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Chief Executive

A **MEETING OF THE COUNCIL** of the Borough of Castle Point will be held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on **WEDNESDAY, 9TH DECEMBER, 2015** at **7.30 p.m.**, and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

Councillors A.G. Sheldon (The Worshipful the Mayor), S. Cole, (Deputy Mayor), A.J. Acott, J. Anderson, A.J. Bayley, D.A. Blackwell, B. Campagna, D.T. Cross, W.J.C. Dick, Mrs B. Egan, E. Egan, Mrs W. Goodwin, Mrs J.E.E. Govier, P.C. Greig, S. Hart, N.R. Harvey, R.C. Howard, J. Hudson, R. Hurrell, G.I. Isaacs, Mrs J. King, N.E. Ladzrie, C.W. Letchford, C.A. MacLean, P.J. May, C.E. Mumford, B.A. Palmer, Mrs. J. Payne, A. Partridge, C.G. Riley, W.K. Sharp, T.F. Skipp, N.G. Smith, J.A. Stanley, M.J.A. Tucker, P.E. Varker, A.C. Walter, Mrs L. Wass, Mrs G. Watson, N. Watson and B.S. Wood.

Chief Executive

AGENDA

PART I

(Business to be taken in public)

Before commencing the business of the meeting, prayers will be offered by the Chaplain.

1. Apologies for absence

2. Members' Interests

3. Minutes

To receive the Minutes of the meeting of the Ordinary Council held on 29th September 2015.

4. Mayor's Announcements

The Mayor will report at the meeting.

5. Questions from members of the public of which Notice has been received

- 6. Questions from Members of the Council of which Notice has been received**
There are none.
- 7. To deal with any business from the last Council Meeting**
There is none.
- 8. Any explanations for urgent decisions taken by Cabinet**
There are none.
- 9. Consideration of recommendations from Cabinet: Local Council Tax Support Scheme 2016/17 –** For approval a report is attached.
- 10. Any References from the Scrutiny/Policy and Scrutiny or Regulatory Committees**
There are none.
- 11. Report from the Leader of the Council**
The Leader is to report at the meeting.
- 12. Draft New Local Plan**
The Council is asked to consider the reports attached to this agenda.
- 13. Notices of Motion**

Councillor Sharp has given notice of the following:

‘This Council wish it made clear that they support the withdrawal of Great Britain from the European Union on simple economic grounds.’
- 14. Petitions submitted by Members of the Council of which Notice has been given.**



ORDINARY COUNCIL MINUTES

29TH SEPTEMBER 2015

MINUTES of the Ordinary Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 29th September 2015.

PRESENT:

Councillors: A.G.Sheldon (Mayor), S.Cole, (Deputy Mayor), A.J.Acott, J. Anderson A.J.Bayley, D.A. Blackwell, B.Campagna, D.T. Cross, W.J.C. Dick, Mrs W.Goodwin, Mrs J.E.E.Govier, P.C.Grieg, S.Hart, R.C.Howard, A.J.Hudson, R.Hurrell, G.I.Isaacs, Mrs J.King, N.E.Ladzrie, C.W.Letchford, C.A.Maclean, P.J.May C.E.Mumford, B.A.Palmer, Mrs.J.Payne, A. Partridge, C.G. Riley, W.K.Sharp, T.F. Skipp, J.A.Stanley, M.J.A. Tucker, P.E.Varker, A.C.Walter, Mrs L. Wass, Mrs G.Watson, N. Watson and B.S.Wood.

Apologies for absence were received from Councillors Mrs B. Egan, E. Egan and N.R.Harvey and N.G. Smith.

28. MEMBERS' INTERESTS

There were none.

29. MINUTES

The Minutes of the meeting of the Ordinary Council held on 22nd July 2015 were taken as read and signed by the Mayor as a correct record with the exception of Councillor Sharp's declaration under Minute 13.

30. LOYAL MESSAGE:

On 9th September 2015 Her Majesty Queen Elizabeth The Second became the longest serving British Monarch. To mark the occasion Council –

Resolved unanimously to offer loyal greetings and congratulations to Her Majesty Queen Elizabeth The Second on behalf of the Mayor, Members and Officers of the Castle Point Borough Council and the community of Castle Point.

31. MAYOR'S ANNOUNCEMENTS

The Mayor was honoured to be part of the service to commemorate the 70th anniversary of VJ Day held at St. Nicholas Church Canvey Island on 14.8.2015.

The Mayor was pleased to attend the Get Active Day held at Waterside Farm on 15th August a very happy family day was enjoyed by everyone. The Mayor thanked all involved in this successful day.

The Mayor took the opportunity to encourage all Councillors who had not already done so to support the Cavs 'Go Red' campaign. The campaign was to raise funds to support the volunteer befriending service that runs across Castle Point and the neighbouring Boroughs of Basildon and Rochford.

32. QUESTIONS FROM MEMBERS OF THE PUBLIC OF WHICH NOTICE HAD BEEN RECEIVED

There were none.

33. PRESENTATION: NHS CASTLE POINT AND ROCHFORD CLINICAL COMMISSIONING GROUP

Ian Stidston from NHS Castle Point and Rochford Clinical Commissioning Group (CCG) gave a presentation to update all Councillors on local NHS services.

Councillors took the opportunity to ask questions and comment on local health services.

The Mayor thanked Mr. Stidston for his presentation.

34. QUESTIONS FROM MEMBERS OF THE COUNCIL OF WHICH NOTICE HAD BEEN RECEIVED

Councillor Bayley had given notice under Council Procedure Rule 9.3 of the following question to the Leader of the Council:

"If a Councillor finds it necessary to resign his party for whatever reason, they must stand down, and seek re-election. This does not happen. If a Councillor stands down, withdrawing from the Council, an election would be called. Can you explain to me the difference between the two situations?"

The situation of changing parties without the mandate of the people who elected them is an abuse of privilege and is undemocratic."

Councillor Riley responded to Councillor Bayley pointing out that no law prevents a Councillor leaving one political party to join another. Ultimately there was no difference between the two situations as in both cases Electors would have the opportunity to make their views known through the ballot box. In the first situation this would happen when the Councillor's term of office ended and the Councillor sought re-election. In the second example when a by election was called. In both situations the democratic process was well served.

Councillor Mumford had given notice under Council Procedure Rule 9.3 of the following question

"Following the installation of the plaque and the recent unveiling of the mural on the sea wall at the Point on Canvey Island would the Leader give consideration and support my proposal to name the piece of open public land by Beveland Road, "The B17 Memorial Ground" to commemorate the loss of the American B17 Bomber at the Point in 1944?"

Councillor Riley responded to Councillor Mumford supporting his proposal to name the piece of open public land by Beveland Road 'The B17 Memorial Ground' to commemorate the loss of the B17 bomber at the Point in 1944. In supporting the proposal the Leader made it clear that this did not change the designation or restrict in any way the Council's ability to manage this asset.

35. TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING:

There was none.

36. ANY EXPLANATIONS FOR URGENT DECISIONS TAKEN BY CABINET

There were none.

**37. CONSIDERATION OF RECOMMENDATIONS FROM CABINET:
DEVOLUTION AND COMBINED AUTHORITIES**

Cabinet on 16.9.2015 considered a report on progress in developing a devolution proposal for Greater Essex. Earlier in the week on 14.9.2015 an informal session was held to brief Members on the development of the bid to Government.

Council considered and discussed the report and recommendations of the Cabinet on the emerging proposals for a devolution proposal for Greater Essex and to give support to progressing the negotiations.

Resolved:

To approve the recommendations from Cabinet to support the actions taken and give 'in principle' support to the submission of a proposal to Government to create a Greater Essex Combined authority.

**38. CONSIDERATION OF RECOMMENDATIONS FROM CABINET:
THE CORPORATE PLAN**

Cabinet on 16.9.2015 considered a report on the draft Corporate Plan. The Corporate Plan was an important document for the Council. It sets out the strategic direction for the organisation as well as how the Council would achieve its aims and priorities through appropriate action planning.

