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**MINUTES OF THE MEETING OF THE CABINET,  
HELD ON FRIDAY, 4TH NOVEMBER, 2022 AT 10.33 AM  
IN THE ESSEX HALL, TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15  
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<b>Present:</b>	Councillor N R Stock OBE	Leader of the Council (Chairman)
	Councillor J D Bray	Portfolio Holder for Planning
	Councillor P B Honeywood	Portfolio Holder for Housing
	Councillor M C Newton	Portfolio Holder for Business & Economic Growth
	Councillor A O J Porter	Portfolio Holder for Leisure & Tourism
	Councillor M J Talbot	Portfolio Holder for Environment & Public Space

**Group Leaders Present by Standing Invitation:** Councillors J B Chapman BEM (Leader of the Independents Group), I J Henderson (Leader of the Labour Group), G G I Scott (the Leader of the Liberal Democrats Group), M E Stephenson (Leader of the Tendring Independents Group) and G R Placey (Deputy Leader of the Tendring First Group)

**Also Present:** Councillor C D Amos

**In Attendance:** Ian Davidson (Chief Executive), Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Lee Heley (Corporate Director (Place & Economy)), Gary Guiver (Director (Planning)), Richard Barrett (Assistant Director (Finance and IT) & Section 151 Officer), Ian Ford (Committee Services Manager) and William Lodge (Communications Manager)

**61. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors E T Allen (Leader of the Tendring First Group), G V Guglielmi (Deputy Leader of the Council & Portfolio Holder for Corporate Finance and Governance) and L A McWilliams (Portfolio Holder for Partnerships).

**62. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting of the Cabinet, held on Friday 7 October 2022, be approved as a correct record and be signed by the Chairman.

**63. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made by Councillors at this time though later on in the meeting as reported under Minute 71 below, Councillor Chapman BEM declared a Personal Interest in the subject matter of item A.4 of the Report of the Leisure & Tourism Portfolio Holder insofar as her family held a licence for a beach hut in Brightlingsea.

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

The Leader of the Council (Councillor N R Stock OBE) announced that the previous week that he had attended a meeting of the Leaders and Chief Executives of North Essex Councils (i.e. Harlow, Epping, Uttlesford, Chelmsford, Braintree, Colchester, Maldon and Tendring) who together represented 1 million people, included two cities and whose areas covered from a London Underground station at Epping to one of the longest stretches of coastline in the country.

That meeting had demonstrated a combined will to look at sharing services and delivering services remotely in an effort to bring about budget savings, efficiencies and to help with the recruitment and retention of staff. An example of where such savings and efficiencies could potentially be made lay in waste management. At present in Essex, 12 waste collection authorities undertook the same essential task in many different ways but all delivered their waste to the one Waste Disposal Authority. A uniformity of waste collection could result in a great financial saving for the local council tax payer who did not greatly care about municipal boundaries.

There was a collective recognition of the need to avoid financial calamities such as those that had afflicted Thurrock and Slough and also to look closely at any devolution proposals that came down from the Government.

The Leader stated that, in due course a Memorandum of Understanding would be entered into. That and any other related decision would, of course, be subject to the Council's usual decision-making processes.

**65. ANNOUNCEMENTS BY CABINET MEMBERS**

There were no announcements by Cabinet Members on this occasion.

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

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

**67. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE PLANNING POLICY & LOCAL PLAN COMMITTEE - A.1 - CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLANS FOR GREAT OAKLEY AND KIRBY-LE-SOKEN**

Cabinet was informed that the Planning Policy & Local Plan Committee ("the Committee"), at its meeting held on 10 October 2022 (Minute 23 referred), had considered a comprehensive report (and appendices) of the Acting Director (Planning) which had reported to it the third in a series of 'Conservation Area Appraisal and Management Plans' that had been prepared for the Council by Essex Place Services. That report had also sought the Committee's recommendation to Cabinet that they be approved for public consultation purposes.

