred to a committee must be delegated to an officer. Regulation 5 does not apply to an own-interest application; regulation 6 applies instead.

Regulation 6 provides that the function of determining an own-interest application may be referred to a committee by agreement of the LPA’s nominated member and nominated officer, at their discretion. Any such application not referred to a committee must be delegated to an officer.

Regulation 7 provides that any committee determining an application pursuant to these Regulations may have a maximum of 13 members.

Regulation 8 provides that the Secretary of State must undertake a statutory review of these Regulations and publish it by 31st October 2028.

In making and operating arrangements under these Regulations, section 319ZZE(4) and (5) of TCPA 1990 requires LPAs to have regard to any relevant guidance issued by the Secretary of State. Regulations 5(4) and 6(5) require nominated members and nominated officers to have regard to any such guidance when considering whether to refer an application to a committee. That statutory guidance was duly published on 1st June 2026.

That guidance confirms that, under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for Ward councillors to require cases to be called in for committee consideration will not be possible. Local authorities, such as this Council, will need to amend their constitutions to align with the national scheme of delegation. Failure to do so may make decisions on whether to delegate applications to officers or refer them to committees for determination liable to judicial review.

Consideration for referral to committee

For the purposes of considering referral of applications to committee the guidance states that:

- a. the nominated officer should be the Chief Planning Officer or equivalent officer who has extensive professional planning experience. However, local planning authorities will also need to ensure they have other senior planning officers who can provide cover if needed to avoid any unnecessary delays in the referral process (or where there is an own interest application and the Chief Planning Officer or equivalent officer has an interest it).
- b. the nominated member should be the chairman of the planning committee or, where such a role does not exist, the vice chairman or equivalent member. As in the case of nominated officers, the authority will need to ensure there are arrangements in place for other members to cover should the nominated member not be available (or where there is an own interest

application and the nominated member has an interest in it).

It is for individual local planning authorities to put in place their own arrangements for how the consideration of cases for referral to committee will operate in practice. Those arrangements have been duly considered by the Corporate Director (Law and Governance) & Monitoring Officer, the Corporate Director (Planning and Community), the Head of Planning and Building Control, the Head of Planning Business and Policy, the Democratic Services Manager and the Planning Solicitor in formulating the proposals contained in Appendices A and B to this report. In addition, to the foregoing, those considerations also took into account the following matters.

It is not a requirement of the national scheme of delegation that nominated officers and nominated members consider all Schedule 2 applications or all own-interest applications for potential referral to committee. LPAs may, through their constitutions, decide which Schedule 2 or own-interest applications need to be considered for referral. The regulations provide for the option for Schedule 2 applications to be considered for committee against the gateway test but do not require all schedule 2 applications to be considered – they will otherwise be delegated to officers.

Where LPAs anticipate that there may be a significant number of Schedule 2 or own-interest applications which may need to be considered for referral to committee they may wish to put in place a triage system to ensure that the nominated officer and nominated member of the committee are not overwhelmed and to avoid any unnecessary delays in planning decision making.

It is imperative to note that, whilst nominated officers and nominated members should make every effort to reach agreement on which applications should be referred to committee, where such agreement is not possible, the application must be determined by officers in accordance with regulation 5(2) or regulation 6(3).

Criteria which must be met before a case can be considered for referral under regulation 5

Regulation 5 and the guidance state that, in determining whether a referral under regulation 5 is made, the presumption should be that decisions are delegated to officers and only exceptionally be referred to committee. At a minimum, at least one of the following statutory criteria must be met for a referral to committee to be considered to meet that threshold:

“A. where the application raises an economic, social or environmental issue of significance to the local area

B. where the application raises a significant planning matter having regard to the development plan and any other material considerations”

Applications for development which do not raise a significant planning matter can only be referred to the committee under criterion A if they raise a significant economic, social or environmental issue for the local area. It is for the nominated officer and member to assess whether the development proposal raises any such issue, providing an opportunity for local democratic oversight where necessary. What constitutes ‘significant’ will vary depending on the local area, but examples could include:

- an application for outline planning permission for a large multi-phase residential development allocated in the local plan
- an application for planning permission for change of use of a community shop in a rural area
- an application for planning permission or listed building consent for changes to a notable listed building in a town centre

For the purpose of criterion B, the following circumstances are considered by Government to be unlikely to raise a significant planning matter:

- where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application
- where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise)

Own-interest applications

Applications which are made (whether or not jointly with any other person) by the authority or an officer or member of the authority or it is an application where, in the view of the nominated officer and nominated member, the authority or any of its members or officers has an interest, are own-interest applications dealt with under regulation 6. The Government has recognised that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some such applications whether they are in Schedule 1 or Schedule 2 to be referred to a planning committee or sub-committee. Where the nominated officer and nominated member agree, they can be referred to the committee without the need for consideration of the criteria set out in regulation 5(3). Where no such referral has been made, they must be determined by an officer.

Members are reminded that, under regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by a nominated officer or nominated member of the authority or they have an interest in it, in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

Treatment of reserved matters applications

The Government recognises that outline planning permission can be granted for largescale multi-phase development which can take place over many years. As such each related reserved matters application can represent substantial development in its own right and cover more issues of substance, for example, the provision of onsite community infrastructure, which may, in exceptional circumstances, merit committee scrutiny. For this reason, the Government has distinguished between those reserved matters approval applications which relate to large outline planning permissions and those which do not, with the former being placed in Schedule 2 and the latter in Schedule 1.

For the purpose of the 2026 Regulations a large outline planning permission is an outline planning permission which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more. A reserved matters application for such development must meet the criteria set out under regulation 5(3) for a committee to consider it.

When considering reserved matters approval applications which fall into Schedule 2 against the criteria in regulation 5(3), nominated officers and nominated members are cautioned that they should only have regard to matters which are directly relevant to the reserved matters

application before them.

Treatment of section 106 decisions

Specific provision has not been made for section 106 agreements themselves in the regulations. This is because, most of the time, appropriate section 106 planning obligations will be considered as part of the application process. In other cases, they can be entered into unilaterally by the landowner so there is no real 'function' for the local planning authority. The Government recognises that there may occasionally be section 106 planning obligations which are agreed outside of the context of a planning application, but they consider that, in these cases, the decision on whether it should be delegated to officers or referred to committee should be left to the discretion of the local authority.

The guidance states that, where a local planning authority considers a section 106 agreement is connected to an application falling into either Schedule 1 or Schedule 2, and agreement is being sought to amend or discharge the planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990), the function of agreeing to amend or discharge the obligation should fall into the same schedule as the related application. This same approach applies to applications to modify or discharge an obligation under section 106A(3).

Treatment of 'special control' applications

Applications for listed building consent, advertisement consent and consent under tree preservation orders are included in Schedule 2. In most cases, the Government believes that these types of application will not raise issues which would merit committee scrutiny. The presumption, therefore, is that decisions on such matters should be delegated to officers and only exceptionally referred to committee.

Whether such an application meets the criteria in regulation 5(3) will depend on the particular circumstances but an example could include where there are proposals for a change of use and works to a prominent listed building which makes an important contribution to a town centre.

Transparency and reporting

The guidance states that, as a minimum, the local planning authority should keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to the planning committee on a regular basis and make it available on the Council's website.

Size of committees

Regulation 7 provides for the number of members on a planning committee or sub-committee to be no more than 13. This is a maximum figure to accommodate local planning authorities where Members are from multiple political parties. The Guidance states that local planning authorities should consider whether a smaller number of members would be more appropriate in their area to support effective decision making. Cabinet will be aware that this Council's Planning Committee is made up of nine Members and therefore it has not been felt necessary to consider making any change.

PREVIOUS RELEVANT DECISIONS

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Link to the Town and Country Planning Act 1990 can be found here: [Town and Country Planning Act 1990](#)

Link to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 can be found here: [The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)

Link to the MHCLG Guidance – “Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England” can be found here:

[Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

APPENDICES

Appendix A = Amended Part 3 of the Constitution (Scheme of Delegated Powers – Planning Committee)

Appendix B = New “Protocol for the Discharge of Local Planning Authority Functions” (Addition to Part 6 of the Constitution - Codes and Protocols)

REPORT CONTACT OFFICER(S)

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A.1 APPENDIX A

DRAFT AMENDED PLANNING COMMITTEE FUNCTIONS, TERMS OF REFERENCE AND DELEGATED FUNCTIONS

Committee	Terms of Reference	Delegated Functions (Committee)	Delegated Functions (Officers)
Planning Committee	The discharge of the Town and Country Planning and Conservation functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution. The discharge of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (No. 854) ["the 2026 Regulations"], requiring a local scheme of delegation in the context of the National Scheme of Delegation for planning authority functions. Any additional authorised roles and functions as may be set out within this Constitution or approved by a decision of Full Council.	1. Pursuant to Regulation 5 of the 2026 Regulations and Schedule 2 to those 2026 Regulations, any such Schedule 2 application made to the local planning authority that is formally referred to the Planning Committee by the "nominated member" and the "nominated officer" will be determined by the Planning Committee. In making that referral, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of the Town and Country Planning Act 1990, together with the Council's "Protocol for the Discharge of Local Planning Authority Functions", as set out within Part 6 of the Constitution.	1. Pursuant to Regulation 4 of the 2026 Regulations and Schedule 1 to those 2026 Regulations, any such Schedule 1 application made to the local planning authority will be determined by the Corporate Director (Planning and Community) (acting as the Council's Chief Planning Officer) or another designated Officer authorised by them in accordance with paragraphs 11 & 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution. 2. Pursuant to Regulation 5 of the 2026 Regulations and Schedule 2 to those 2026 Regulations, any such Schedule 2 application made to the local planning authority that is <u>not formally referred to the Planning Committee</u> by the "nominated member" and the "nominated officer" will be