Council was requested to consider the recommendation from Cabinet to consider and approve the Corporate Plan

Resolved:

To approve the Corporate Plan.

**39. CONSIDERATION OF RECOMMENDATIONS FROM CABINET:
ANTI SOCIAL BEHAVIOUR CRIME AND POLICING ACT**

Council considered the report and recommendations of the Cabinet meeting held on 16.9.2015 on the reform of enforcement powers brought about by the Anti-Social Behaviour, Crime and Policing Act 2014.

Resolved:

To approve the delegations requested to officers to use the powers available the Council under the Anti-Social Behaviour, Crime and Policing Act 2014.

40. ANY REFERENCES FROM THE SCRUTINY, POLICY & SCRUTINY OR REGULATORY COMMITTEES:

There were none

41. REPORT OF THE LEADER OF THE COUNCIL

The Leader of the Council reported to the Council on the work taking place on Devolution and the Greater Essex Bid thanking the Council for its support.

The Leader reported on progress of the integrated urban drainage study which would be used to assist in identifying solutions to the flooding and drainage on Canvey Island .The Leader thanked Essex County Council for the allocation of £19 million in funding over the next five years to provide grants for flood protection of homes in Essex.

Referring to Local Plan the Leader reconfirmed that the Local Plan consultation was on course for a report back to Council on 9.12.2015.

The Leader drew attention to the following item on the Council's Financial Results and expressed confidence that Members and Officers would be able to meet the funding challenges to be faced by the Council in the future .Finally the Leader thanked residents and voluntary groups and pledged his support for the CAVs 'go red' campaign.

42. FINANCIAL RESULTS AND STATEMENT OF ACCOUNTS 2014/2015

The Council considered a report containing the financial out-turn results and audited Statement of Accounts for approval by Council.

The Statement of Accounts must be prepared in accordance with International Financial Reporting Standards (IFRS) and proper accounting requirements, as set out in the Code of Practice on Local Authority Accounting in the United Kingdom 2014/15, and the associated Guidance notes for Practitioners,

The accounts had been audited by the Council's External Auditors BDO LLP and had been available for public inspection.

In order to ensure that the accounts were subject to robust scrutiny additional guidance had been produced. Annexe A contained a summary of the 2014/15 financial results for the Council's three main funds: the General Fund, the Housing Revenue Account and the Capital Programme. Annexe B contained supporting information for the benefit of Members including explanations of changes to the format of the financial statements and an analysis of figures and disclosures presented in the accounts. A summary of the Accounts was also before the Council. A separate report to Audit Committee in June 2015 and

Cabinet in July 2015 had summarised the Council's Treasury Management activity for 2014/15.

The Head of Resources made a presentation to explain the accounts. In moving approval of the accounts Councillor Stanley Deputy Leader of the Council drew attention to the outturn figures which demonstrated close financial control. In commenting on the Accounts he highlighted the Council spending in maintaining and delivering Council services, the use of reserves and future financial pressures to be faced by the Council.

The Council examined the audited accounts. The Council concurred with the view that the overall financial results for 2014/15 generally indicated sound budgeting and good budgetary control.

Resolved:

That following scrutiny:

1. The financial results for 2014/15 and explanations of budget variances and significant items were noted.
2. To approve the audited Statement of Accounts which were signed by the Mayor.

43. MEMBERS ALLOWANCES

A report was presented to Council at the Leader's request in order that Council could consider whether full payment of their Members Allowances should be reinstated and whether Councillors wished the current scheme of allowances to be reviewed.

Following debate a separate vote was taken on these two matters.

Resolved:

1. To reinstate full payment of Members allowances as set out in the current scheme of allowances.
2. That a review should be undertaken of the Members Allowances scheme.
3. To approve the convening of an Independent Remuneration Panel and to request the Panel to conduct a review and make recommendations on the Scheme of Allowances for consideration by Council.

44. NOTICES OF MOTION

Councillor Dick had given notice of the following:

'This Council welcomes the Government's intention to hold a free vote on this country's future participation in the European Union. This vote will give all citizens the opportunity, some for the first time, to give a clear view on this organisation.'

The Motion was MOVED and Seconded.

Debate took place at the conclusion a vote took place which was CARRIED and RESOLVED accordingly

45. NOTICES OF MOTION

Councillor Blackwell had given notice of the following:

‘Canvey Island Independent Party calls upon Castle Point Council to object to the police cuts in Essex and the redundancy of any of the community support officers.’

The Motion was MOVED and Seconded. The following amendment was MOVED and Seconded and accepted by the Proposer and Seconder of the original Motion

‘The Council instructs the Chief Executive to write to Nick Alston, Police and Crime Commissioner to arrange a meeting with the Leader of the three Political groups on the Council together with the Cabinet Member for Neighbourhoods and Safer Communities to ascertain the exact position regarding the reduction of officers and financial implications he envisages. The community of Castle Point are extremely concerned about a depleting force and the current increase in criminal activity’.

Debate took place on the Motion as amended at the conclusion a vote took place which was CARRIED and RESOLVED accordingly.

46. PETITIONS SUBMITTED BY MEMBERS OF THE COUNCIL OF WHICH NOTICE HAS BEEN GIVEN

There were none.

Mayor

ORDINARY COUNCIL

9th December 2015

Subject: Questions from members of the public of which Notice has been received

1. Ms Sharon Ainsley on behalf of the Jotmans Farm Action Group has given notice under Council Procedure Rule 8.3 of the following questions to the Leader of the Council regarding the Draft New Local Plan

1. *Public Consultation -*

'Listen carefully, then ignore completely'

I want to put on record that the lack of response to the Link Road in the Consultation, wasn't due to lack of interest, it was because it was left out of the paper version delivered to homes across Castle Point and only appeared on the website.

The Council is well aware that majority of the Residents of Jotmans estate are Elderly and have no access to or knowledge of the Internet. Therefore, to expect those residents to log onto the Council Website, to view the alternate version is unfair.

The Two versions of the Question are as follows:

A: Online –

*A new junction on the A130 Canvey Way to provide access to the west of Benfleet
compares with*

B: Paper Version - (Delivered to all Residents)

*A new junction on A130 Canvey Way to access Benfleet
(- The online version specifically mentions the provision of access to the west of Benfleet, not mentioned on paper.)*

Therefore, are you aware that the Public Consultation may lead to a legal challenge on the grounds that it was unfair and therefore unlawful?

2. **Are you aware that of the Consultation responses returned to CPBC by residents, a large proportion of the respondents objected to any Development on Greenbelt?**

2. Ms Susan Buhr has given notice under Council Procedure Rule 8.3 of the following question to the Leader of the Council and the Mayor regarding the Draft New Local Plan.

‘Where in the draft local plan do you feel that you have adhered to your pledges as to the involvement of residents of Castle Point?’

Notes

- (a) A number of questions were received from other residents which have been disallowed for one or more of the following reasons :
- i. Questions were received after the deadline for receipt of public questions.
 - ii. Question was not a matter before the Council and was subject to a separate mediation or dispute resolution.
 - iii. Questioner had already submitted two questions.
- (b) Responses will be sent in writing to all these questioners.

Report author:

Ann Horgan – Head of Civic Governance

ORDINARY COUNCIL

9th December 2015

**Subject: Consideration of Recommendations from Cabinet:
Local Council Tax Support (LCTS) Scheme for 2016/17**

Cabinet Member: Councillor Stanley – Finance and Resources

1. Purpose of Report

To present recommendations from the Cabinet meeting held on 18.11.2015 in respect of:

- The results of consultation on proposed changes for the 2016/17 scheme.
- Recommended changes to the Local Council Tax Support scheme for 2016/17.

2. Links to Council's priorities and objectives

This report is linked to the Council's priority of Efficient and Effective Customer Focused Services. Sound and strategic financial management is essential in order to ensure that resources are available to support the Council's priorities and maintain or improve services.

3. Recommendations from Cabinet

1. To note the summary of responses to the consultation.
2. That there are no changes to the Local Council Tax Support scheme.