The Committee's decision at its meeting held on 10 October 2022 had been as follows:-

*"RESOLVED that the Planning Policy and Local Plan Committee:*

1. *endorses the new Conservation Area Appraisal and Management Plans for Great Oakley (Appendix 1) and Kirby-le-Soken (Appendix 2) Conservation Area;*
2. *recommends to Cabinet that the above documents (forming Appendices 1 and 2) be published for consultation with the public and other interested parties;*
3. *notes that Conservation Area Appraisal and Management Plans for the District's other un-reviewed Conservation Areas will be brought before the Committee in due course over the next 6 months; and*
4. *recommends to Cabinet that a leaflet be produced by Officers for the residents of properties in all of the District's Conservation Areas and areas proposed, through the Conservation Area reviews, to be included in the Conservation Areas. Such leaflet to inform residents, in basic terms, of the purpose, implications and controls in relation to Conservation area status; and that the leaflets be distributed to the relevant households in those areas with the 2023 Council Tax Bill."*

The Planning Portfolio Holder (Councillor Bray), in response thereto, had submitted the following comments:-

*"I thank the Planning Policy and Local Plan Committee for its consideration of this latest tranche of Conservation Area Character Appraisal and Management Plans and I sincerely welcome, once again, their recommendation to Cabinet that these be published for consultation. Reviewing all of the District's Conservation Areas is one of the key actions in the Council's Heritage Strategy and the progress so far has been very good. Ensuring we have an up-to-date appraisal for each and every Conservation Area will enable residents, developers, planners and our Planning Committee to understand the key characteristics that make each area special and which need to be preserved and enhanced when making planning applications and determining them. They will also enable us to reconsider the boundaries of each area and determine whether any Article 4 Directions are needed to provide an extra level of protection and control.*

*I also very much welcome and endorse the proposal that explanatory Conservation Area leaflets be distributed to the relevant households with the 2023 Council Tax Bill if this is viable and practicable."*

Having duly considered the recommendations submitted to it by the Planning Policy & Local Plan Committee, together with the contents of the Great Oakley Conservation Area Appraisal and the Kirby-le-Soken Conservation Area Appraisal:-

It was moved by Councillor Bray, seconded by Councillor P B Honeywood and:-

**RESOLVED** that –

- (a) the new Conservation Area Appraisal and Management Plans for: Great Oakley (Appendix 1) and Kirby-le-Soken (Appendix 2) be approved for consultation with the public and other interested parties; and
- (b) the Assistant Director (Finance & IT), in consultation with the Corporate Finance & Governance Portfolio Holder, the Housing Portfolio Holder, the Planning Portfolio Holder and the Director (Planning), be authorised to include a leaflet to inform residents, in basic terms, of the purpose, implications and controls in relation to

conservation area status with the 2023 Council Tax Bill to be sent in due course to the relevant households within those Conservation Areas.

**68. MATTERS REFERRED TO THE CABINET BY A COMMITTEE - REFERENCE FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE - A.2 - SCRUTINY OF THE DECISION TO GIVE CONSENT FOR AN EVENT BY FRINTON SUMMER THEATRE**

It was reported that, in accordance with the decision of Council on 12 July 2022 (Minute 29 referred), the Resources and Services Overview & Scrutiny Committee ('the Committee') had undertaken an enquiry at its meeting held on 17 October 2022 of the following decision taken by the Portfolio Holder for Environment and Public Space on 1 April 2022:

- "a) To give consent for the use of the section of Frinton Greensward identified between 14 August 2022 and 5 September 2022 by the Frinton Summer Theatre subject to any necessary licences being obtained and conditions being adhered to; and*
- b) That the details of any consents given make it clear that consent is given for this event only and that future events will be evaluated on their merits at the time."*

The Assistant Director (Building and Public Realm) had submitted a report to the Committee to support its enquiry. That report had attached the full Portfolio Holder decision, the supporting report prepared by Officers for the Portfolio Holder, the revised application for the use of the Greensward submitted by Frinton Summer Theatre and representations received and considered by the Portfolio Holder on the proposed use.