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		2. Pursuant to Regulation 6 of the 2026 Regulations any “own interest” application made to the local planning authority that is formally referred to the Planning Committee by the “nominated member” and the “nominated officer” will be determined by the Planning Committee. In making that referral, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of the Town and Country Planning Act 1990, together with the Council’s “Protocol for the Discharge of Local Planning Authority Functions”, as set out within Part 6 of the Constitution. <u>NOTE</u>: Regulation 3 of the 2026 Regulations states that a relevant local planning authority may nominate a member of the authority to act as the nominated member for the purposes of regulations 5 and 6 and an officer of the authority to act as the nominated officer for the	determined by the Corporate Director (Planning and Community) or another designated Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution. In making that referral, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of the Town and Country Planning Act 1990, together with the Council’s “Protocol for the Discharge of Local Planning Authority Functions”, as set out within Part 6 of the Constitution. 3. Pursuant to Regulation 6 of the 2026 Regulations any “own interest” application made to the local planning authority that is <u>not formally referred to the Planning Committee</u> by the “nominated member” and the “nominated officer” will be determined by the Corporate Director (Planning and
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A.1 APPENDIX A

		purposes of regulations 5 and 6. In addition, the local planning authority may provide for substitute nominated members or nominated officers. For Tendring District Council, the nominated member is the Chairman of the Planning Committee, and the substitute nominated member is the Vice-Chairman of the Planning Committee. The nominated officer is the Head of Planning and Building Control and the substitute nominated officers are the Planning Managers.	Community) or another designated Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution. In making that referral, the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE (4) of the Town and Country Planning Act 1990, together with the Council's "Protocol for the Discharge of Local Planning Authority Functions", as set out within Part 6 of the Constitution. <u>NOTE:</u> Regulation 3 of the 2026 Regulations states that a relevant local planning authority may nominate a member of the authority to act as the nominated member for the purposes of regulations 5 and 6 and an officer of the authority to act as the nominated officer for the purposes of regulations 5 and 6. In addition, the local planning
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A.1 APPENDIX A

			authority may provide for substitute nominated members or nominated officers. For Tendring District Council, the nominated member is the Chairman of the Planning Committee, and the substitute nominated member is the Vice-Chairman of the Planning Committee. The nominated officer is the Head of Planning and Building Control and the substitute nominated officers are the Planning Managers.
			4. Where a planning function is not listed in either Schedule 1 or 2 of the 2026 Regulations, such functions will be carried out by the Corporate Director (Planning and Community) or another designated Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution.
			5. The Head of Planning and Building Control, in consultation with the Chairman of the Planning Committee, may extend the time for the completion of a Section 106

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			Legal Agreement for two further periods of six months (at which point it would need to return to the Committee for its decision either to further extend the time or instead to now refuse planning permission on the grounds that the Section 106 Agreement had not been completed).
			6. The Head of Planning and Building Control is authorised to approve and / or enter into a Section 106 Legal Agreement with landowners for the establishment of Habitat Banks and is further authorised to make any associated decisions around enforcement against non-compliance.
	The discharge of the miscellaneous functions (Part I) relating to public rights of way, within the District Council's responsibility as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.		All public rights of way matters are delegated to the Corporate Director (Operations and Delivery) or another designated Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution.
	The discharge of the miscellaneous functions (Part II) relating to hedgerows, trees and hedges as specified in Schedule 1 to the Local		Hedgerows, trees and hedges matters are delegated to the Corporate Director (Planning and Community) or another designated

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	Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and as detailed in Appendix 1 to Part 3 of the Constitution.		Officer authorised by them in accordance with paragraphs 11 and 12 within Schedule 2 (Responsibility for Council (Non-Executive) Functions) to Part 3 of the Constitution. <u>NOTE:</u> Applications made under regulation 16 (1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order) fall under Schedule 2 of the 2026 Regulations and may therefore be determined by either the Planning Committee or by an officer.
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A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

Implementation of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ('the 2026 Regulations')

Introduction

The Authority must significantly amend its Scheme of Delegation, Planning Committee procedures and Constitution by 31 October 2026 to comply with the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

The Government has issued guidance on implementing sections 319ZZC-319ZZF of the Town and Country Planning Act 1990, introduced by the Planning and Infrastructure Act 2025. These provisions establish a national scheme of delegation and limit the role and size of planning committees. Authorities are required by section 319ZZE to have regard to this guidance.

The 2026 Regulations reverse the current approach by making officer determination the default for almost all planning functions, with committee referral permitted only in limited circumstances. Existing local arrangements, including ward member call-in powers and other referral triggers that do not comply with the Regulations, will no longer be lawful.

Applications are divided into Schedule 1 and Schedule 2 categories. Schedule 1 applications must be determined by officers and can only be referred to committee if linked to a Schedule 2 application or if they qualify as an "own-interest" application under Regulation 6.

An "own-interest" application includes applications made by, or on behalf of, the authority, its members or officers, or where the authority, member or officer is considered to have an interest in the proposal.

Schedule 2 applications, including own-interest applications, must also be determined by officers unless both the nominated member and nominated officer agree that referral to committee is justified on the statutory grounds. The Regulations create a strong presumption in favour of officer delegation, with committee determination reserved for exceptional cases.

Schedule 1 applications

These are summarised as being:-

- Householder application
- Minor residential (1–9 dwellings, <0.5ha, etc.)
- Minor commercial
- Certificates of lawfulness (existing or proposed)
- Listed building certificates of lawfulness of proposed works

A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

- Permission in principle
- Non-material amendments (s96A)
- Condition discharge / Article 27 approvals
- Prior approvals / GPDO determinations
- Reserved matters (if non-large outline, eg <500 dwellings, floorspace <50000sqm)
- Biodiversity gain plans
- S106 modification/discharge connected to a Schedule 1 application
- Certificates of appropriate alternative development (apps S17 of the Land Compensation Act 1961)
- Section 73(1) variations where the original planning permission was one that falls within Schedule 1

Note – Some Schedule 1 applications will fall under Schedule 2 under certain circumstances.

Schedule 2 applications

These are summarised as being:-

- Listed building consent, including variation or discharge of condition in association with the consent.
- Applications if considered connected to listed building consent (Defined by TDC as any planning application is submitted with or within 3 years of a LB application that includes any overlapping/similar or the same development elements or demolition to enable).
- Planning applications not classed as: Householder, Minor residential (1–9 dwellings, <0.5ha, etc.) or Minor commercial
- Section 73 (non-Schedule 1 cases)
- Retrospective applications (s73A – And includes all Sch1/2 cases)
- Advertisement consent
- Tree Preservation Order consent
- Reserved matters for large outlines (eg 500+ dwellings, floorspace 50000sqm+)
- S106 modification/discharge connected to a Schedule 2 application

Note - Where a planning function is not listed in either Schedule 1 or 2 (i.e. applications expressly covered by the 2026 Regulations), it is for the local planning authority to decide whether it should be delegated to an officer or referred to a committee or sub-committee for a decision (as part of its local constitution) (see para 7 of the guidance).

1. Objectives of the New Arrangements

The Council should adopt arrangements that:

1. Comply fully with the Regulations.
2. Provide a clear and auditable referral process.
3. Avoid inconsistent decision-making.
4. Minimise unnecessary workload for Planning Committee Chairs.
5. Provide transparency for members, applicants and the public.

A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

6. Ensure decisions withstand legal challenge and scrutiny.

2. Proposed Governance Structure

Nominated Member

The Council formally appoints:

- Planning Committee Chairman as Nominated Member.
- Vice Chairman as Substitute Nominated Member.

The appointment should be incorporated into the Constitution and Scheme of Delegation.

Nominated Officer

The Council formally appoints:

- Head of Planning and Building Control as Nominated Officer.
- Planning Managers as Substitute Nominated Officers.

The appointment should be incorporated into the Constitution and Scheme of Delegation.

This satisfies Regulation 3 requirements and ensures continuity where either party is unavailable.

3. Recommended Referral Model

Recommended Option – Triage System

The greatest risk identified in the working paper is requiring the Nominated Member and Nominated Officer to discuss every Schedule 2 application individually.

A triage system is therefore recommended.

Stage 1 – Officer Screening

Validation Officer identifies:

- A) Schedule 1 application must be delegated
- B) Schedule 1 application with own interest
- C) Schedule 2 application
- D) Schedule 2 application with own interest

A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

- E) Schedule 1 application that in the view of the nominated member and the nominated officer may have authority/officer/member own interest in the application.

Note - Schedule 1 applications that i) are connected to a LBC application; and/or ii) are a s73A application follow the C) Schedule 2 pathway.

And inputs status as part of the Uniform record.

- All applications for A shall be delegated.
- All applications for B, D and E shall not be subject to triage and automatically require a referral to the nominated member and the nominated officer.
- For all C applications, they shall be subject to the triage process.

Case officer allocated as part of desk top assessment shall check identification. This becomes a mandatory section in every delegated/committee report. The officer shall conduct the triage of the application as needed as part of the desk top assessment and review at the end of public consultation.

Note: Case officer will record on the file prior to issue if the application is subject to any referral decision and reason by the nominated officer and nominated member.

Responsible officer	Application/status identified	Action required
Validation Officer	A) Schedule 1 application	Must be delegated.
Validation Officer	B) Schedule 1 application with own interest	Not subject to triage. Automatically referred to the Nominated Member and Nominated Officer.
Validation Officer	C) Schedule 2 application	Subject to the triage process.
Validation Officer	D) Schedule 2 application with own interest	Not subject to triage. Automatically referred to the Nominated Member and Nominated Officer.
Case Officer	E) Schedule 1 application that, in the view of the Nominated Member and Nominated Officer, may have authority, officer or member own interest in the application	Not subject to triage. Automatically referred to the Nominated Member and Nominated Officer.

Stage 2 – Automatic Referral Assessment - Triage

A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

All Schedule 2 applications that require triage are considered to be delegated by default as they do not raise issues of economic, social or environmental significance to the local area and do not raise significant planning matters having regard to the development plan and material considerations **unless** any of the following applies and a full consideration by the nominated officer and nominated member for referral on these matters are required:-

A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

Category	Trigger / criterion	Referral effect
Major Development	100+ dwellings.	Requires full referral assessment.
Major Development	5,000sqm+ commercial floorspace.	Requires full referral assessment.
Sensitive Applications	Listed building consent for Grade I Listed Buildings and/or Schedule Monuments	Requires full referral assessment.
Sensitive Applications	Development affecting Grade I buildings and/or Schedule Monuments and/or within National Landscape designated areas.	Requires full referral assessment.
Sensitive Applications	Removal of net space community and/or sport facilities if a departure to Local Plan Policy.	Requires full referral assessment.
Other Applications	Receipt of any Ward Member representation seeking Nominated Officer and councillor review that provides significant planning matters and issues of economic, social or environmental significance received within 28 days of validation.	Requires full referral assessment. This request is only available for Schedule 2 applications.
Other Applications	Any Schedule 2 applications that any Planning Officer select at any time for review that provides significant planning matters and issues of economic, social or environmental significance.	Requires full referral assessment. This request is only available for Schedule 2 applications.
Own-Interest Applications	All own-interest cases (For avoidance of doubt) These cases can be referred to the committee without the need for consideration of the criteria set out in regulation 5(2). Where no such referral has been made, they will be determined by an officer.'	Automatically referred to the Nominated Member and Nominated Officer for agreement on if they go to committee (but own interest applications do not need to be subject to the tests).