4. Background Information

- 4.1 This report follows a report presented to Cabinet on 18.11.2015 which set out the requirement for the Council to approve future year's Local Council Tax Support schemes before January 31st each year, even if no changes are made.
- 4.2 At its meeting in July, Cabinet noted proposed arrangements for consulting with residents on a range of possible changes to the existing scheme. The

consultation has now concluded and a summary of responses is provided at Appendix A of this report.

5. Consultation responses

- 5.1 The consultation period ran from 18th August to 28th September 2015. During this period 5,000 flyers were distributed with all outgoing Council Tax Bills and Benefit Notifications, publicity material and consultation forms were distributed to all four local libraries, two Twitter alerts were issued, and information was prominently displayed on the Council's website and at the benefit enquiry counter to raise awareness and encourage participation in the consultation.
- 5.2 Partners via the Benefit Information Network group and Local Strategic Partnership group were also encouraged to take part in the consultation and raise awareness amongst their customers.
- 5.4 The consultation included 6 key questions about whether the scheme should remain 'cost neutral', how the scheme should be funded if not continuing as 'cost neutral', and about three proposed changes to the scheme design.
- 5.5 84 people accessed the consultation form. 72 of these went on to fully answer the 6 main questions. Last year 84 people also accessed the consultation form, with only 48 fully answering the main questions. The response rate is comparative with the average seen in other Essex Authorities to date.
- 5.6 A detailed summary of the consultation results is set out at Appendix A of this report.
- 5.7 ECC, Essex Police, and Essex Fire have been consulted via the Pan Essex Group and have raised no objections.

6. Proposed Changes to the Local Council Tax Support Scheme for 2016/17

- 6.1 The following elements are incorporated into the 2015/16 scheme for Castle Point:
 - 1 The scheme is 'cost neutral', meaning that the cost to the Council and each pre-cepting authority does not exceed the funding notified by central government (see section 7a - financial implications).
 - 2 As directed by central government, all pensioners are protected, meaning that the financial impact of the scheme falls solely on working age households.
 - 3 The scheme is means tested and contains weightings in the form of Premiums, Disregards, and Applicable Amounts to enable protection for working age vulnerable groups and households with children and/or disabilities.
 - 4 The scheme incentivises work by disregarding £25 per week of earned income.

- 5 Child Benefit is counted in full as income when calculating entitlement.
 - 6 There are no mechanisms in the Scheme to allow backdated support.
 - 7 As far as possible the Scheme allows for expected growth in demand and is easy to claim and administer.
 - 8 There is no entitlement to Second Adult Rebate within the scheme for working age claimants (Second Adult Rebate was benefit which could be awarded where a single Council Tax payer had an adult friend or relative, who was on a low income, living with them).
 - 9 The savings limit is £6,000, meaning that claimants with capital to a value exceeding £6,000 are not entitled to Local Council Tax Support.
 - 10 There are no Non-Dependant deductions for working age claimants (Non Dependant deductions were made from Council Tax Benefit where the claimant had another adult, who was not their partner, living in their household).
 - 11 The Council's 'Local War Pensioner' provisions have been retained, meaning incomes received in respect of War Pensions for disablement or bereavement are fully disregarded when calculating support.
 - 12 Support is capped at Council Tax Band D and at 70% of Council Tax liability for working age claimants. This means that all working age Council Tax Payers are required to pay a minimum of 30% of their weekly council tax bill and those living in properties banded E to H will be assessed as though they are living in a Band D property (% and band are specific to CPBC's local scheme).
 - 13 There is no entitlement to 'underlying entitlement' when support is overpaid.
 - 14 A small sum is available to provide additional assistance in accordance with the Council's Exceptional Hardship Policy.
- 6.2 It is recommended that the scheme should not be changed for 2016/17.

7. Corporate Implications

a. Financial Implications

Funding

- 7.1 The reduced tax yield arising directly from the council tax support scheme discount is compensated for by a government grant, which is paid to the Council and its preceptors, as part of the annual funding settlement for local government. This is comprised of both revenue support grant (RSG) and redistributed national non domestic rates. The funding is not ring-fenced, meaning that it may be applied for any general fund purpose.
- 7.2 Whilst RSG funding has significantly reduced in recent years (£700k in 2014/15 and £682k in 2015/16) the Council has maintained the level of

funding allocated to the local scheme, at the level originally specified by central government in each year since its introduction. The majority of councils did likewise. However, as RSG continues to be reduced, protection of the local scheme will not be sustainable indefinitely.

- 7.3 The level of funding allocated to the scheme in the first year of operation was **£6.6m**. Funding beyond year one is not separately identifiable within the overall funding settlement. Applying the same level of reductions to the local scheme funding, as seen on combined RSG/Redistributed BR, would equate to a level of funding for each financial year as shown in the “Adjusted Funding” column of the table below.

	Adjusted Funding £000s	Outturn £000s	Projected £000s	Variance £000s
2013/14	6,559	5,798		761
2014/15	5,926	5,282		644
2015/16	5,044		5,001	43
2016/17	4,501		4,900	-399

- 7.4 As shown in the table above, final scheme costs for 2013/14 and 2014/15 would have been within the adjusted funding level indicated. Based on performance at the end of month 6, the current projected cost for the 2015/16 scheme will also fall within the adjusted funding level but anticipated scheme costs for 2016/17 would not. Whilst overall caseload and cost has been seen to reduce steadily year on year it is not possible to accurately predict the cost of the scheme beyond 2015/16. However based on past performance, it is clear that some reduction in funding allocated to the scheme is possible, without any detrimental impact.
- 7.5 It may be reasonable to reduce the overall funding allocated to the scheme, without necessitating a change to the scheme parameters. A reduction in funding to **£5.1m**, allowing a margin for caseload fluctuations, would enable the reallocation of funding from the local scheme, to other general fund services thus reducing the overall budget gap in future years.

Scheme performance

- 7.6 The first two years of the local scheme resulted in an under spent position (expenditure to grant) and the respective caseload was seen to slightly reduce, month on month, as each year progressed. The pattern of diminishing caseload has also continued through the first six months of the current financial year.

Collection

- 7.7 On introduction, the scheme resulted in a number of residents receiving full or partial Council Tax bills for the first time and, as expected, some residents

have had difficulty in making payment. The Council has seen a reduction in the overall council tax collection rate, and an increase in the number of payment arrangements which extend payment into subsequent financial years.

- 7.8 Financial implications over and above the target cost of the scheme, positive or negative, would be shared with the major pre-cepting organisations.

Council Tax Reserve

- 7.9 The Council has preserved annual underspends against funding allocated to the scheme in an earmarked reserve.

b. Legal Implications

- 7.10 The Welfare Reform Act 2012 S33(1)(e) gave effect to a policy of localising council tax support by abolishing council tax benefit from a date appointed by the Secretary of State. On the 31st October 2012 the Local Government Finance Act 2012 inserted a new section 13A and Schedule 1A into the Local Government Finance Act 1992 whereby the Council had to make a scheme specifying reductions which are to apply to amounts of council tax payable in respect of dwellings situated in its area by persons whom the Council considers to be in financial need or persons in classes consisting of persons whom the Council considers to be in general financial need.

- 7.11 Before making a scheme the Council must:

- (a) Consult any major pre-cepting authority which has power to issue a precept to it;
- (b) Publish a draft scheme in such manner as it thinks fit and
- (c) Consult such other persons as it considers are likely to have an interest in the operation of the scheme

And having made a scheme, the Council must publish it in such manner as the Council thinks fit.

Failure to consult on the scheme or on any significant changes may put the Council at risk of legal challenge by those affected by the scheme.

- 7.12 Recent case law (R (on the application of Moseley (in substitution of Stirling Deceased) v London Borough of Haringey (2014) and R (Angharad Morris and Donna Thomas) v Rhondda Cynon Taf County Borough Council (2015)) has clarified the principles relating to consultation:

The Council should (i) communicate its proposal to those with a potential interest; (ii) explain why that proposal is being considered; (iii) provide consultees with sufficient information to make an informed response to the proposals; (iv) allow the consultees sufficient time to submit their informed responses; and (v) conscientiously take their responses into account when making the final decision.