Members of the Committee had been advised at the meeting that:

*"The Council was the freehold owner of The Greensward at Frinton. That Frinton Summer Theatre, Registered Charity No: 1170429, had applied to erect a temporary tent on the Greensward in order to put on a main summer production, a secondary production and community outreach activities. An initial application from the Theatre had been refused by Officers as the detail provided by the Theatre was limited at that stage. Ward Councillors had been consulted on the proposal. The applicant then submitted a revised application with greater detail. Officers had the delegation to make a decision on the revised application. However, following consultation, the Portfolio Holder had agreed to make the decision.*

*Consultation with the Ward Councillors had indicated that they remained opposed to the revised application. The evidence in the report to the Committee, and as outlined orally by the Portfolio Holder during the meeting, had indicated that there were a number of Town Councillors and businesses in Frinton who had supported the revised application. So had relevant Portfolio Holders at Essex County Council and the Leisure & Tourism Portfolio Holder at this District Council.*

*The Portfolio Holder outlined to the Committee the extent to which he had considered matters around the revised application and had determined that the use of the Greensward was appropriate in this case.*

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*Upon payment of all charges by the Theatre Company, there was no residual cost to this Council arising from the authorised use of the Greensward by the Theatre Company as a consequence of the decision taken by the Portfolio Holder.*

*The Committee was also made aware that there was no policy in place that managed the authorisation of usage of the District Council's public spaces for events."*

The Portfolio Holder had further assisted the Committee with its enquiry by answering an extensive range of questions from the Committee's members. During the discussion, the Committee's Chairman, and a number of other Councillors had indicated that the evidence presented had identified to them that the Portfolio Holder had considered the relevant facts and that the decision reached had appeared to be appropriate in the circumstances.

The Resources and Services Overview & Scrutiny Committee had decided to make the following recommendations to Cabinet:-

*"That Cabinet -*

- (a) notes that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and*
- (b) gives serious consideration to any future requests of proposed events, which are to be held on the Frinton Greensward, as this event has had a serious and detrimental effect to Frinton's residents, its infrastructure, and its businesses."*

In response thereto, the Environment and Public Space Portfolio Holder had submitted the following:-

*"I ask that the enquiry by the Resources and Services Overview and Scrutiny Committee into my decision be welcomed. Having considered the outcome of that enquiry by the Committee, I ask Cabinet to:*

- (a) note that the Committee supports the intended development of the proposal for a policy in respect of authorising use of Council owned Open Spaces (including criteria and charging), and*
- (b) record that consideration to any future requests for proposed events which are to be held on the Frinton Greensward will be given."*

Having duly considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Environment & Public Space Portfolio Holder's response thereto:-

It was moved by Councillor Talbot, seconded by Councillor Bray and:-

**RESOLVED** that the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Environment and Public Space Portfolio Holder thereto be endorsed.

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

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

**70. CABINET MEMBERS' ITEMS - REPORT OF THE ENVIRONMENT & PUBLIC SPACE PORTFOLIO HOLDER - A.3 - DETAILED REPLY TO THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE'S RECOMMENDATIONS IN RESPECT OF THE WASTE, RECYCLING AND LITTERING ENQUIRY**

Further to Minute 37 (15.7.22) Cabinet considered the Environment & Public Space Portfolio Holder's detailed reply to the Resources and Services Overview and Scrutiny Committee's recommendations to Cabinet following its inquiry into elements of the waste, recycling and litter collection service. That detailed reply was set out in the Appendix to item A.3 of the Report of the Environment & Public Space Portfolio Holder.