A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

Stage 3 – Referral Assessment

For all applications directly referred or referred through Triage, the case officer shall list these for consideration. This shall be via a Teams spreadsheet (Could form part of the centralised Referral Register) for the Nominated Officer and Nominated Member to review and record any decision from a meeting organised to discuss.

The case officer shall record, the application ref, address and proposal and status (stage1).

For each case the nominated member and officer shall record:-

Test 1

Does the proposal raise issues of economic, social or environmental significance to the local area?

Test 2

Does it raise significant planning matters having regard to the development plan and material considerations?

Own Interest

If own interest is confirmed. While tests are not required for own interest, it may be useful to consider these as good practice.

And records the outcome.

Outcome A – Both Agree Delegated

Outcome B – Both Agree Referral To Committee Required

Outcome C – Disagreement

The nature of disagreement is recorded. Where there is disagreement, the application remains delegated and the matter reported to the Director of Planning and Community.

Stage 4 – Decision Recording

A central Referral Register shall be maintained for referrals and details of the referral and/or status also placed within the officer report for the application. This shall be reported to Planning Committee annually.

A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

The central register shall record for items referred to the Nominated officer and member only and the following information:

- Application reference.
- Application type.
- Description and Address
- Schedule category.
- Own-interest status.
- Referral considered?
- Referral outcome.
- Reasoning.
- Decision route.
- Nominated member.
- Nominated officer.

This responds directly to the Secretary of State guidance requirement to keep formal referral records.

The guidance provides that as a minimum, the local planning authority should keep a record of the cases the nominated officer and nominated member have considered for referral to committee, the outcome of their consideration and the reasons for their decision. They should report this to the planning committee on a regular basis and make it available on their website.

Further Notes Regarding National Delegation.

Note on Member Involvement

The regulations remove the ability for individual councillors to automatically require committee determination. However, as part of triage Members may request a Schedule 2 applications only to be discussed by the Nominated Member and Officer to ensure applications of potential significant impact are considered further. Any such request needs to align with the consultation period to ensure review meetings between the Nominated member and Nominated officer can take place without affecting required application timeframes and any refund risk.

Note on “Significant”

The nominated officer and member when considering a potential committee item must determine this based on the two tests only (except for own interest when these tests do not need to apply). In the tests reference to significant is made and this is defined as:-

- (1) The Guidance (at paragraph 23) advises that what is “significant” varies and depends on the local area. As examples, the Guidance provides the following:

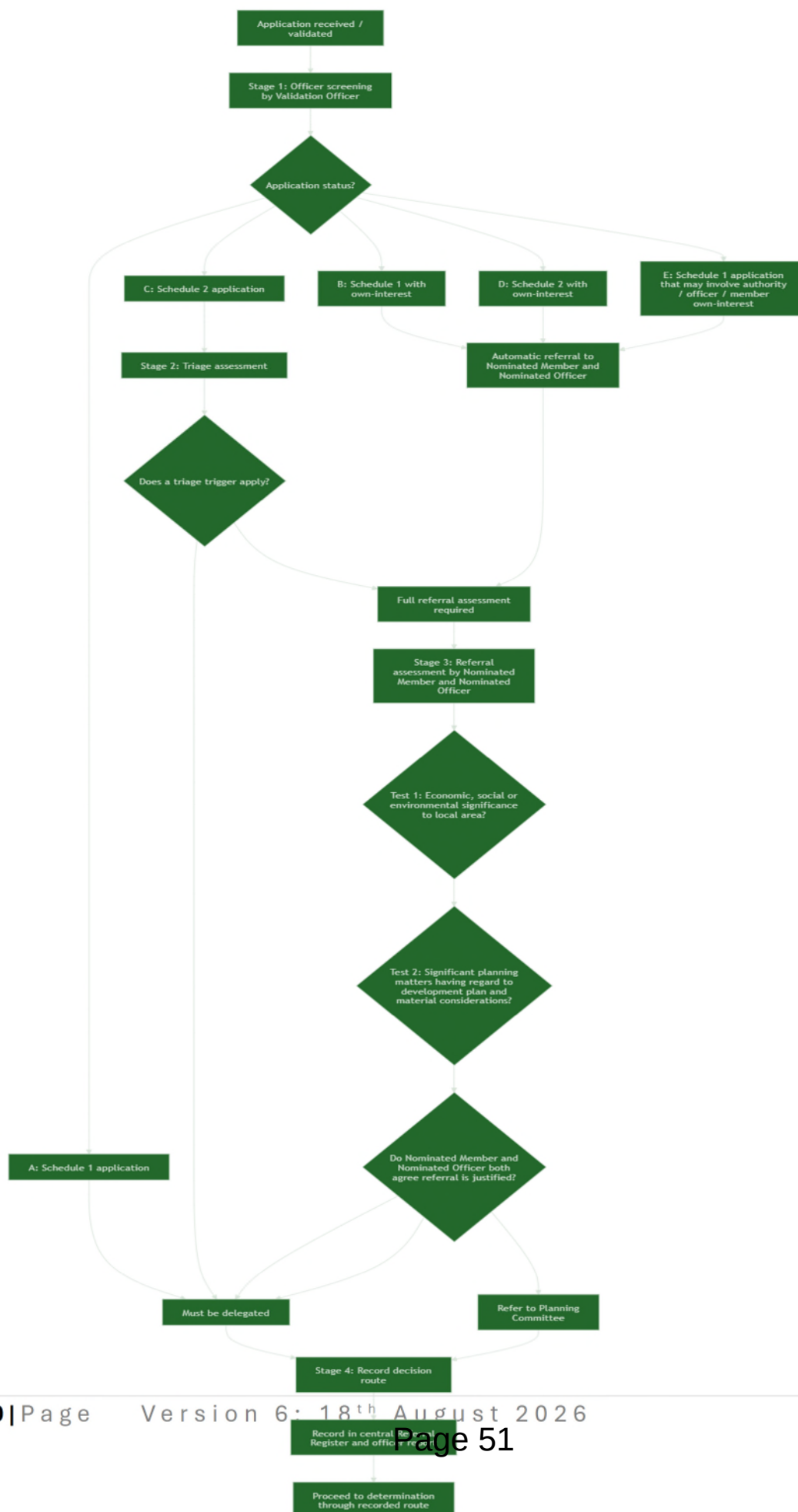
A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

- An application for outline planning permission for a large multi-phase residential development allocated in the local plan;
- An application for planning permission for change of use of a community shop in a rural area;
- An application for planning permission or listed building consent for changes to a notable listed building in a town centre.

(2) The Guidance (at paragraph 24) provides two examples where this criterion is unlikely to apply, namely:

- The application for development aligns with a detailed site allocation and relevant local or national policies, including the National Planning Policy Framework. However, it is added that significant planning issues may arise from new material considerations introduced by the application.
- If a statutory consultee initially raised a concern about a specific planning matter (e.g., highways or flood risk), but the development proposal has since been modified to address this. It is added in the end, however, that the above won't apply if the nominated officer has compelling reasons to consider otherwise.

A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions



A.1 Appendix B Protocol for the Discharge of Local Planning Authority Functions

A.1 APPENDIX B1

Letter to the Nominated Officer and Nominated Member

Date: Wednesday, 16 September 2026

(Please note this should be within 28 days of validation of the application)

Dear Nominated Officer and Member,

**REQUEST FOR DISCUSSION ON SCHEDULE TWO APPLICATION: PLANNING
REF: ...INSERT**

I am the Ward Councillor for **INSERT WARD** and in representing the community request the above-mentioned schedule two only application is referred to the Nominated Officer and Member to consider if the application raises one of the following matters:-

- 1) The proposal raises issues of economic, social or environmental significance to the local area?
- 2) The proposal will raise significant planning matters having regard to the development plan and material considerations?

I declare that

- The planning application **is located/is not located** within the Ward to which I am elected.
- **I am/not** a current serving member of the Planning Committee.

The referral is because I consider the application raises issues under 1 or 2 above as detailed below.

Please ensure that I am notified of the date of the committee meeting for this application, if the nominated officer and member agree this is a committee item, so that I am able to speak on the item.

Yours Faithfully

Councillor **INSERT**

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CABINET

25 SEPTEMBER 2026

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

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 2025/26 prior to publication and submission.

EXECUTIVE SUMMARY

This report presents Cabinet with the Council's Annual Housing Complaints Performance and Service Improvement Report for 2025/26, including the required self-assessment against the Housing Ombudsman's statutory Complaint Handling Code. Cabinet is asked to scrutinise and challenge the report and self-assessment, provide its formal response, and approve publication and submission to the Housing Ombudsman by 30 September 2026.

The Code provides the statutory framework for effective, fair and accessible complaint handling by social landlords. It requires landlords to learn from complaints, demonstrate service improvement, and provide assurance through annual reporting, self-assessment, governing body oversight and publication.

The Council has updated its housing complaints arrangements in response to changes to the Code, including the adoption of a stand-alone Housing Complaints Policy and, in 2025, a harmonised Corporate and Housing Complaints Policy to reflect the more closely aligned complaint handling codes of the Housing Ombudsman and the Local Government and Social Care Ombudsman. The Portfolio Holder for Housing and Planning acts as the Member Responsible for Complaints and provides ongoing scrutiny through regular reviews of complaint performance, trends and learning.

Housing complaints increased in 2025/26 compared with 2024/25, continuing the upward trend seen in the previous year. The service received 84 Stage 1 complaints, of which 18 escalated to Stage 2. Housing repairs accounted for 55% of both Stage 1 (comprising 46) and Stage 2 (comprising 10) complaints, while tenancy matters accounted for 33% of Stage 1 (comprising 28) complaints and 39% of Stage 2 (comprising 7) complaints. Tenant satisfaction with complaint handling, as measured through the annual tenant perception survey, fell to 36.3%, compared with 49% in the previous year.

The Annual Report identifies service improvements arising from complaint learning and confirms that the self-assessment and performance information have been reviewed by the Member Responsible for Complaints. Complaint information has also been considered through the Council's Housing Improvement Board and Tenant Panel, supporting regular challenge, assurance and a continued focus on improving outcomes for residents.

The report also highlights amendments to the Council's Tenant Satisfaction Measures return for 2025/26. Following Cabinet approval and submission to the Regulator of Social Housing in June 2026, subsequent queries resulted in amendments to TSM RP02 and corrections to CH01 and CH02. The amended figures have been accepted by the Regulator.