- 7.13 The consultation process undertaken by the Council conforms with the above principles and Members' attention is drawn to the consultation responses attached at Appendix A.
- 7.14 Adoption of a local scheme is a statutory requirement and failure to do so will lead to a default scheme being imposed by the government for which there is insufficient funding.
- 7.15 The Council Tax (Administration and Enforcement) Regulations 1992 (the Regulations) make provisions as to the billing, collection and enforcement of council tax. These Regulations were amended to take into account penalties under the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013. The Regulations enable HM Revenue & Customs to supply information to billing authorities relating to council tax.
- 7.16 The Department for Work and Pensions (DWP) have established a Single Fraud Investigation Service which investigates all benefit and tax credit fraud. The Council's benefit fraud team TUPE transferred to the DWP in September this year.

c. Human resources/equality/human rights

A stage 2 Equality Impact Assessment for the current scheme was undertaken in 2012 and has been refreshed in light of the recent consultation results. A copy is attached at Appendix B of this report.

d. Timescale for implementation and risk factors

The local scheme needs to be finalised by 31st January 2016. The new scheme must be operational from 1st April 2016.

Key project milestones are as follows:

Milestone	Timeframe	Purpose
Formal Public/Stakeholder Consultation	Aug 15 – Sept 15	Pre-cepting organisations & Residents
Grant Published	Nov 15 – Dec 15	
Cabinet Report	18.11.2015	Consultation outcome
Report to Council	9.12.2015	Proposed scheme to be recommended to Council
2016/17 Scheme in place	31.01.2016	Final scheme approval
2016/17 Scheme in operation	01.04.2016	Adoption and Implementation
		Operation

Appendix A Consultation Summary Report

Appendix B Stage 2 Equality Impact Assessment

8. Background Papers:

Local Council Tax Support Scheme 2016/17 update – report to Cabinet 22nd July 2015

Report Author:

Eddie Mosuro – Community Support Manager


Castle Point Borough Council
2016/17 Proposed Local Council Tax Support Scheme
Consultation Summary Report

In total 84 people accessed the consultation form and, of these, 72 people went on to fully answer the main questions.

Consultation Responses

1. The Council is very keen that you have all the information you need to provide informed answers to this consultation. Details of the current scheme, how it is funded, and the proposed changes which are subject to this consultation are detailed in the ‘2016-17 Local Council Tax Support Scheme Consultation Summary Leaflet’. Please confirm whether you have reviewed this information before completing this form.

I have reviewed the background information about the Local Council Tax Support scheme

		Response Total	Response Percent
Yes		80	95%
No		4	5%
Total Respondents			84
(skipped this question)			69

2. The basis of the current Local Council Tax Support scheme is that it is ‘cost neutral’, meaning it is fully met from the Government grant the Council receives. Do you agree that the Council should continue with a ‘cost neutral’ scheme? (Tick one answer only):

		Response Total	Response Percent
Yes		60	72%
No		17	20%
Don't know		6	7%
Total Respondents			83
(skipped this question)			70

3. If the Council does not continue with a 'cost neutral' scheme but still provides the current level of Support, it will need to find funding for the scheme from other sources. Do you think we should adopt any of the following options to help fund the scheme?

	Yes	No	Don't Know	Response Total
Increase the level of Council Tax	21.69% (18)	60.24% (50)	18.07% (15)	83
Use the Council's reserves	67.47% (56)	19.28% (16)	13.25% (11)	83
Reduce the funding available for other Council Services	56.63% (47)	26.51% (22)	16.87% (14)	83
Total Respondents				83
(skipped this question)				70




4. Please use the space below to add any other comments you may have about how the Council should fund the scheme.

28 comments were recorded. In general, the most frequent comments suggested that;





- Member and staff costs should be reduced (12 comments)
- Waterside and/or Runnymede should be sold (7 comments)
- Parking charges should be increased and/or lights switched off (5 comments)
- The scheme should be funded by money received from new homes development in the borough (5 comments)

5. Change 1: Reducing the maximum level of Local Council Tax Support.

Thinking about Change 1, do you agree with the principle that every working age person has to make a minimum payment themselves? (Tick one answer only)

		Response Total	Response Percent
Yes		24	31%
No		51	65%
Don't know		3	4%
Total Respondents		78	
(skipped this question)			75

6. If you ticked 'Yes' at Q4, what level of minimum payment do you think each household should pay (Tick one answer only)

		Response Total	Response Percent
30% (no change to current scheme)		50	69%
32%		6	8%
35%		10	14%
Don't know		6	8%
Total Respondents		72	
(skipped this question)			81




7. Please use the space below to add any other comments you may have about Change 1.

20 comments were recorded. In general, the most frequent comments suggested that;

- They had been given no option in the consultation to reduce the percentage or pay nothing (5 comments)
- An increase in the percentage was wrong (4 comments)
- 30% is either 'more than enough' or 'too high already' (3 comments)
- Those with little or no income shouldn't have to pay at all (2 comments)

8. Change 2: Reducing the capital limit.

Thinking about Change 2, do you agree that the savings limit should be reduced from £6,000 to £3,000? (Tick one answer only):




		Response Total	Response Percent
Yes		16	21%
No		57	73%
Don't know		5	6%
Total Respondents		78	
(skipped this question)			75

9. Please use the space below to add any other comments you may have about Change 2.

Only 2 comments were recorded. Both generally stated that it was unfair that a person could have savings and still receive Council Tax Support when those not receiving Support were unable to save and are required to pay Council Tax in full.

10. Change 3: Setting a Minimum Earned Income for self employed persons.

Thinking about Change 3, do you agree with the principle of introducing a Minimum Earned Income for self employed people? (Tick one answer only)

		Response Total	Response Percent
Yes		31	40%
No		41	53%
Don't know		6	8%
Total Respondents		78	
(skipped this question)			75

11. Please use the space below to add any other comments you may have about Change 3.

Only 3 comments were recorded. In general these stated that where self employed income is below the National Minimum Wage then your income should be subsidized by the DWP, and that this change should only apply to the sole/main wage earner, not a secondary wage earner.

12. Please use the space below to make any other comments you have about the Council's proposed changes.

20 comments were recorded. In general, the most frequent comments expressed dissatisfaction with the proposed changes.

13. Please use the space below if you would like the Council to consider any other changes.

24 comments were recorded. In general, the most frequent comments suggested;

- that Member and staff costs should be reduced (9 comments)
- that Waterside, Runnymede, or other Council buildings should be sold (8 comments)
- that various changes should be made to the income, capital, and Non Dependant deductions rules within the scheme (6 comments)

14. If you have any further comments to make regarding the Local Council Tax Support Scheme please use the space below.

15 comments were recorded. In general, most of the comments expressed dissatisfaction with the scheme and stated that it was not providing enough support for those on low incomes.

Diversity and Equality Data

This section details the makeup of the respondents. None of these questions were mandatory so the response total varies from question to question.