Having duly considered the recommendations submitted by the Resources and Services Overview & Scrutiny Committee together with the Environment & Public Space Portfolio Holder's detailed response thereto:-

It was moved by Councillor Talbot, seconded by Councillor Bray and:-

**RESOLVED** that the detailed response of the Environment and Public Space Portfolio Holder to the recommendations made by the Resources and Services Overview & Scrutiny Committee be noted (both being set out in the Appendix to the Portfolio Holder's report) and that they thereto be approved.

**71. CABINET MEMBERS' ITEMS - REPORT OF THE LEISURE & TOURISM PORTFOLIO HOLDER - A.4 - TENDRING BEACH HUT STRATEGY REVISITED**

Councillor Chapman BEM declared a Personal Interest in the subject matter of this item insofar as her family held a licence for a beach hut in Brightlingsea.

Cabinet considered a report of the Leisure & Tourism Portfolio Holder (A.4), which presented it with a draft emerging Beach Hut Strategy Review for its approval for public consultation purposes and which sought its authority to invite stakeholder comment on the document.

Members were informed that the Council had adopted its Beach Hut Strategy in 2013, in order to provide a consistent approach to the management of that service in subsequent years. This revision of the existing strategy was in order to update a number of issues relating to beach huts; to ensure beach hut conditions were adhered to; and appropriate resources were considered to monitor the service.

It was reported that, along the Tendring coastline there were currently 3,057 beach huts directly under the operation and management of Tendring District Council (TDC). The objectives for the Beach Huts Service at TDC, as set out in the strategy, were to provide a customer focused, efficient, quality service, seeking income opportunities, which had potential (subject to further business case and decisions), to facilitate:

- *Improved seafront assets and infrastructure*
- *Increased awareness of local seafront issues*

- *Support for tourism and inward investment strategies of the Council*

Cabinet was aware that beach huts were a key part of the Tendring seafront landscape and were regularly captured in tourism images, as features of the District, in Brightlingsea, Clacton-on-Sea, Holland-on-Sea, Frinton-on-Sea and Walton-on-the-Naze, Harwich and Dovercourt.

Cabinet was informed that TDC had contacted all beach hut licence holders in April 2022, to inform them of an intention to review the existing Beach Hut Strategy. In the summer of 2022, the Council had consulted on seven key issues, which would form the basis of a review of the existing Strategy. Those issues were as follows:

- *Limiting the onward renting of beach huts by issuing a number of new commercial agreements through a transparent tender process;*
- *Limiting the issue of future beach hut agreements to one per household;*
- *Revising/updating the existing Beach Hut Specification;*
- *Where licence holders have adapted their huts to include extensions, such as patios and verandas which are not covered by the specification, look to work with those parties to ensure their removal;*
- *Developing a future funded business plan to consider additional staffing resources to ensure beach hut conditions are adhered to and to take appropriate enforcement action where necessary;*
- *Improving customer service through exploring the feasibility of an improved digital platform for those with beach huts;*
- *Developing a business plan for developing new beach huts and utilising the additional income for increased resources and seafront investment.*

Members were advised that a pre-consultation questionnaire exercise had been carried out on those seven points and that 2,673 people had completed it. A breakdown of those responses was summarised within the Portfolio Holder's report and the full consultation response was attached as Appendix B to that report. Following the consultation, a number of proposals on how to address each of the seven points above had been drafted. They were set out in the draft strategy (attached as Appendix A to the Portfolio Holder's report).

Each of the points had been further reviewed and amendments had been made where it had been deemed appropriate to form the emerging document. Those amendments had included changes to how Commercial Agreements were proposed to be issued following final adoption of the Strategy and the types of agreements which were suggested to be issued in future for beach huts.

Cabinet was reminded that once approved by it, the views of current licence holders, Beach Hut Associations and other stakeholders on the draft new Strategy would be requested through a consultation process, which would last a minimum of six weeks. The Strategy was due to then return to Cabinet in February 2023 for consideration of the consultation comments and its final adoption.