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 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;**
- (b) formally provides its response to the Annual Complaints Performance and Service Improvement report, for publication;**
- (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 2026; and,**
- (d) notes the amended figures for the annual Tenant Satisfaction Measures return, as set out in the body of this report.**

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 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.

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 Tenant Panel. A sub-group focussing on complaints and TSMs has been presented with and discussed a draft of the annual report and self-assessment. Their feedback has been considered when preparing the final draft of those documents. Their feedback is summarised below:

- Annual reports and future documents should be produced in an easy-read format.
- Reports should be made more engaging through the use of images, potentially including Tenant Panel members.
- Tenants supported publishing full complaints information to help residents understand Council performance.
- The report should clearly explain that there were 84 individual complaints, not 102, because Stage 2 complaints are escalations of existing Stage 1 complaints.
- More detailed analysis of complaint trends should be included, such as:
 - seasonal patterns;
 - recurring issues at particular times of year;
 - themes such as repairs, heating and other common issues.
 - Service-area detail should be expanded, particularly in relation to repairs
- The report should clearly show:
 - what the Council has learned from complaints;
 - what improvements have been made as a result.
 - Additional complaint-handling training may be beneficial.
 - The report should reassure tenants that the Council will support them throughout the complaints process.
 - A dedicated complaints team could help improve consistency and the overall customer experience.

The main Tenant Panel was also presented with the complaint statistics at their meeting on 8 September 2026 and had an opportunity to discuss them with the Council's member responsible for complaints.

The sub-group has, during the course of the year, reviewed samples of complaints and discussed whether appropriate conclusions were reached. They have also provided their thoughts and insights into some of the Council's processes, such as when requesting repairs and the satisfaction they have experienced with that process.

We will continue to regularly engage with members of our Tenant Panel to review performance statistics relating to complaints and their views on how our services can be improved.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	Yes	If Yes, indicate which by which criteria it is a Key Decision	X Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ 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)	23 April 2026

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:

- a) 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.
- b) 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.

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

Comments from the Deputy Monitoring Officer:

“This report sets out the Council's completed self-assessment process and Cabinet should be satisfied that the completion of the self-assessment is more than solely a

compliance exercise. It is an opportunity for assurance around the complaint handling arrangements and their effectiveness. The self-assessment should itself support the Best Value principle of continuous improvement.

Both the Member Responsible for Complaints and Cabinet (as the governing body for the Council's social housing landlord role) must rigorously scrutinise and challenge the self-assessment to ensure it presents a fair and accurate picture of the service. Resident feedback is vital in understanding the lived experience and ensure that the Council is listening to its residential tenants and leaseholders.

Cabinet must respond to the submission of the self-assessment and this should cover how the self-assessment was reviewed, scrutinised and challenged, what risks or weaknesses have been identified, and what actions are to be taken to address them. It should highlight lessons learned from complaints, how complaint data has informed decision-making, and how improvements will be embedded and monitored. Complaints are a source of insight to improve outcomes for tenants etc and strengthen the Council's performance.

From the above review of the self-assessment, any areas where it is considered there is a non-compliance with the Ombudsman's Code of Complaint Handling, these should be highlighted."

FINANCE AND OTHER RESOURCE IMPLICATIONS

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

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.

X	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 direct financial implications arising from the report, it is however recognised that complaint outcomes, Ombudsman findings, tenant satisfaction data or identified service improvements, resource implications etc. may have an impact on the HRA Business Plan. Such issues therefore need to be considered on an on-going basis as part of the Council's wider service planning and budget-setting processes. This is particularly relevant in areas such as repairs and maintenance, complaint handling capacity, officer training, data review and analysis along with the wider impacts continuing to emerge from the new era of Social Housing Regulation.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council has an adopted Financial Strategy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks,	The Council has a mature constitutional structure and framework of policy for decision-making.
.C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and	The Council has an adopted Financial Strategy.

performance to improve the way it manages and delivers its services.	
MILESTONES AND DELIVERY	
If Cabinet agrees to the self-assessment, noting any comments or feedback it wishes to make in connection with this, it will then be submitted to the Housing Ombudsman by 30 September 2026 and published on the Council's website. The Council will continue to engage with members of the Tenant Panel in respect of the improvements outlined in the annual report and the Council's general performance in respect of complaint handling.	
ASSOCIATED RISKS AND MITIGATION	
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 is found to be 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 Corporate and 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.	
IMPLICATIONS FOR LGR AND DEVOLUTION	
On 7th September 2026, the Secretary of State for Housing, Communities and Local Government announced in Parliament that a review of the Local Government Reorganisation programme was commencing and that the decision made in March 2026 for Greater Essex (and other areas) had been withdrawn in the light of new legal advice. Following this announcement, local authorities received correspondence from the Minister of Housing, Communities and Local Government requesting that until this review has concluded, Councils cease work on implementing the decisions that have previously been announced. The timetable for completion of the review is unknown currently. This proposal is not impacted by MHCLG's request, as it is to ensure that the Council meets its duty under the Social Housing (Regulation) Act 2023 which in turn 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.	
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.
Health Inequalities	The Corporate and 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.
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance).	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of these policies.
Area or Ward affected.	All
PART 3 – SUPPORTING INFORMATION	
BACKGROUND	
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 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. 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 was 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, the Portfolio Holder for Housing and Planning, who is also the Member Responsible for Complaints (MRC), has received a quarterly report on the volume, outcomes and trends of complaints being received and also reviews 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 MRC continues to challenge senior officers around how the service is run, with the expectation that tenants receive a high standard of service. He has also attended Tenant Panel meetings, including the sub-group focussing on complaints and TSMs in order to gain direct input and engagement with our tenants.

During the year a new online complaint reporting form has been introduced. This form captures all information about a complaint and the person making the complaint in one place. This is making recording and assignment of complaints easier.

The annual Housing Complaints and Service Improvement report, attached as Appendix A, includes a number of proposed service improvements:

- **Review of service resourcing** to increase capacity for effective complaint handling and support responses within required timescales.
- **Improve Stage 1 complaint responses** by introducing a monthly review of a sample of responses by Assistant Directors, with involvement from the Portfolio Holder for Housing & Planning.
- **Strengthen consideration of redress** by ensuring Stage 1 responses include a thorough review of the case and clear consideration of what the complainant is seeking.
- **Improve identification and recording of complaints** so that all expressions of dissatisfaction are captured and responded to appropriately.
- **Use Housemark data analysis** to better understand complaint trends and support targeted service improvements.
- **Improve access to complaint information** through tenant newsletters, the annual report, website information and the new online complaint form.

- **Increase visibility of the complaints process** by displaying posters in sheltered housing schemes and communal areas of flats.
- **Improve support for tenants with vulnerabilities and diverse needs** by recognising individual needs, making appropriate adjustments and providing responses in accessible formats.
- **Gather better information on tenant vulnerabilities and diverse needs** through tenancy sign-up and the ongoing programme of tenancy check visits.
- **Provide further/ongoing officer training in 2026/27** on complaint handling, recognising dissatisfaction and supporting tenants with diverse needs.
- **Explore a dedicated housing complaints CRM system** to improve complaint tracking, reporting and data analysis in the future.

This report also includes a recommendation relating to amendments made to the Council's Tenant Satisfaction Measures return for 2025/26. The return was submitted to the Regulator of Social Housing in June 2026, following Cabinet's approval of the figures on 26 June 2026. Following queries raised by the Regulator, amendments have been made to TSM RP02. Officers also identified an error in the data provided for CH01 and CH02, which has now been corrected.

The updated / corrected figures are presented below:

Measure	Performance
RP02	
Proportion of:	
Non-emergency; and	73.4%
Emergency repairs completed within the landlord's target timescale	84.6%
CH01 - Complaints received per 1,000 homes:	
Stage 1	26.9
Stage 2	5.8
CH02 - Complaints responded to within Complaint Handling Code timescales	
Stage 1	95.2
Stage 2	83.3%

The amended figures have been accepted by the Regulator and the annual TSM return accepted.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

APPENDICES

Appendix A – Annual Housing Complaints Performance and Service Improvement Report for 2025/26

Appendix B - Self assessment against the Housing Ombudsman's Complaint Handling Code

REPORT CONTACT OFFICER(S)

Name	Tim Clarke
Job Title	Assistant Director (Housing & Environment)
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A.2 APPENDIX A



Tendring
District Council

ANNUAL HOUSING COMPLAINTS AND SERVICE IMPROVEMENT REPORT FOR 2025/2026



A.2 APPENDIX A

ANNUAL HOUSING COMPLAINTS AND SERVICE IMPROVEMENT REPORT

Welcome to our complaints performance and service improvement report for 2025-26.

The Council owns and manages just over 3,000 homes and our tenants are important to us. Handling complaints effectively allows us to address issues, learn from them, prevent future occurrences and improve our services.

We understand that there will be times when we do not meet the expected level of service that our tenants deserve. Where this is the case, it is important that we put things right.

The Housing Ombudsman is responsible for investigating complaints about social housing providers.

In April 2024, the Housing Ombudsman introduced a new Complaint Handling Code to ensure complaints are addressed fairly, effectively and promptly.

In this report we cover how we have scrutinised our compliance against the Housing Ombudsman Complaint Handling Code. We provide information on the complaints we have received during 2025-26, some examples of service improvements we have made or are planning as a result of learning from complaints and an overview of a case that the Housing Ombudsman has made a decision on during 2026-26.

Our Corporate and Housing Complaints Policy sets out our approach to complaint handling, so we can resolve complaints effectively and comply with the code.

[Corporate and housing complaints policy](#)

Complaint handling code self-assessment

We have completed a self-assessment against the Housing Ombudsman Complaint Handling Code.

This ensures we align our policies and practices to provide a prompt and effective complaints service.

Our assessment is that we fully complied with the code in 2025-26 and we will continue to improve our service during 2026-27 to ensure ongoing compliance.

[Link to full assessment on website once complete](#)

In June 2026, 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.

Our complaint handling performance during 2025-26

We received a total of 102 complaints between 1 April 2025 and 31 March 2026. This is an increase of 13% compared to the previous year.