15. Are you responding as a resident or on behalf of an organisation?

		Response Total	Response Percent
Resident		69	99%
Organisation, please specify		1	1%
Total Respondents			70
(skipped this question)			83

16. Does your name appear on the Council Tax Bill for your household?

		Response Total	Response Percent
Yes		47	69%
No		21	31%
Don't know		0	0%
Total Respondents			68
(skipped this question)			85










17. Does your household receive Council Tax Reduction?

		Response Total	Response Percent
Yes		9	14%
No		56	86%
Don't know		0	0%
Total Respondents			65
(skipped this question)			88

18. Does your household receive any other benefits?

		Response Total	Response Percent
Yes		13	20%
No		52	80%
Don't know		0	0%
Total Respondents		65	
(skipped this question)			88



19. Please select the description below the best describes your household?

		Response Total	Response Percent
A family with one or two dependent children		4	7%
A family with three or more children		3	5%
A lone parent household		1	2%
A Carer		1	2%
A household with full and/or part time workers		15	26%
A household that includes someone who is disabled		8	14%
A single person household or a couple without children		14	24%
None of the above		9	16%
Don't know		3	5%
Total Respondents		58	
(skipped this question)			95





20. Are you a service personnel or ex service personnel?

		Response Total	Response Percent
Yes		6	12%
No		40	83%
Don't know		2	4%
Total Respondents		48	
(skipped this question)			105







21. Are you a war widow/widower?

		Response Total	Response Percent
Yes		0	0%
No		45	98%
Don't know		1	2%
Total Respondents		46	
(skipped this question)			107





22. Please tell us your age.

		Response Total	Response Percent
Under 16		0	0%
16 - 24		3	6%
25 - 44		6	11%
45 - 64		26	49%
65 years or above		18	34%
Total Respondents			53
(skipped this question)			100



23. Do you consider yourself to have a disability?

		Response Total	Response Percent
None		24	35%
Mental Health condition		2	3%
Long term illness		4	6%
Physical Impairment		5	7%
Learning disability		1	1%
Sensory Impairment		3	4%
Other, please specify		0	0%
Total Respondents			69
(skipped this question)			84











24. Please tell us your ethnicity?

		Response Total	Response Percent
White British		28	80%
Other White		0	0%
White Irish		1	3%
White & Black Caribbean		0	0%
White & Black African		0	0%
White & Asian		0	0%
Other Mixed		4	11%
Indian		2	6%
Pakistani		0	0%
Bangladeshi		0	0%
Other Asian		0	0%
Caribbean		0	0%
African		0	0%
Other Black		0	0%
Chinese		0	0%
Other, please specify		0	0%
Total Respondents			35
(skipped this question)			118




25. Are you married/in a Civil Partnership?

		Response Total	Response Percent
Yes		16	52%
No		15	48%
Total Respondents			31
(skipped this question)			122

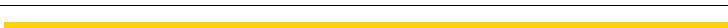




26. What is your religion/faith?

		Response Total	Response Percent
Christian		18	51%
Hindu		0	0%
Muslim		0	0%
Buddhist		1	3%
Sikh		1	3%
Jewish		3	9%
None		9	26%
Don't know		1	3%
Prefer not to say		1	3%
Other, please specify		1	3%
Total Respondents			35
(skipped this question)			118

27. Are you...?

		Response Total	Response Percent
Male		15	47%
Female		17	53%
Transgender		0	0%
Total Respondents			32
(skipped this question)			121

28. Do you consider yourself to be...?

		Response Total	Response Percent
Heterosexual or straight		27	93%
Gay or Lesbian		0	0%
Bisexual		1	3%
Other		0	0%
Prefer not to say		1	3%
Total Respondents			29
(skipped this question)			124



Local Council Tax Support Scheme 2016-17

Equality Impact Assessment (EqIA)

Nov 2015

Strategy and Policy EqIA

All strategies and policies must be initially screened for their positive and negative equality impacts.

This initial screening will determine whether or not it is necessary to carry out a full EqIA for the strategy or policy.

This template has been designed to help you initially screen your strategy or policy and, if necessary, undertake a full EqIA .

Title of strategy or policy:	Local Council Tax Support Scheme
Person undertaking EqIA:	Eddie Mosuro
Head of Service:	Wendy Buck
Department:	Housing & Communities
Date EqIA completed:	4.11.15

Strategy and policy overview

Strategy and policy overview	
What is the strategy or policy intending to achieve?	To fulfil the Local Authorities legal obligation under the Localism Act to provide a Localised Council Tax Support Scheme with effect from 1.4.16.
What are the summary aims and objectives of the strategy or policy?	To implement a scheme which is cost neutral to the Council whilst achieving the savings required under the reduced Grant provisions and implement a scheme in accordance with prescribed legislation.
Who will benefit from implementing the strategy or policy?	The scheme benefits those on low incomes by providing them with support to pay their Council Tax. In particular it provides full protection to Pensioners (as prescribed within the requirements of the Localism Act) and includes locally determined protections for vulnerable groups and incentives to encourage people into work.
What are the links to the Council's corporate priorities?	This Policy supports the Council's corporate priority for 2016-17 of 'Efficient & Effective Customer Focussed Services' by ensuring the Council is 'fit for purpose by meeting national and local requirements to agreed timescales and to optimum performance standards'.
What are the links to other Council strategies and policies?	Corporate Debt Recovery Policy Exceptional Hardship Policy Homelessness Strategy Action Plan
What are the links to other community strategies and policies?	National Strategy for tackling child poverty under the Coalition Government: https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208061

Equality Act 2010

The Equality Act 2010 introduces 2 specific statutory duties on public bodies such as local authorities:

- **Socio-economic duty:**
 - Have due regard when making strategic decisions to the need to reduce inequalities of outcome which result from socio-economic disadvantage
- **Single (integrated) equality duty:**
 - Eliminate discrimination, harassment and victimisation or any other conduct prohibited by the Act
 - Advance equality of opportunity between persons who share a “protected characteristic” and those who do not
 - Foster good relations between people who share a “protected characteristic” and those who do not

The Equality Act 2010 brings together all of the different equality strands and refers to them as “**protected characteristics**”:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Initial screening

This initial screening template will determine whether or not the strategy or policy requires a full EqIA

If any of the answers to the 6 screening questions is “yes”, then a full EqIA will be required.

Initial screening		
Does the strategy or policy aim to reduce inequalities of outcome which result from socio-economic disadvantage?	Yes / No	The Policy fundamentally aims to provide financial assistance in meeting Council Tax costs for those disadvantaged by socio-economic factors.
Does the strategy or policy aim to eliminate discrimination, harassment and victimisation?	Yes / No	The scheme is prescribed for pension age people, however the scheme for working age people is less prescribed. Guidance has been given on treatment of vulnerable groups and work incentives. The design of the working age scheme has sought to eliminate discrimination.
Does the strategy or policy aim to advance equality of opportunity?	Yes / No	The Policy fundamentally aims to provide support with Council Tax for those who are socio-economically disadvantaged whilst also encouraging people into work. It has been recognised that in this regard opportunities for some groups may not be equal and therefore the Policy has been designed to provide protection for those groups where advancement of equal opportunity would be restricted.

Initial screening (continued)		
Does the strategy or policy aim to foster good community relations?	Yes / No	No evidence available – not applicable.
Does the strategy or policy have the potential to make a negative contribution to equality?	Yes / No	The scheme may fundamentally make a negative contribution to equality for certain groups – children, families, lone parents etc.
Does the strategy or policy make a positive contribution to equality?	Yes / No	Pension age people are specifically protected under Government Regulations.
Initial screening outcome	Full EqlA is required	

Full assessment

Information gathering	
What quantitative and qualitative information is there?	Based on Live caseload data extracted 31.10.15 we know that 6,028 people are in receipt of Local Council Tax Support (LCTS). 2,533 of these are working age households (42%). This represents an 8% reduction on the total caseload and a 9% reduction on the working age caseload compared to last year.
What additional information is required?	<p>Analysis of the Working Age caseload in July 2015 showed that the caseload is split between household types as follows;</p> <ul style="list-style-type: none"> • Single People 43% • Lone Parents 37% • Couple with dependants 12% • Couples 8% <p>This shows a shift in caseload makeup compared to 2014 when Lone Parents made up the largest portion of the caseload at 40%, and Single People accounted for 38%.</p> <p>Households with children (whether lone parents or families) therefore make up 49% of the total caseload, compared to 54% last year.</p> <p>Analysis of the Working Age caseload in July 2015 showed that the caseload is split between prime income groups as follows;</p> <ul style="list-style-type: none"> • Employment Support Allowance (Income Related) 37% • Income Support 21% • Job Seekers Allowance (Income Based) 9%