Members were made aware that some points covered in the Strategy could be delivered upon adoption by the Cabinet and that other points would be longer term, and would require a detailed business plan.

Short term changes to the beach hut agreements resulting from the adopted strategy would be implemented by April 2023 and licence holders would be informed directly, with a minimum of 28 days' notice. It was also proposed to move from licences to leases, with an implementation date of 1 April 2024. The greater security afforded to those with beach huts, would result in an increase in annual charges. Any Commercial Agreements issued however, would be implemented in advance of the wider roll out, following Cabinet's adoption of the Strategy.

In order to approve the draft strategy in principle and to authorise the consultation to ensure that the views of local people on the content of the strategy were considered prior to adoption and implementation which would lead to an improved beach hut service going forward, in terms of governance, improvements to seafront aesthetics and ensuring a regulated service for rentals:-

It was moved by Councillor Porter, seconded by Councillor Stock OBE and:-

**RESOLVED** that Cabinet approves the content of the revised draft Beach Hut Strategy for consultation purposes and authorises Officers to seek stakeholder comment on the document for a minimum six-week period.

72. **CABINET MEMBERS' ITEMS - REPORT OF THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.5 - FINANCIAL PERFORMANCE REPORT 2022/23 & 2023/24 - GENERAL UPDATE AT THE END OF QUARTER 2**

Cabinet considered a report of the Corporate Finance & Governance Portfolio Holder (A.5), which provided it with a general update and overview of the Council's financial position against the 2022/23 budget and looked ahead to 2023/24 and beyond.

At the invitation of the Leader of the Council, the Council's Section 151 Officer (Richard Barrett) presented to Members a summary of the contents of the report and its implications going forward for the Council's financial position.

**Section 1 – Items for inclusion in the budget / forecast for both 2022/23 and 2023/24.**

In consultation with Services, forecasts had been made of potential variances that would remain at the end of 2022/23 along with their impact in 2023/24. For 2023/24, further items had been included as part of developing the longer term forecast.

Although the budget remained subject to further updates as the forecast continued to be developed over the next few months, the current estimated net additional costs in 2022/23 totalled £3.389m, with a forecast budget 'gap' of £4.079m in 2023/24. Further details were set out in Appendix 1A to the Portfolio Holder.

Section 3 of Appendix 1A set out how those budget 'gaps' were proposed to be funded, which included the refocusing of existing budgets / reserves.

**Section 2 – Detailed commentary on the in-year financial position 2022/23.**

The position to the end of September 2022, as set out in more detail within Appendix 2, showed that overall the General Fund Revenue Account was underspent against the profiled budget by £10.960m. As usual at this time of the year, a key influence on the position to date was the timing of general expenditure and/or income budgets, although



it was acknowledged that further variances could emerge over the second half of 2022/23. In terms of the timing against expenditure budgets, a significant level of the variance to date reflected the COVID 19 Business Grant Schemes, where a final reconciliation process remained in progress in consultation with the Department for Business, Energy and Industrial Strategy (BEIS).

As highlighted above, rather than reporting / adjusting the position at the end of Q2, Services had been asked to estimate if any variances to date were likely to remain at the end of the year rather than being due to timing issues. Although variances to date were set out within Appendix 2, the proposed budget adjustments for 2022/23 set out in Appendix A1 aimed to address the expected year-end position.

As highlighted within previous related reports to Cabinet, the Chief Executive continued to chair the regular Budget, Performance and Delivery meeting of Senior Managers where any emerging issues were discussed.

In respect of other areas of the budget such as the Housing Revenue Account, capital programme, collection performance and treasury activity, apart from additional details set out in the Portfolio Holder report, there were other no major issues that had been identified to date.

Any emerging issues would be monitored and updates provided in future reports, which would include their consideration as part of updating the long term financial forecast.