84 complaints were responded to at Stage 1 of our complaints process and 18 were escalated to Stage 2

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Complaints received	Number	Change compared to previous year
Total number of complaints received: April 2025 to March 2026	102	13% increase (<i>Total complaints received April 24 to March 25 was 90</i>)

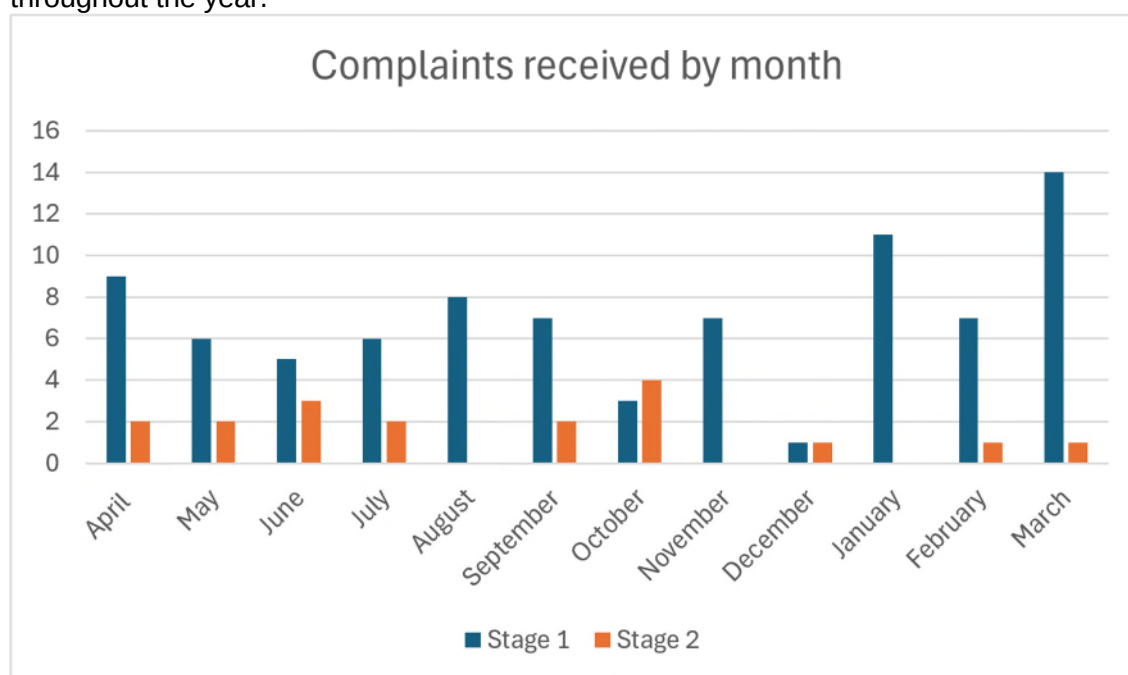
Complaints received by stage	Number	Change compared to previous year
Stage 1	84	8% increase (<i>previous year 78</i>)
Stage 2	18	50% increase (<i>previous year 12</i>)

Complaints were received across the following service areas:

Service area	Stage 1	Stage 2
Repairs, planned maintenance or improvements	46 (55%)	10 (55%)
Rents or service charges	4 (5%)	0
Tenancy matters	28 (33%)	7 (39%)
Neighbourhood issues	4 (5%)	1 (6%)
Transfers or mutual exchanges	0	0
Right to Buy or leasehold matters	2 (2%)	0
Total	84	18

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Complaints were received throughout the year with the graph below showing the distribution throughout the year.



Response times

Complaint response times	
Response to Stage 1 Complaints sent within Code timescales - 10 working days unless extended as permitted in the Code	95.24% (previous year 93.6%)
Response to Stage 2 Complaint sent within Code timescales – 20 working days unless extended as permitted in the Code	83.33% (previous year 91.7%)

Use of the extension periods permitted in the Code

We aim to respond to all complaints within the Housing Ombudsman code timescales and the table below shows how we have performed:

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	61	72.6% (previous year 69.9%)
Response to Stage 1 Complaint sent within Code timescales with the use of the 10-day extension permitted in the Code	19	22.6% (previous year 30.1%)

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Stage 2	Number	Percentage
Response to Stage 2 Complaint sent within Code timescales without the use of the 20-day extension permitted in the Code	12	66.7% <i>(previous year 72.8%)</i>
Response to Stage 2 Complaint sent within Code timescales with the use of the 20-day extension permitted in the Code	3	16.7% <i>(previous year 27.2%)</i>

Complaints not included in the table above were responded to outside of the timescales set out in the Complaint Handling Code

Outcomes to complaints

The table below shows the number of complaints that were either upheld (where the council acknowledged some degree of fault) or not 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.

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The proportion of complaints that were upheld in 2025/26 has decreased over the 2024/25 figures although it remains the case that more complaints were upheld than not upheld.

Stage 1	Upheld	Not upheld
Repairs, planned maintenance and improvements	43	3
Rents or service charges	0	4
Tenancy matters	5	23
Neighbourhood issues	0	4
Transfers / mutual exchanges	0	0
Right to Buy or leasehold matters	2	0
Total	50	34

Stage 2	Upheld	Not upheld
Repairs, planned maintenance and improvements	9	1
Rents or service charges	0	0
Tenancy matters	4	3
Neighbourhood issues	0	1
Transfers / mutual exchanges	0	0
Right to Buy or leasehold matters	0	0
Total	13	5

Tenant Satisfaction Measures

From 1 April 2023, all social housing providers have been required to collect 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

A.2 APPENDIX A

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 (TP09 - measured by a tenant perception survey)
- Complaints relative to the size of the landlord (CH01 - measured by landlord's management information)
- Complaints responded to within Complaint Handling Code timescales (CH02 - measured by landlord's management information)

The Council's performance in relation to these indicators in 2025/26 was as follows:

Measure	Performance
TP09 - Satisfaction with the landlord's approach to complaint handling	36.3%
CH01 - Complaints received per 1,000 homes: Stage 1 Stage 2	26.9 5.8
CH02 - Complaints responded to within Complaint Handling Code Stage 1 Stage 2	95.2 83.3%

Any findings of non-compliance with the Housing Ombudsman's Complaint Handling 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 2025 to ensure that it meets the requirements of the Complaints Handling Code. It was amalgamated with the council's more general complaint handling policy and renamed the Corporate and Housing Complaints Policy. Following a review of the Corporate and Housing Complaints Policy by the Housing Ombudsman in June 2026 following which it was highlighted that the policy could be improved to more fully align with the Complaint Handling Code, the policy has recently been revised.

A.2 APPENDIX A

Housing Ombudsman determinations

During the financial year 2025/26, the Housing Ombudsman determined one complaint received by it in respect of Tendring District Council and found that there was a service failure. A summary of the case is provided below (as published on the Housing Ombudsman's website):

Complaint reference 202317086:

Background

The resident lives in a second-floor flat with her daughter. She has health conditions and has said the complaint has negatively impacted her mental health. She has been reporting leaks to her landlord since 2021 and has raised concerns about the presence of asbestos in her property.

What the complaint is about

The landlord's handling of a roof leak.
The landlord's complaint handling.
Our decision (determination):

There was reasonable redress in the landlord's handling of a roof leak.
There was service failure in the landlord's complaint handling.
We have made orders for the landlord to put things right.

Summary of reasons

The landlord's handling of a roof leak.

There were significant delays in the landlord completing the repairs to the roof. The landlord did not provide regular updates to the resident. It has now completed the work and it acknowledged in its stage 2 complaints response that the delays had been unreasonable. It identified learning and said how it would improve things in the future. It offered £900 compensation which we consider to be reasonable in line with our remedies guidance. This is because there were significant delays and the matter had a detrimental effect on the resident.

The landlord's complaint handling

The landlord issued its stage 2 response outside of the timescales in its complaints process. It did not acknowledge the delay, despite the resident needing to chase the response.

£950 compensation offered and accepted by complainant

A.2 APPENDIX A

Housing Ombudsman Landlord Performance Report

In May 2025 the Housing Ombudsman published a report on the Council's performance as a housing landlord. Such reports are usually published where there have been more than five findings against the landlord in a year. The report covered the 2024/25 financial year.

Housing Ombudsman Spotlight reports

From time to time the Housing Ombudsman publishes spotlight reports that identify trends in the complaints that are escalated to them. The reports are useful for landlords in highlighting these trends and providing guidance.

Their most recent report is a Spotlight on repairs and maintenance <https://www.housing-ombudsman.org.uk/reports/spotlight-reports/repairing-trust/>

Repairs is the biggest cause for complaints for the Council as it is for the Housing Ombudsman. The findings presented in this report resonate with the Council's own experiences. We have identified that we need to improve our performance in respect of repairs and working with members of our Tenant Panel, drawing on their experiences, we are changing our culture. Our aim is that it is easy to report a repair, that the report is acknowledged and responded to quickly and that the repair is undertaken well and within an appropriate timeframe.

Service Improvements and Learning from complaints

During 2025/26 we have observed a shift in the nature of complaints received. This has largely been around the complexity and level of challenge involved in the complaints, with some complainants clearly making use of artificial intelligence (AI) to assist them in making their complaint. The increased level of complaints has resulted in more complaints escalating to Stage 2. There have also been occasions where it has been difficult to meet the response times set out in the Complaint Handling Code.

We have continued to provide our Housing Portfolio Holder (as member responsible for complaints) with quarterly data on the complaints received. During the year we also introduced a Tenant Panel subgroup focusing on complaints and tenant satisfaction measures, that our member responsible for complaints also attends. We feel that tenant involvement and scrutiny of our complaint handling performance is important.

Reflecting on the quality of complaint responses, particularly at Stage 1, it is evident that the Council needs to become better at resolving matters at Stage 1. There needs to be a genuine review of the case at that point and a reflection on what it is that the complainant is seeking as redress. A complaint response should not be issued without that thorough assessment taking place.

The Council has been reviewing how its services are resourced and is making changes so that it has more capacity to respond effectively to complaints.

It is proposed that a sample of complaints responded to at Stage 1 will be reviewed by the Assistant Directors each month, in order to monitor thoroughness and quality. The Portfolio Holder for Housing & Planning will also be involved in this process.

A.2 APPENDIX A

In addition to reviewing the way in which complaints are dealt with it is important that the Council captures all complaints, however made. It is possible that there are more tenants who are dissatisfied about the services they receive and maybe are unaware of how to complain or have expressed dissatisfaction that has not been captured and responded to as a complaint.

The Council has recently joined Housemark which is an organisation specialising in data analysis. Housemark will help us to understand our data better and assist us in making service improvements.

The quarterly tenant newsletter and annual report includes details about how to complain and this information is available on the council's website. The website has recently been updated to include an online complaint form that can be fully completed and submitted online. This form is in addition to more traditional methods that remain available.