	<ul style="list-style-type: none"> • Other incomes 33% <p>4 potential scheme options were presented to Council in July 2015 to help inform decisions on what changes would be put to public consultation.</p>
What are the outcomes of any internal and/or external consultation with stakeholders?	<p>Consultation was undertaken between 18.8.15 and 28.9.15.</p> <p>The consultation included 6 key questions about;</p> <ul style="list-style-type: none"> • whether the scheme should remain 'cost neutral', • how the scheme should be funded if not continuing as 'cost neutral', • three proposed changes to the scheme design which would reduce entitlement for some or all. <p>84 people accessed the consultation form. 72 of these went on to fully answer the 6 main questions. In 2014 84 people also accessed the consultation form, but only 48 people fully answered the main questions.</p> <p>The response rate this year is comparative with the average seen in other Essex Authorities to date.</p> <p>The form contained a diversity data section, however this was optional and only 29 people answered this section fully. Based on these responses the mix of respondents is believed to be broadly representative of the wider Castle Point community.</p> <p>The majority of respondents agreed that the scheme should remain 'cost-neutral'.</p> <p>The majority of respondents did not agree with any of the proposed changes (all of which would reduce entitlement for some or all) and also did not agree with the principal that every working age person should have to make a minimum payment themselves towards their Council Tax.</p> <p>Most of the 'free text' comments generally indicated dissatisfaction with the scheme,</p>

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<p>What further consultation is required?</p>	<p>dissatisfaction with the proposed changes, and concerns over affordability for those on low incomes.</p> <p>There is no requirement to conduct further consultation.</p> <p>Members will be required to consider the Consultation results when deciding on the final scheme for 2016/17.</p>
<p>What examples are there of existing good practice?</p>	<p>Some elements of the proposed working age scheme design (i.e. Band restriction, % liability reduction, removal of Second Adult Rebate) have been agreed as part of the overarching Pan Essex scheme – other elements have been designed to meet specific needs within Castle Point.</p> <p>Guidance provided by DCLG, outlining good practice with regards to treatment of vulnerable groups (http://www.communities.gov.uk/publications/localgovernment/lscvulnerablepeople) and incentives to work (http://www.communities.gov.uk/publications/localgovernment/lscworkincentives), has been considered in designing the scheme.</p> <p>The Local Government Finance Bill: Localizing Support for Council Tax – Updated Impact Assessment is also available here: http://www.communities.gov.uk/publications/localgovernment/lgfblocalisingcounciltax</p> <p>Each Local Authority is required to adopt their 2016/17 scheme by 31.1.16.</p>

Making a judgement	
How will the strategy or policy eliminate discrimination, harassment and victimisation?	<p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions. People with disabilities will continue to receive additional premiums as part of the calculation of their award and also may receive additional financial support through the Exceptional Hardship Fund. Without these elements the policy could potentially be discriminatory to those who fall within the 'disability' characteristic group.</p> <p>No other impacts on protected groups have been identified.</p>
How will the strategy or policy advance equality of opportunity?	<p>The Policy is compliant with prescribed Regulations that protect Pension Age people. This advances equality of opportunity for those who fall within the 'age' characteristic group (specifically those of Pension age) who would otherwise be disadvantaged by the schemes fundamental incentives to work.</p> <p>Parents will continue to receive a child allowance and family premium, and working parents will continue to receive an earnings disregard, as part of the calculation of their award. This is consistent with the Council's duty to safeguard and promote the welfare of children and advances equality of opportunity for those who fall within the 'age' characteristic group (specifically those aged 0 to 17, families and lone parents with children, and pregnant women) who would otherwise be disadvantaged.</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions. People with disabilities will continue to receive additional</p>

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	<p>premiums as part of the calculation of their award and may also receive additional financial support through the Exceptional Hardship Fund. This advances equality of opportunity for those who fall within the 'disability' characteristic group who would otherwise be disadvantaged and may have less opportunity to improve their financial circumstances through work.</p> <p>No other impacts on protected groups have been identified.</p>
How will the strategy or policy foster good community relations?	No impacts on protected groups identified – not applicable.
<p>Does the strategy or policy have the potential to make a negative contribution to equality?</p> <p>If so, which groups with “protected characteristics” will be affected and what are the reasons?</p>	<p>17 year olds may be disadvantaged indirectly if their parents have to pay more as a result of this policy.</p> <p>People aged over 18 and of working age will be required to pay more.</p> <p>People with disabilities who are below pensionable age will need to pay more than those above pension age. This is due to the Prescribed Regulations which automatically protect people of Pension Age.</p> <p>The restricted grant funding and Prescribed Regulations that apply to those of pension age means it is not financially viable to completely protect all protected characteristic groups from the full effects of this scheme.</p> <p>The proposed design of the scheme does, however, afford these groups some level of protection and advances the equality of opportunity for those with protected characteristics where possible.</p>

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<p>What can be done to address any contribution to inequality caused by the strategy or policy?</p>	<p>17 year olds may be disadvantaged indirectly if their parents have to pay more as a result of this policy:</p> <p>Parents will continue to receive additional allowances, which is consistent with the Council's duty to safeguard and promote the welfare of children.</p> <p>People over 18 of working age will be required to pay more:</p> <p>The Council actively supports customers with information and advice on income maximisation, financial capability, and debt management. Incentives to work have been included in the scheme design.</p> <p>People with disabilities who are below pensionable age will need to pay more:</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>A discretionary Exceptional Hardship Fund is available to provide additional financial assistance to those who are particularly vulnerable and suffering exceptional financial hardship.</p>
<p>What can be done to assist understanding of the strategy or policy?</p>	<p>Details of the scheme will be publicised both before and during Annual Billing in 2016.</p> <p>Information on the scheme will be made available online, and in hard copy and alternative formats (i.e. Braille, Large Print, Audio) on request.</p>

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	<p>An on-line 'Calculator' is available to assist those who want to find out if they would be entitled to LCTS.</p> <p>First Contact customer service staff are available to explain the scheme to any individuals or organisational groups who require assistance.</p> <p>Members of the Benefit Information Network group are notified annually of the consultation process and are briefed annually on the scheme adopted each year.</p>
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The real value of completing an EqlA comes from the actions that will take place and the positive changes that will emerge through conducting the EqlA.

The action plan should be SMART and feed directly in to the strategy or policy itself and any associated Service Plan. In addition, it should be consistent with any corporate equality actions.

The action plan should only include the main actions likely to have the greatest impact. It need not be a comprehensive list of all the possible things that might provide positive outcomes. It is unlikely that any action plan will have less than 6 to 8 actions but an action plan that runs to several pages may not provide sufficient focus and deliverability.

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Action plan					
Equality objective	Action(s)	Lead responsibility	Resources	Timescale(s)	Outcome(s)
Assist understanding of the Policy	Refresh website and hard copy information once 2016/17 Final Scheme formally adopted.	First Contact (Communities) Manager	Staff time & printing costs	Jan – Mar 2016	All affected groups fully aware of the Policy and how it will affect them.
Assist understanding of the Policy	Engage with local advice and support groups through the Benefit Information Network Group.	Community Support Manager	Staff time	Jan – Mar 2016	All local advice and support groups fully aware of the policy and how it will affect their customers.
Advancing equality of opportunity	Proactively identify suitable cases for Exceptional Hardship awards using internal knowledge of debts identified in 2015/16.	Revenues Manager	Staff time, provision of discretionary funding pot	Jan 2016 – Mar 2017	Reduce impact of the scheme on those suffering exceptional financial hardship.
Advancing equality of opportunity	Maintain and develop a range of support services and referral arrangements to provide effective assistance with financial capability, budgeting, and/or debt management advice.	Revenues Manager & Community Support Manager	Staff time, funding pot for services, additional staff resource	Jan 2016 – Mar 2017	Customers adequately supported and equipped with skills to manage financial impact.

Finally....