A half year treasury management review had been carried out with a summary set out in the Portfolio Holder's report along with an associated recommendation to temporarily increase the aggregate limit of funds that could be placed overnight with the Council's bankers for the period that Officers might not be available over the Christmas break.

### Section 3 – Detailed commentary on the updated long term forecast from 2023/24.

Appendix 3 set out the detailed forecast for 2023/24 and beyond. For 2023/24, the current budget 'gap' was estimated to be £4.079m, with the main elements of this forecast position being translated into itemised figures within Appendix 1A.

The forecast / budget setting process remained a 'live' process and so work remained on-going in consultation with the various Services across the Council in order to identify further savings opportunities or other potential unavoidable cost pressures that might need to be considered as the detailed budgets were finalised for reporting to Cabinet in December 2022 / January 2023.

The long term forecast still provided an effective method of managing financial risks. The on-going impact from various financial challenges was still evolving and it was therefore important to highlight that the money set aside in the Forecast Risk fund reflected a balanced and realistic approach, and as set out in Section 3 of the Portfolio Holder's report, this fund provided additional flexibility and time in considering how the Council could deliver the required savings from 2024/25 onwards.

A detailed review of risks associated with the long-term forecast was subject to an on-going review and was separately reported within Appendix 3B.

As highlighted in the report considered by Cabinet at its previous meeting on 7 October 2022, given the scale of the financial challenges that the Council faced, it was proposed to engage all Members as early as possible in this process to add resilience to the Council's financial position heading into 2023. At the time of finalising the Portfolio Holder's report, invites were being prepared to send to all Group Leaders to enable meetings to be arranged with relevant Officer(s), who would be able to provide additional detail around the forecast and approach set out in this report.

As highlighted in earlier financial performance reports, the Corporate Investment Plan would continue to play an important role in supporting the response to the financial challenges ahead. Given the scale of the on-going financial challenge faced by the Council the Corporate Investment Plan remained under review in parallel with the work highlighted above, but it would be presented to Cabinet later once the Council's underlying financial position had become clearer before further investment opportunities could be considered.

Notwithstanding the above, a number of mostly unavoidable items had been identified via the Corporate Investment Plan process, which were included within Appendix 1A, some of which related to both 2022/23 and 2023/24.

As set out within Section 3 and Appendix 3A, the on-going savings required to deliver financial sustainability going forward totalled £1.150m in 2024/25 rising to £4.250m in 2025/26 before falling back to the underlying longer-term target of £0.450m in 2026/27. The scale of the savings was significant and would present a major challenge for the Council.

In order to set out the latest financial position for the Council; to respond to emerging issues in 2022/23; and to develop the budget and long term forecast from 2023/24:-

It was moved by Councillor Stock OBE, seconded by Councillor P B Honeywood and:-

**RESOLVED** that Cabinet –

- (a) notes the Council's in-year financial position at the end of September 2022 along with the updated financial forecast for 2023/24 and beyond;
- (b) approves the proposed adjustments to the 2022/23 budget, as set out in Appendix 1A and agrees that the budget adjustments for 2023/24 as set out within the same appendix be included as part of developing the forecast and detailed estimates for further consideration by Cabinet at its December 2022 meeting;
- (c) requests the Resources and Service Overview and Scrutiny Committee to comment on the latest financial position of the Council set out in this report; and
- (d) in respect of the Council's Treasury Management Practices, the aggregate amount of money that can be placed overnight with the Council's bankers be increased temporarily from £1.000m to £1.500m over the Christmas break.