New posters have been produced that will be displayed at sheltered housing schemes and in communal areas of flats that explain how to make a complaint.

Complaints from those experiencing vulnerabilities require a special focus and is an area where the Council needs to improve. Firstly, the vulnerability needs to be recognised and then appropriate adjustments made to ensure the vulnerability is taken into account and the complaint response provided in a format that the tenant is able to understand. Information on tenant vulnerabilities and diverse needs is being gathered at tenancy sign up and for existing tenants via a rolling programme of tenancy check visits that is approximately halfway through.

Officer training in respect of complaint handling and working with those with diverse needs is something that has not been prioritised. Dedicated training will equip officers with the tools to recognise customer dissatisfaction in the first instance and then be able to provide a response that addresses the complaint. This will be addressed during 2026/27 with the provision of training for those who require it and is something the Portfolio Holder for Housing & Planning is fully supportive of.

The Council does not use a dedicated customer relationship management (CRM) system for housing complaints and as such is restricted in the extent to which complaint data can be analysed. It is an aspiration to develop a dedicated CRM system in the future.

A.2 Appendix B: Self-assessment form

Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	A complaint must be defined as: <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>		Corporate and Housing Complaints Policy	The Council's Corporate and Housing Complaints Policy adopts the Housing Ombudsman's definition of a complaint.
1.3	1.1 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 a complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.		Corporate and Housing Complaints Policy	Our Corporate and 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. 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. Information is also provided about organisations that may assist a person in

				making a complaint, and staff will signpost to these where applicable.
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.		Corporate and Housing Complaints Policy	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, if a request is repeated, 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.		Corporate and Housing Complaints Policy	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		Corporate and Housing Complaints Policy	We often ask residents to complete surveys – for example, after major maintenance or improvement works have been carried out.

	person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.		Tenants newsletter, Tendring Reports Response letter to transactional surveys	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 tenant expressing dissatisfaction via a transactional survey is advised of how to submit a formal complaint. Regular articles are also included in our all-tenants newsletter, Tendring Reports, explaining how to complain. Information will also be included in any articles giving feedback on broader consultations, for example the TSM responses.
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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.		Corporate and Housing Complaints Policy	All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure; see paragraph 2.2 below. Each complaint is considered on its individual merits and, if not accepted, the resident will be advised of the reason for this.

2.2	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: • The issue giving rise to the complaint occurred over twelve months ago. • 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. • Matters that have previously been considered under the complaints policy.		Corporate and Housing Complaints Policy	Our Housing Complaints Policy sets out the circumstances when a complaint will not be accepted and these include: ➤ requests for a service (for example, the first time you ring to request a repair); ➤ complaints about the actions of a third party (for example, a noisy neighbour); ➤ matters where there is a separate means of resolution (for example, a Tribunal or appeals route); ➤ matters dealt with under the Council's Employment Procedures; ➤ insurance claims against the Council; ➤ requests for information; ➤ corporate complaints (complaints about any other Council service – these are dealt with under the Corporate Complaints Procedure);

				➤ complaints that have already been investigated under this or another of the Council's complaints procedures; ➤ complaints that have been investigated by the Housing or Local Government Ombudsman; ➤ 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); ➤ complaints relating to Freedom of Information and Environmental Information Requests; ➤ complaints about Councillors; ➤ complaints outside of the Council's jurisdiction (for example, complaints about utilities companies); ➤ complaints subject to legal proceedings; ➤ complaints about the level of rent or service charge or the amount of the rent or service charge increase; or ➤ complaints from contractors about their commercial or contractual relationships with the Council.
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue,		Corporate and Housing Complaints Policy	Our Housing Complaints Policy was revised in 2024 and subsequently incorporated into the Corporate and Housing Complaints Policy in

	unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.			September 2025 to confirm that we now accept complaints referred to us within 12 months of the issue occurring or the resident becoming aware of it. This time limit was previously six months. The Policy also confirms that we have discretion to accept complaints outside this timeframe where there are good reasons for doing so.
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.		Corporate and Housing Complaints Policy Complaints correspondence	All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure (see para 2.2). In these circumstances, an explanation will be provided to the resident setting out why the matter is not being accepted as a complaint. The resident will also be informed of the right to take that decision to the Housing Ombudsman and provided with their contact details.
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.		Corporate and Housing Complaints Policy	All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure; see paragraph 2.2 above. Each complaint is considered on its individual merits and, if not accepted, the resident will be advised of the reason for this.

				There is not a blanket approach taken to excluding complaints.
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Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	1.2 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.		Corporate and Housing Complaints Policy Website Tendring Reports Reasonable Adjustments Policy	Our Policy sets out the various ways that a complaint can be made to us and these include: ➤ by filling in our 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 ➤ by phoning 01255 686868 or the direct number of the team you have been dealing with; or ➤ by visiting our Reception at Pier Avenue in Clacton, which is open Monday, Tuesday and Wednesday from 10am to 1pm. We have now introduced an online complaints form. We have introduced a Tenant Panel Complaints Sub-Group where members are encouraged to investigate and provide feedback on the different channels through which complaints can be made. 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. A separate Reasonable Adjustments Policy was approved in May 2024 which specifically includes a section on complaint handling.
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 Corporate Complaints Team 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 in team members' one-to-ones. Following the introduction of the Corporate and Housing Complaints Policy, training was delivered by the Corporate Complaints Team to all Officers who are involved in complaint handling. This ensures a consistent approach throughout the Authority and across both HO and LGSCO complaints. Regular articles about complaints are included in the staff newsletter sent to all staff who deliver housing services. An online complaints form has been introduced.
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		Quarterly quantitative reports to Portfolio Holder responsible for Housing Tenant Satisfaction Measures	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.

	that residents are unable to complain.			
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail 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.		Corporate and Housing Complaints Policy Website Tenants newsletter, Tendring Reports	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 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.		Corporate and Housing Complaints Policy Website Tenants newsletter, Tendring Reports	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.		Corporate and Housing Complaints Policy	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 the Ombudsman about their complaint.		Corporate and Housing Complaints Policy Website Tenants newsletter, Tendring Reports 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, on its website and in tenants' newsletters.

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.		Corporate and Housing Complaints Policy Job descriptions	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 Assistant Director – Housing and Environment is responsible for ensuring that complaints are dealt with in accordance with the Complaints Procedure. Complaints are received and logged by the Business Support Officer (Housing and Environment) and are then allocated to officers as follows: • Stage 1 complaints – the complaint is allocated to the relevant service Senior Officer or Manager. • Stage 2 complaints – since the introduction of the joint Corporate and Housing Complaints Policy, the complaint is investigated on behalf of the Council’s Corporate Director – Operations and Delivery. The Investigating Officer will not be the same person that investigated the complaint under Stage 1 to ensure that their investigation is independent and objective. Reminders are sent in relation to Stage 1 and Stage 2 complaints to ensure resolution within the stated timeframes.
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.		Corporate and Housing Complaints Policy 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 Corporate Director – Operations and Delivery, depending on the Stage of the complaint.

4.3	1.3 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 are resourced to handle complaints effectively.		Corporate and Housing Complaints Policy 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 were delivered during training for all staff involved in complaint handling following the introduction of the Corporate and Housing Complaints Policy and are disseminated to staff via team meetings and individual meetings.
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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 Code. Residents must not be treated differently if they complain.		Corporate and Housing Complaints Policy	A combined Corporate and Housing Complaints Policy is in place, introduced in September 2025, and residents are not 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.		Corporate and Housing Complaints Policy	Our Corporate and 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.		Corporate and Housing Complaints Policy	The Corporate and Housing Complaints Policy comprises 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.		Corporate and Housing Complaints Policy 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.		Corporate and Housing Complaints Policy Standard practice	See the comment at 5.4 above.
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out 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.		Corporate and Housing Complaints Policy Standard practice	The acknowledgement sent at Stages 1 and 2 sets out the Council's understanding of the complaint and the outcomes the resident is seeking, also known as the complaint definition.
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.		Corporate and Housing Complaints Policy Response letters sent	If any aspects of the complaint do not fall within the landlord's responsibility, this will be clearly set out in the acknowledgement or response sent, and the complainant will be advised who that element of their complaint should be referred to.

				Where a complaint crosses into another service, where possible, a single combined response is issued.
5.8	At each stage of the complaints process, complaint handlers must: - deal with complaints on their merits, act independently, and have an open mind; - give the resident a fair chance to set out their position; - take measures to address any actual or perceived conflict of interest; and - consider all relevant information and evidence carefully.		Corporate and Housing Complaints Policy	Our Housing Complaints Policy includes the following complaint handling principles ➤ Conduct the investigation in an impartial manner ➤ Deal with the complaint on its individual merits ➤ Aim to resolve complaints at the earliest stage possible ➤ Act independently and have an open mind ➤ Take measures to address any actual or perceived conflict of interest ➤ Consider all information and evidence carefully ➤ Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter ➤ Give the complainant and anyone who is subject to a complaint a fair chance to set out their position ➤ Not generally identify individual members of staff or contractors ➤ Keep the complainant updated about the progress of the investigation ➤ Send a response when the answer to the complaint is known and not when outstanding actions to address the issue are completed.

				➤ Advise the complainant of their right to seek advice from the Housing Ombudsman Service throughout the complaints process ➤ Advise the complainant of their right to escalate a complaint and not unreasonably refuse to escalate a complaint ➤ Keep a record of all complaints and the outcomes at each stage
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.		Corporate and Housing Complaints Policy 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, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.		Corporate and Housing Complaints Policy Reasonable Adjustments Policy	A separate Reasonable Adjustments Policy was approved in May 2024. This confirms that a record will be kept of any reasonable adjustments agreed, as well as a record of any 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.		Corporate and Housing Complaints Policy	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.		Corporate and Housing Complaints Policy 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.		Corporate and Housing Complaints Policy	Our Corporate & 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 for putting any restrictions in place and must keep restrictions under regular review.		Corporate and Housing Complaints Policy Unacceptable Customer Behaviour Policy	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.
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.		Corporate and Housing Complaints Policy Unacceptable Customer Behaviour Policy	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
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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.		Corporate and Housing Complaints Policy Complaint records Vulnerability Policy	Our Corporate and 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 <u>within five working days of the complaint being received.</u>		Corporate and Housing Complaints Policy Complaints database and records Vulnerability Policy	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 <u>within 10 working days</u> of the complaint being acknowledged.		Corporate and Housing Complaints Policy Complaint database and records	Our Housing Complaints Policy was amended in 2024 to reflect this change in response times. This has since been incorporated into the Corporate and Housing Complaints Policy.
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		Corporate and Housing Complaints Policy Complaint database and records	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.

	reason(s) must be clearly explained to the resident.			In 2025/26, 93.6% 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.
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.		Corporate and Housing Complaints Policy Individual complaint responses	This information is included in the correspondence informing the resident of the deadline extension. This information is also included in the acknowledgement of the complaint.
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 actioned promptly with appropriate updates provided to the resident.		Corporate and Housing Complaints Policy 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.
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.		Corporate and Housing Complaints Policy 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		Corporate and Housing Complaints Policy 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.

	the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.			
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 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 stage 2 if the individual is not satisfied with the response.		Corporate and Housing Complaints Policy 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.		Corporate and Housing Complaints Policy 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 2. 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.		Corporate and Housing Complaints Policy 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 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.		Corporate and Housing Complaints Policy 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 2. 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.		Corporate and Housing Complaints Policy Complaint correspondence	Stage 2 complaints will be investigated on behalf of the Council's Corporate Director – Operations and Delivery. The Investigating Officer will not be the same person that investigated the complaint under Stage 1 to ensure that their investigation is independent and objective.