- Sign the EqlA
- Ask your Head of Service to sign the EqlA
- Save a copy of the EqlA in the Corporate drive folder:
- <S:\Corporate\Diversity\Live Equality Impact Assessments>
- Publication
 - Council website
 - Make copies available for e-mail distribution, in hard copy format and by other means as appropriate (e.g. large print, Braille, CD, other languages, etc.)
- Internal communication to appropriate colleagues
- Agree arrangements for monitoring, exception reporting and review/refresh

ORDINARY COUNCIL

9th December 2015

Subject: Draft New Local Plan

1. Purpose of Report

- 1.1 To determine the next steps to be taken on the Draft Local Plan after consideration of the report and recommendations of the Task & Finish Group, following its examination of the responses to the consultation on the Draft New Local Plan, and related planning policy matters.**
- 1.2 To seek the authority of the Council to incorporate the changes to the Draft New Local Plan set out in the Consultation Report and accepted by the Task & Finish Group. The Report of the Draft New Local Plan Task & Finish Group is attached separately to this report.**
- 1.3 To seek the authority of the Council, pursuant to Section 20 of the Planning & Compulsory Purchase Order Act 2004, and Regulations 19 and 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012, to publish the Castle Point New Local Plan 2015 for consultation(allowing further representations to be made) and submission to the Secretary of State.**

2. Links to Council's Priorities and Objectives

The proposals primarily concern the following Council aims:

- Transforming our Community**
- Efficient and Effective Customer Focused Services**

3. Recommendations

3.1 Council is requested to:

- 1. Note the findings of the Task & Finish Group following its detailed and thorough examination of the responses to the consultation on the Draft New Local Plan and related planning policy matters.**
 - 2. Approve the incorporation of the changes to the Draft New Local Plan set out in the Consultation Report and accepted by the Task & Finish Group.**
 - 3. Pursuant to Section 20 of the Planning & Compulsory Purchase Order Act 2004, and Regulations 19 and 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012, approve the publication of the Castle Point New Local Plan 2015 for publication and submission to the Secretary of State.**
-

4. Background

- 4.1 Council is reminded that at its meeting on 15th January 2014, it agreed to publish the Draft New Local Plan for consultation. That consultation took place from 24th January 2014 to 28th March 2014.
- 4.2 The Council also agreed to appoint a Task & Finish Group to review the responses to the consultation of the Draft New Local Plan.
- 4.3 At its meeting on 26th March 2014, Council agreed to ask the Task & Finish Group to review the capacity of the area of land known as the North West Thundersley Urban Extension (Housing Proposals Site H18) to improve its deliverability as part of the Draft New Local Plan.
- 4.4 At the close of the consultation period just fewer than 5,000 responses had been received to the Draft New Local Plan.
- 4.5 The Task & Finish Group commenced work on 30th July 2014. It was provided with a comprehensive report on all the responses received. Further representations received after the closing date of consultation were also recorded and made available to the Task & Finish Group. The report to the Group also provided recommendations for changes to the text of the plan as a result of representations received.
- 4.6 The Task & Finish Group met on 15 occasions to consider not only representations and suggested responses to the Draft New Local Plan, but also other relevant planning policy and background evidence matters. Its work concluded at a meeting on 25th November 2015.
- 4.7 Council is referred to the final report of the Draft New Local Plan Task & Finish Group attached to this report.
- 4.8 The findings of the Task & Finish Group are

With the exception of Chapter 13 (Housing), the Task & Finish Group has considered the representations and has accepted the responses set out in the Report of Consultation Responses in respect of Chapters 3 to 21 of the Plan.

- 4.9 The Task & Finish Group recommended to Council

Having considered all the information referred to in this report, the Task & Finish Group was unable to reach agreement in relation to the release of Green Belt Sites and other constraints, the Task & Finish Group refers the Draft New Local Plan to Council for decision.

5. The next steps

- 5.1 The Council is now recommended to authorise the next stages in the preparation of the Draft New Local Plan.

- 5.2 Section 20 of the Planning & Compulsory Purchase Order Act 2004 requires any development plan document to be submitted to the Secretary of State for independent examination.
- 5.3 Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012 requires that a copy of the submission documents and details of the representation (consultation) procedure are publicised prior to submission.
- 5.4 Regulation 22 prescribes the documents to be made available on submission of a plan.

6. The benefits of a plan

- 6.1 The Council is reminded that the current development plan for Castle Point is the 1998 Local Plan (so far as its saved policies are in conformity with the National Planning Policy Framework). This is some 17 years old. The National Planning Policy Framework explains that local plans should be kept up-to-date, and should be prepared with the objective of contributing to sustainable development. Plans should be positively prepared and seek net gains to the environmental, social and economic dimensions of sustainable development.
- 6.2 With a Local Plan in place the Council will be able to advance the case for greater investment in the Borough, and improved infrastructure. A plan will allow the Council to direct development to the most appropriate locations with the attendant benefits from growth. It will also give the Council greater ability to resist unwelcome development in inappropriate locations. The Borough will be master of its own destiny.
- 6.3 A Local Plan will also be supported by a Community Infrastructure Levy to ensure that all relevant development makes a proportionate contribution to the improvement of infrastructure in the Borough.

7. The risks associated with out-of-date plans and Corporate Implications

- 7.1 As the Proper Officer of the Council the Chief Executive has a duty to ensure that before any decision is made Councillors are aware of the consequences of failure to progress the Draft New Local Plan. The Chief Executive will be writing separately to the Leaders of the Political Groups on the Council and the Independent Members on the Council regarding the legal, reputational and financial risks in failing to take forward the Draft New Local Plan.

Legal

- 7.2 The Council needs to make progress with a New Local Plan. The Government, in publishing the Housing and Planning Bill on the 13th October 2015, has made it clear the requirement for local planning authorities to produce statutory development plans by 2017.
- 7.3 The Draft New Local plan will be assessed at independent examination by a planning inspector against the four tests of soundness in paragraph 182 of the National Planning Policy Framework, one of which incorporates a test as

to whether the plan is positively prepared, based on a strategy which seeks to meet needs where this is consistent with meeting sustainable development.

- 7.4 The evidence supporting the Draft New Local Plan supports the strategy selected, which seeks to meet the needs of the Borough so far as is consistent with the policies of the National Planning Policy Framework when taken as a whole.
- 7.5 Any attempt to remove sites that is not supported by evidence will result in the Council's approach to meeting its housing needs being found unsustainable.
- 7.6 This in turn could put the entire plan at significant risk with the Council being faced with the prospect of either a finding of unsoundness or having to withdraw yet another development plan document after examination.
- 7.7 Members of the Task & Finish Group considered in some depth the constraints affecting the Borough however these constraints can only be applied through the Local Plan process.
- 7.8 Without a Local Plan the Objectively Assessed Needs (OAN) for the Borough is 400 dwellings per annum. It is this figure that will be the starting point for any Planning Inspector at appeal in assessing whether the Council has a 5 year housing land supply.
- 7.9 With a Local Plan in place, the evidence having been tested at public examination the Council can rely on the target figure of 200 per annum because of the application of constraints. There is also the risk that at Appeal developers will argue that the OAN figure of 400 per annum referred to above should be much higher (as occurred in the Jotmans Appeal).
- 7.10 The Council will be assessed as to whether it has fulfilled its "duty to co-operate in relation to planning of sustainable development" (as set out in Section 11 of the Localism Act 2011) with other statutory bodies and agencies including neighbouring councils. Significant work has been carried out over the course of the preparation of the Draft New Local Plan to fulfil this duty.
- 7.11 Furthermore failure to take into account the findings of the Sustainability Appraisals, Habitat Regulations Assessment and Equality Impact Assessments in the decision making process could result in the New Local Plan being found to be procedurally unsound.
- 7.12 Given the timeframes set by Government in the Housing and Planning Bill, having the Draft New Local Plan found unsound or withdrawing the Draft New Local Plan would result in the deadline of 2017 not being achieved and put the Council at risk of intervention by the Secretary of State.

Reputational

- 7.13 Failure to produce a statutory development plan places the Council at risk of intervention by the Secretary of State. Where the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or

adoption of a development plan document, he or she could intervene and produce a statutory development plan for the authority.