73. **CABINET MEMBERS' ITEMS - JOINT REPORT OF THE HOUSING PORTFOLIO HOLDER AND THE CORPORATE FINANCE & GOVERNANCE PORTFOLIO HOLDER - A.6 - THE LOCAL COUNCIL TAX SUPPORT SCHEME, DISCRETIONARY COUNCIL TAX EXEMPTIONS / DISCOUNTS / PREMIUMS FOR 2023/24 AND ANNUAL MINIMUM REVENUE PROVISION POLICY STATEMENT 2023/24**

Cabinet considered a joint report of the Housing Portfolio Holder and the Corporate Finance & Governance Portfolio Holder (A.6), which enabled it to consider for onward recommendation to Full Council the following:

- Local Council Tax Support Scheme (LCTS) 2023/24 (including associated exceptional hardship policy);
- Discretionary Council Tax Exemptions, Discounts and Premiums for 2023/24; and
- Annual MRP Policy Statement for 2023/24.

It was reported that given the impact on residents from welfare reforms, including universal credit along with the on-going impact from COVID19 / cost of living challenges, it was proposed to continue with the principle of providing financial stability wherever possible to Tendring claimants. It was therefore proposed to keep the 2023/24 LCTS scheme the same as for 2022/23, which provided for a maximum discount of 80% for working age claimants.

Cabinet was informed that the associated exceptional hardship policy had also been subject to annual review and it was not proposed to make any changes from the scheme operating in 2022/23 and so would remain available to support eligible claimants. Additional financial support remained available to claimants via this scheme, which was supported by associated COVID 19 grant funding from the Government.

In respect of discretionary council tax discounts, exemptions and premiums (including discounts for young people leaving care), it was also not proposed to make any changes for 2023/24, with the same levels applying as in 2022/23.

Members were further informed that the Annual Minimum Revenue Provision Policy Statement had also been reviewed for 2023/24 with no changes proposed.

Cabinet was advised that if it was agreed that no changes were necessary to the proposed LCTS scheme, there would be no need for public consultation. However, if any amendments were proposed and approved at Full Council on 22 November 2022, then public consultation would be required before the final scheme could be agreed and adopted. Consequently, if consultation was required, this Council would have to notify the precepting authorities that the final council tax base would be delayed and not available until late in the budget cycle.

Given the recommendation to continue with the existing LCTS scheme, it was not proposed to formally refer it for scrutiny to the Resources and Services Overview and Scrutiny Committee, but it would be considered by Full Council on 22 November 2022. To enable the implementation of an LCTS Scheme in 2023/24 along with the required council tax discounts, exemptions and premiums and an MRP Policy Statement:-

It was moved by Councillor P B Honeywood, seconded by Councillor Bray and:-

**RESOLVED** that Cabinet -

- a) agrees that the LCTS scheme for 2023/24 remains the same as the current year, as set out as Appendix A and recommends to full Council:
- i) that the LCTS set out as Appendix A be approved with the maximum LCTS award being 80% for working age claimants;
  - ii) that subject to a)i) above, delegation be given to the Assistant Director Finance and IT in consultation with the Housing Portfolio Holder to undertake the necessary steps to implement the LCTS scheme from 1 April 2023;
- b) agrees the Council Tax Exceptional Hardship Policy as set out in Appendix B;
- c) agrees the discretionary Council Tax exemptions, discounts and premiums for 2023/24 as set out in the appendices and recommends to full Council:
- i) that the locally determined council tax discounts as set out in Appendix C be approved;
  - ii) that the council tax discount policy for young people leaving care as set out in Appendix D be approved;
  - iii) that the discretionary council tax premiums set out in Appendix E be approved;
  - iv) that the Assistant Director Finance and IT, in consultation with the Housing Portfolio Holder, be authorised to undertake the necessary steps to implement the council tax exemptions, discounts and premiums from 1 April 2023; and
- d) recommends to Council that the Annual Minimum Revenue Provision (MRP) Policy Statement for 2023/24, as set out in Appendix F, be approved.

**74. MANAGEMENT TEAM ITEMS - REPORT OF THE MONITORING OFFICER - A.7 - LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FINDINGS**

Cabinet was aware that the Constitution (Article 12.03(a)) required the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission had given rise to maladministration. This report concerned omissions that the Local Government and Social Ombudsman ('the Ombudsman') had determined were maladministration. There were two separate cases. Both related to applications for housing by the Council (with one also concerning Council Tax recovery). Both households had been in private rented accommodation at the time.