6.14	Landlords must issue a final response to the stage 2 within 20 working days of the complaint being acknowledged.		Corporate and Housing Complaints Policy Complaint correspondence	Our Housing Complaints Policy has been amended to reflect this change in response times. This has since been incorporated into the Corporate and Housing Complaints Policy.
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.		Corporate and Housing Complaints Policy Complaint correspondence	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. In 2025/26, 91.7% 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.
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.		Corporate and Housing Complaints Policy Complaint correspondence	This information is included in the correspondence informing the resident of the deadline extension. This information is also included in the acknowledgement of the complaint.
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.		Corporate and Housing Complaints Policy 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		Corporate and Housing Complaints Policy Complaint correspondence	The Investigating Officer is responsible for ensuring that all points raised in the complaint definition are addressed and for providing clear

	policy, law and good practice where appropriate.			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: - the complaint stage; - the complaint definition; - the decision on the complaint; - the reasons for any decisions made; - the details of any remedy offered to put things right; - details of any outstanding actions; and - details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.		Corporate and Housing Complaints Policy 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.		Corporate and Housing Complaints Policy Complaint correspondence	Our Corporate and 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	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:		Corporate and Housing Complaints Policy Complaint correspondence Housing Compensation Policy	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

	• Apologising; • Acknowledging where things have gone wrong; • Providing an explanation, assistance or reasons; • Taking action if there has been delay; • Reconsidering or changing a decision; • Amending a record or adding a correction or addendum; • Providing a financial remedy; • Changing policies, procedures or practices.			actions we have already taken or intend to take to put things right. These can include: ➤ Acknowledging where things have gone wrong ➤ Providing an explanation, assistance or reasons ➤ Taking action if there has been a delay ➤ Reconsidering or changing a decision ➤ Amending a record or adding a correction or addendum ➤ Providing a financial remedy ➤ Changing policies, procedures or practice. Complaints can be resolved at any stage of our complaints policy. 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 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. 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.
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				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.
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.		Corporate and Housing Complaints Policy Complaints handling practice Complaint correspondence Housing Compensation Policy	In considering appropriate remedies, the Investigating Officer will consider • What outcome does the complainant want to achieve by complaining? What has gone wrong? • Can action be taken to put the person affected back in the position they would have been in if nothing had gone wrong? • Is there an actual quantifiable financial loss, such as costs incurred or payments not received? • How severe was any other impact in terms of distress, harm or risk? • Overall, is the remedy proportionate, appropriate and reasonable?
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.		Corporate and Housing Complaints Policy Complaint correspondence Housing Compensation Policy	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 Housing Compensation Policy	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.
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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; d) the service improvements made as a result of the learning from complaints; e) any annual report about the landlord's performance from the Ombudsman; and f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.		Corporate and Housing Complaints Policy Cabinet report Complaints self-assessment Complaint performance report	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

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.		Corporate and Housing Complaints Policy Cabinet report Complaints self-assessment Complaint performance report	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.		Corporate and Housing Complaints Policy Complaints self-assessment	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 Complaints self-assessment	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.		Corporate and Housing Complaints Policy	This is included in our Complaints Policy and will be actioned, if and when applicable.

Section 9: Scrutiny & 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.		Corporate and Housing Complaints Policy Quarterly performance reports Annual complaint performance report	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

			Service meetings	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.		Corporate and Housing Complaints Policy Quarterly performance reports Annual complaint performance report 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 to stakeholders, such as residents' panels, staff and relevant committees.		Website Tenants' newsletter, Tendring Reports Tenant Panel meeting minutes Staff newsletters	Updates on the Council's performance in handling housing complaints will be included on the Council's website and in its tenant 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.		Complaint performance reports Service meetings Quarterly performance reports	This role has been carried out by the Assistant Director – Housing and Environment 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		Corporate and Housing Complaints Policy	The Portfolio Holder responsible for Housing is the Member Responsible for Complaints (MRC)

	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').		Service meetings Housing dashboard information	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.		Corporate and Housing Complaints Policy Quarterly performance reports Annual complaint performance report 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; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and d. annual complaints performance and service improvement report.		Corporate and Housing Complaints Policy Annual complaint performance report 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
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to: a. have a collaborative and co-operative approach towards resolving complaints,		Corporate and Housing Complaints Policy Staff newsletter Job descriptions / one to ones	These objectives are included in our Corporate and Housing Complaints Policy and reinforced to staff via various methods of internal communications.

	working with colleagues across teams and departments; b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and c. act within the professional standards for engaging with complaints as set by any relevant professional body.			
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CABINET

25 SEPTEMBER 2026

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING AND PLANNING

A.3 CONSIDERATION AND ADOPTION OF THE HOUSING SUCCESSION & ASSIGNMENT EXCHANGE POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present to Cabinet the Housing Succession and Assignment Policy for consideration and adoption.

EXECUTIVE SUMMARY

This report presents the Housing Succession and Assignment Policy for approval. The policy formalises the work that is already undertaken in the Housing and Environment service. This work is in compliance with the legal framework associated with succession and assignment applications and assists the Council in meeting the Regulator of Social Housing's Consumer Standards as well as the requirements and recommendations of the Housing Ombudsman.

The purpose of the Housing Succession and Assignment Policy is to ensure tenancy succession and assignment applications are dealt with in accordance with legislation and statutory guidance.

The policy outlines the appeals process if a succession or assignment request is not granted and the Council will always aim to prevent homelessness and will take appropriate measures to prevent someone becoming homeless where it is not possible for them to succeed a tenancy.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) formally adopts the Housing Succession and Assignment Policy (at Appendix A) for implementation; and
- (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, with an undertaking that the policy will be reviewed every three years.

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations are to ensure that the policy is 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.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The policy contributes to a number of Corporate Plan 2024-28 themes:

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

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

Consultation and engagement have been undertaken with the Council's Tenant Panel who indicated their support for the introduction of the policy at their meeting on 16 June 2026. Members of the Tenant Panel and the Tenant Reading Group will also be involved in monitoring the effectiveness housing policies.

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	☒ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ 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)	23 April 2026

The Regulator of Social Housing sets regulatory standards that define the outcomes that landlords must deliver. These standards are set under powers conferred to the Regulator under the Housing and

Regeneration Act 2008. All landlords are expected to deliver the outcomes of the standards that apply to them.

X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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There are no comments over and above the content set out in the report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

This policy does not have any specific additional finance or resource implications. A budget and staffing provision already exists for the provision of tenancy succession and assignment applications.

X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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There are no further comments over and above those set out elsewhere within the report.

USE OF RESOURCES AND VALUE FOR MONEY

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

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council has an adopted 30 year Housing Revenue Account Business Plan.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Council has a mature constitutional structure and framework of policy for decision-making. It is intended that the appended policy 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.	

MILESTONES AND DELIVERY

If Cabinet agrees to the adoption of this policy, it will come into immediate effect, subject to call-in.

A review of this policy will be carried out every three years with a delegation to the Corporate Director – Operations and Delivery to make future changes and updates to the policies in consultation with the Portfolio Holder responsible for housing.

ASSOCIATED RISKS AND MITIGATION

The policy has been written to set out how the Council will comply with statutory requirements and assist the Council in meeting the Consumer Standards set by the Regulator of Social Housing.

Failure to meet these requirements could result in the Regulator using its enforcement powers which include requiring a registered provider to submit a performance improvement plan or to take particular actions set out in an enforcement notice. The Regulator will also be able to authorise an appropriate person to enter a social housing premises to take emergency remedial action and issue penalties or require the housing provider to pay compensation.

The adoption and implementation of this policy is aimed at minimising the risks of non-compliance and in ensuring that the Council makes the best use of its housing stock.

EQUALITY IMPLICATIONS

In line with the Public Sector Equality Duty, within this policy 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 RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

On 7th September 2026, the Secretary of State for Housing, Communities and Local Government announced in Parliament that a review of the Local Government Reorganisation programme was commencing and that the decision made in March 2026 for Greater Essex (and other areas) had been withdrawn in the light of new legal advice. Following this announcement, local authorities received correspondence from the Minister of Housing, Communities and Local Government requesting that until this review has concluded, Councils cease work on implementing the decisions that have previously been announced. The timetable for completion of the review is unknown at this time.

This proposal is not impacted by MHCLG's request, as the Council's housing service are required to ensure tenancy succession and assignment applications are dealt with in accordance with statutory guidance and the Housing Act 1985.

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

The implementation of this policy 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 implementation of this policy is not considered to have any crime and disorder implications.
Health Inequalities	None
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	The Council will follow subsidy control legislation and regulations, where applicable, in relation to the content and implementation of this policy.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Housing Act 1985 enables eligible tenancy succession and assignment applications to be dealt with in accordance with legislation and statutory guidance. The proposed Housing Succession and Assignment Policy attached as **Appendix A** outlines the Council's approach to publicising, supporting and processing tenancy succession and assignment applications. The Policy:

- Delivers a fair and consistent tenancy succession and assignment policy in line with legislation and the Regulator of Social Housing Consumer Standards (Tenancy Standard - GOV.UK (www.gov.uk)) Specifically, registered providers must publish clear and accessible policies which outline their approach to tenancy management and the type of tenancies they grant.
- Provides clear guidance for tenants, staff and partner agencies on tenancy succession and assignment requests, the eligibility criteria and along with the grounds for refusing a succession and assignment request and providing a clear appeals process.
- Promotes sustainable tenancies,
- Treats all applicants fairly and sensitively,
- Aligns with the Housing Allocation Policy and makes best use of the Council's housing stock.

Policy Background

The Council has retained its housing stock and currently manages over 3,000 homes as well as more than 400 leasehold properties and 350 garages.

The Social Housing (Regulation) Act 2023 aimed to lay the foundations for changes to how social housing is managed. It includes increased regulation of how services are provided and increased building safety. 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.

One of these Consumer Standards – the Tenancy Standard ensures providers offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock. It also outlines that social landlords meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

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.

To ensure that the Council can meet its statutory and regulatory duties as a responsible social housing landlord it is essential that this policy is in place.

Application of the Policy

The policy will be applied by Officers as it is written and in accordance with the relevant legislation. In so doing there will occasionally be circumstances where the application of the policy puts an individual or household at risk of homelessness. In those situations, the Council will take a pragmatic approach to minimising that risk of homelessness and potential hardship for those involved.

PREVIOUS RELEVANT DECISIONS

None
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None

APPENDICES
➤ Appendix A – Housing Succession and Assignment Policy

REPORT CONTACT OFFICER(S)	
Name	Matthew Wicks
Job Title	Senior Housing Manager
Email/Telephone	mwicks@tendringdc.gov.uk 01255 686483



Tendring
District Council

HOUSING SUCCESSION & ASSIGNMENT POLICY

September 2026



A.3 APPENDIX

Purpose of this Policy

This policy outlines Tendring District Council's (the Council) approach to managing tenancy succession and assignment requests for secure tenancies.

Policy aims

This policy:

- Ensures tenancy succession and assignment applications are dealt with in accordance with legislation and statutory guidance,
- Promotes sustainable tenancies,
- Treats all applicants fairly and sensitively,
- Aligns with the Housing Allocation Policy ([add link](#)) and makes best use of the Council's housing stock.
- Provides a clear and understandable service to applicants and helps them understand the operation of the Succession and Assignment Policy.

Scope of Policy

This policy applies to the Council's secure tenancies.

Succession

Succession relates to the statutory right of certain people to succeed to a tenancy following the death of a tenant. The person who inherits a tenancy is called the 'successor'.

Who can succeed a tenancy?

If the tenancy started before 1st April 2012 succession rights apply to:

- **A civil partner or spouse of the tenant** if they are living in the property as their only or principal home and with the deceased at the time of the tenant's death.
- **A civil partner who has signed a civil partnership document** or persons living as though they are civil partners and they were living in the property with the deceased at the time of death. There is no requirement for a civil partnership to have taken place but if they are not a civil partner by law, they must have occupied the property as their only or principal home for at least 12 months before the tenant's death.
- **A member of the tenant's family** (where the tenant had no partner or spouse living at the home) may succeed provided they lived with the tenant as their main or principle home for at least 12 months before the tenant's death. Family members include parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces. We call these people 'eligible successors.'

A.3 APPENDIX

If the tenancy started after the 1st of April 2012: succession rights are more limited:

- Succession rights are limited to only **spouses and civil partners**, or someone living as such (cohabitee) immediately prior to the tenant's death and:
- They must have been living in the property as their only and principal home, immediately prior to the tenant's death. There is no minimum 12-month requirement for legal spouses, legal civil partners or cohabitees under this rule.

Joint Tenancy (Survivorship)

Where in a joint tenancy one tenant dies, the remaining tenant automatically becomes the sole tenant and this counts as succession. A successor who is the joint tenant, spouse or civil partner of the deceased tenant, will not be requested to move to a different property.

Spouse/civil partnership

The Council considers this as:

- A marriage ceremony that took place in the UK that has been entered in the marriage register for the district in which it took place.
- A civil partnership must also similarly be registered.

Living together/ partner

The Council considers this as someone who was living with the tenant as though they were a married or in a civil partnership at the time of the tenant's death and the property was their only or principal home. The Council will:

- Seek the facts of each case and use various sources to verify the situation.

Other Members of the Family

Other members of the family are considered to be the deceased tenant's parent(s), grandparent(s), children/stepchild, grandchildren, brothers, sisters, uncles, aunts, nephews and nieces. Foster children or other members of the extended family are not recognised. Other members of the family must have been living with the tenant for at least 12 months.

Where more than one family member has succession rights, it is expected that the family will decide who should request to succeed to the tenancy. Where family members are unable to agree, the Council will make the decision.

A.3 APPENDIX

Only one succession of a secure tenancy is permitted

- Only one succession is permitted for each secure tenancy. This means that if the deceased tenant was themselves a successor, for example: they were previously a joint tenant and later became a sole tenant, then this would count as a succession and no further lawful succession rights can be granted.
- The deceased tenant must be living in the property as their sole and principal home at the time of their death. If, for example, the tenant permanently moves to a care home, they no longer meet the 'tenant condition' under Section 81 Housing Act 1985.

Property size and suitability

The successor succeeds to the tenancy, not to the property:

- If the successor is a joint tenant, spouse, partner or civil partner of the deceased tenant, they will not be requested to move to a different property. They can remain in the property even if it is larger than they need.
- If the successor is not a spouse or civil partner and the property is larger than their housing need or contains adaptations they do not require, or is a property where the Council specifies the minimum age of the person that can live in it and the successor is younger than that age, the eligible successor is required to move to a more suitable property.

Ground 15A of Schedule 2 of Housing Act 1985 provides a ground for possession that can be used where there is a statutory right to succeed, but where the property is considered too large for the successor's needs. If the Council wishes to use Ground 15A it must serve a notice of seeking possession no sooner than 6 months but no later than 12 months from the date of death of the deceased tenant (or the date on which we are informed of the death).

If the eligible successor is required to move to a smaller property:

- They will not qualify for a payment via the 'Under Occupation Transfer Incentive Policy'.
- They will be required to complete an application to join the Council's Housing Register, and they will be awarded additional priority.

A successor moving to a different property

The decision to request a successor to move to a different property will be made by the Council on a case-by-case basis. The decision will usually be because (but is not limited to):

- A property will be under occupied by the successor by more than one bedroom.
- The property is designated for older people.
- The property is adapted for a person with a disability.

A.3 APPENDIX

The following factors will be considered:

- Whether a suitable alternative property is available.
- Whether the successor meets the requirements for an older person or adapted property.
- Whether the successor has a health or disability concern which would make a move to an alternative property undesirable.

Succession after a possession order

If a possession order has already been granted on the property by the Court, it significantly affects the possibility of succeeding to a social housing tenancy. It is unlikely that someone can succeed a tenancy after a possession order is granted enforcing that the tenancy is ending or has ended. However this will depend on the type of order awarded to the Council by the Court:

- Outright Possession Order – this sets a date that the Council can take possession of the property. After this date, the Council can apply for a bailiff's warrant. Succession is usually not possible after this point unless the Court order is overturned or delayed.
- Suspended Possession Order – this allows the tenant to stay in the property if they meet certain conditions. If the tenant dies while the order is suspended, succession might still be possible depending on the tenancy type and who is living in the property.
- If the tenant dies before the possession order is enforced, and a qualified successor is living in the property, they may still have a statutory right to succeed under Section 87 of the Housing Act 1985.

How to request a succession

There is no fixed statutory deadline for submitting a tenancy succession request, however it is strongly recommended that the request is made promptly after the tenant's death. Requests should be made by completing the Succession Request form available via the Council's website, email or post. The form should include a copy of the tenants' death certificate and be returned via:

- Email to: housingallocations@tendringdc.gov.uk
- Post to: Tendring District Council Office, 88-90 Pier Avenue, Clacton on Sea, Essex, CO15 1NJ.

A.3 APPENDIX

What happens if a succession is granted?

Succession does not involve the creation of a new tenancy, instead the statutory successor takes over the existing tenancy and immediately succeeds to all the responsibilities, liabilities and duties of the tenancy including but not exclusive to:

- The obligation to pay rent.
- Any rent arrears.
- Any legal notices applying to the tenancy still take effect i.e.: any notice seeking possession.

What happens if a succession is not granted?

Where there is no eligible successor, the tenancy ceases to be a secure tenancy. There may be circumstances whereby the persons living with the deceased tenant at the time of death may qualify for alternative housing assistance and in these situations the person can make a homeless application in line with the homelessness legislation.

Appeals

Appeals against a succession decision must be received in writing within 28 days of the date on the decision letter and must clearly set out the grounds for the appeal including which aspect(s) of the policy the appeal is based on.

Assignment

An assignment is the legal transfer of a tenancy from one person to another person whilst the tenant is alive. If an assignment is granted the tenant transfers their legal rights and responsibilities to another person. Assignments may be permitted in specific circumstances, such as:

- Mutual Exchange with another secure tenant
- Court order (for example: divorce or separation settlements)
- Transfer to a qualifying successor

Assignment conditions

The Council may refuse an assignment if it would result in under or over-occupation of the property, if the assignee does not meet eligibility criteria or if the tenant/s lack capacity. All assignments require written permission from the Council and must comply with legal requirements.

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Service Standards

Tendring District Council will acknowledge succession and assignment requests within five working days of the request being received and will ask for all supporting evidence required to consider the request. A decision will be made within ten working days of receipt of all information. If further investigation is required, the applicant will be advised of the reason for the delay in the decision being reached and an estimated date by which the decision will be made.

Complaints Policy

The Council's Corporate and Housing Complaints Policy is available to any tenant or prospective tenant who is dissatisfied with any aspect of the housing services we provide. Further information can be obtained from the Council's Corporate and Housing Complaints Policy [Making a complaint](#).

General Data Protection Regulations

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

Equalities Statement

The Council is committed to treating all customers fairly and with respect and professionalism. To this end the Council will ensure that no individual is discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including political opinions), sex or sexual orientation and that, in the application of this policy, the Council will comply with their duties under the Equality Act 2010 and specifically its Public Sector Equality Duty (Section 149) under which a public authority must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by this Act and, in summary, to advance equality of opportunity and foster good relations between people with differing characteristics. To enable customers

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to have clear information and equal access to this policy, information will be made available in a range of appropriate languages and formats, when requested.

Legal and regulatory context

This policy is set within the legislative framework:

- Regulator of the Social Housing Consumer Standards
- Localism Act 2011
- The Housing Act 1985 and 1988
- Landlord and Tenant Act 1985
- Equality Act 2010

Related Documents

Tendring District Council Housing Allocations Policy

Tendring District Council Introductory and Secure Tenancy Agreement

Tendring District Council Mutual Exchange Policy

Review of policy

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