Case 1

In the first case, the Ombudsman had determined the complaint on 1 July 2022. The investigation had identified that the Council had adjusted the effective date of the application for housing from September 2018 to April 2019 and had not notified the applicant of the adjustment. There had also been a delay of five months in notifying the applicant of a request for additional medical information and an occupational therapist assessment of the applicant's accommodation at the time. The medical panel had not considered the evidence of the applicant until June 2021. Whilst the pandemic had contributed to some of the delay, in referencing the case to the medical panel, it was not the only factor. The assessment of the medical panel had been backdated to April

2019. Prior to submitting the complaint to the Ombudsman, the Council had considered these circumstances. The Council had, as part of its processes, apologised and offered the complainant £200 to recognise the time and trouble they had been put to in making the complaint and for any distress it had caused. The Ombudsman considered that this offer had remedied the injustice caused.

The Ombudsman had not found that the delays incurred in this case had affected the applicant's opportunity to be rehoused by the Council.

It was reported that, since the period to which the complaint related, the Council had introduced a new digital self-service system to manage applications to the housing register, which was relieving the pressure on its housing team. It had also restructured its housing team to provide a more effective service. In a further measure, it had reviewed the process for handling medical assessments and had carried out further work to ensure medical assessments were timely and outcomes communicated to applicants.

### Case 2

In the second case, determined on 1 September 2022, the Ombudsman had considered that the medical circumstances associated with an application for housing should have been reviewed in response to a representation received. The representations had been made in June 2019. Whilst the case had not been subject to a full review, with a call for fresh evidence made, the existing position had been re-examined and an offer of support to the complainant had been made. The Ombudsman had been of the view that the Council knew, or could reasonably conclude, that the needs of the household had increased since the last set of medical assessments had taken place. On that basis, a full review and call for fresh assessments should have been made. In 2017, the Council had made an offer of accommodation to the complainant and this had been declined following advice received by the complainant from the County Council's Occupational Therapists. The medical needs had indicated that a single storey property was required.

The Ombudsman did not find that the review of the case in June 2019 would have affected the complainant's opportunity to be rehoused by the Council. There were also other elements of the complaint around housing that the Ombudsman had not upheld.

In addition to the housing application matters referred to above, the complainant had, between 2018/19 and 2021/22, accrued arrears in Council Tax of around £635 including costs. Recovery agents had been engaged when the complainant had not responded to bills, reminders and summonses from the Council directly. In February 2019, an enforcement agent had noted that the complainant might be potentially vulnerable on grounds of mental health illness. In April 2019, a further contact with recovery agents had recorded that the complainant was "not in a good place" and feeling suicidal. Those interactions should have meant that the case was referred back to the Council. However, it was not and recovery steps had continued. It had then been returned to the Council in 2019 (and at that stage had included council tax arrears for 2019/20 as well). The Ombudsman had considered that the delay in referring the case from recovery agents back to the Council would have caused distress to the complainant.

Prior to submitting the complaint to the Ombudsman, the Council had considered the circumstances. The Council had, as part of its processes, written off a significant part of the complainant's council tax debt.

Since the Ombudsman's investigation, and in accordance with the agreed recommendations, the Council had apologised to the complainant and had made payments totalling £500 for the identified failings across housing and council tax recovery. Debt advice had also been offered. A briefing for housing staff on issues identified in this case had also been programmed.

Under powers delegated to the Chief Executive, decisions authorising the payments outlined in this report had been made and published separately. Those decisions had followed consultation with the Portfolio Holder for Housing

It was moved by Councillor Stock OBE, seconded by Councillor P B Honeywood and:-

**RESOLVED** that Cabinet notes the report.

The Meeting was declared closed at 11.44 am

**Chairman**