- 7.14 Whilst during intervention the Council would remain responsible for the costs of preparing the Draft New Local Plan, it would have no control over the process and would be burdened with the outcomes and significant costs. This is unlikely to be a positive experience for the Council.
- 7.15 Laura Graham, the Independent Planning Inspector made this point very clear to Members when she met with them on 11th November 2015.
- 7.16 In addition the Growth and Infrastructure Act 2013 imposed upon local planning authorities a requirement to improve performance. An authority where more than 20% of appeals on applications for major development are allowed during the 2 year assessment period will be designated. The result of designation will mean that developers may apply for planning permission direct to the Secretary of State and the authority is no longer authorised to determine major applications.

Financial Implications

General Financial Statement:

- 7.17 The Council is reminded of the Medium Term Financial Forecast, presented to Council in February 2015, which indicated a significant funding gap in each financial year from 2017/18 which the Council must address in order to maintain existing service levels.
- 7.18 The Council is already effectively committed beyond its means in future years i.e. spending funds it does not have, and will need to identify reductions to existing services.
- 7.19 The position with regard to Council reserves is also serious. There are very real and significant financial risks, particularly around planning appeals and associated legal costs. These risks, coupled with the projected budget gap, result in a complete depletion of general reserves within the next three to four financial years.

Specific Financial Implications:

- 7.20 The Council had previously established a specific reserve for local plan development costs, of £250,000. By the end of 2014/15 only approximately £35,800 remained unspent. The further stages of plan preparation are likely to cost in the region of £190,000 for publicity, a Programme Officer and examination costs. The additional costs of £154,200 would need to be made available from reserves.
- 7.21 Should the Draft New Local Plan not be agreed, then further work on a new plan would be required; resources will need to be identified to meet the costs of new documents and evidence. Work carried out with existing evidence is as set out in the list below under Background Papers.

- 7.22 Any new evidence to be collected is likely to incur a cost not less than that already spent (£184,000), together with new consultation costs (not less than £35,000). In addition to these costs, there will also be additional staff costs amounting to £31,000.
- 7.23 Should the Council decide not to proceed with the Draft New Local Plan, then there are also potentially significant costs and resource implications to the Council in dealing with planning appeals. Any such costs would reduce General Fund reserves. The most recent calculation of the minimum recommended level of General Fund reserves, in the February 2015 Policy Framework and Budget Setting report, indicated a potential amount of £1.6m, should appeals be found against the Council.
- 7.24 Council is also asked to note a point of clarification regarding the position with reserves. No funds have been set aside to deal with planning appeals. Rather an exercise has been carried out to quantify a potential financial risk that may materialise as a consequence of not having an up-to-date local plan. Approval to draw from reserves would be required as each risk materialised. There is no approval to spend implied reserves.
- 7.25 The costs associated with preparing a development plan under the direction of the Secretary of State are also likely to be significant and beyond the control of the local authority.
- 7.26 The absence of an up-to-date plan will also leave the Council exposed to speculative development proposals in unwelcome locations, and with no mechanism for being able to negotiate maximum benefits from development proposals. As failure to adopt a Draft New Local Plan will result in the inability of the Council to seek contributions for infrastructure improvements through Community Infrastructure Levy (CIL). As a result the Council will only be able to seek developer contributions through negotiation via S106 Agreements which, as from April 2015, is limited in its use.
- 7.27 As highlighted by Laura Graham the local authority may find ultimately, development may be permitted “by appeal” as it has been elsewhere, when insufficient progress has been made with the local development planning process.
- 7.28 The likelihood is that if those appeals are successful the intensity of development will exceed that currently proposed within the Draft New Local Plan and on sites not currently within the Draft New Local Plan.

Human Resources and Equality Implications

Human Resources:

- 7.29 The next stages of the Draft New Local Plan preparation can be carried out using existing resources.

Equality Impacts:

- 7.30 The Draft New Local Plan is supported by an Equality Impact Assessment to ensure that the outcomes of the plan result in a fair and equal community.

IT and Asset Management Implications

- 7.31 There are no implications of this kind associated with recommendations set out in this report

8. Timescale for implementation

- 8.1 The Council's adopted Local Development Scheme, agreed at the time when the Draft New Local Plan was agreed for consultation in January 2014, assumes that a period of twelve months will be required from the Council's agreement to proceed with a plan to its eventual adoption. Following this guide, further consultation would take place in the spring 2016, before submission in the summer 2016, for examination in the autumn 2016, with an inspector's report due in the winter of 2016/7.

9. Conclusions

- 9.1 The Task & Finish Group has carried out the work set for it by Council. It is now for the Council to consider and agree the next stages in the preparation of the Draft New Local Plan having regard to the risks rehearsed in the report.
- 9.2 To re-consider the Draft New Local Plan at this stage exposes the Council to the risk of unwelcome development, "planning by appeal", and potential Government intervention.

Report author:

David Marchant - Chief Executive

Ann Horgan – Head of Civic Governance

Background papers:

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- Planning Practice Guidance
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Draft New Local Plan Task & Finish Group's – Report to Council on the Draft New Local Plan

1. Purpose of Report:

- 1.1 To review the outcome of the Task and Finish Group's consideration of the response to consultation on the Draft New Local Plan (together with the additional work requested by Council in March 2014 to review the capacity for improving the deliverability of the North West Thundersley Urban Extension in order to further evaluate its suitability for inclusion into the New Local Plan).

2. Links to Council's Priorities and Objectives

- 2.1 The draft New Local Plan contributes directly towards the Council's priorities of *Transforming our Community and Public Health and Wellbeing*. The way in which it is delivered will contribute towards the priority of *Efficient and Effective Customer Focus Services*.

3. Next Steps

- 3.1 Council is asked to consider the recommendation of the Task and Finish Group and decide on the final response to the consultation.

4. Background

- 4.1 At its meeting on 15th January 2014, Council agreed to publish a Draft New Local Plan for public consultation. That consultation took place from 24th January 2014 until 28th March 2014.
- 4.2 Council also agreed to appoint a Task and Finish Group to review the response to consultation on the Draft New Local Plan.
- 4.3 At the Council meeting in July 2014 the Terms of Reference of the Group were approved and appointments made to the Group.
- 4.4 The Task and Finish Group was formed to review the responses the Draft New Local Plan – examining all provided documentation related to the Draft New Local Plan – in order to report the outcome of its considerations together with any recommendations for changes and supported with evidence to Council, which shall then decide on the response to the consultation.

4.5 The Task and Finish Group has met 14 times since July 2014.

5. Deliberations of the Task and Finish Group

5.1 The Group considered all representations received during the consultation period 24th January 2014 to 28th March 2014 (9 weeks) and representations received after that date.

5.2 To assist the Group's deliberations on representations the Group considered the following matters:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Objectively Assessed Need
- Housing Targets
- Housing Supply
- Economic Policies
- Constraints:
 - Physical Constraints – such as SSSI
 - Policy Constraints – such as Green Belt
- Sustainable Development
- Ports
- The policies relating to Hazardous Installations at South Canvey
- Each of the Proposed Housing Allocation Sites (Policies H4-H18)

5.3 Council is reminded that all Members were invited to the briefing dealing with Objectively Assessed Need in December 2014.

5.4 Upon reviewing the housing site H18 , the Task and Finish Group requested officers to investigate more thoroughly the area known as H18, as a possible development site to be taken forward within the context of the New Local Plan with all entrances and exists to the sites to be assessed. Officers provided the following additional information:

- Identified the extent of previously developed land in area H18 – providing a Plan and Land Use Summary
- Meeting Notes between Steve Rogers Head of Regeneration& Neighbourhoods and representatives from Dove Jeffery Homes, Steve Rogers, Head of Regeneration & Neighbourhoods and a representative from One Property Group and TPA Transport Consultants
- AECOM Briefing Note: Thundersley – First Principles Access Review
- Letter correspondence between Steve Rogers, Head of Regeneration & Neighbourhoods and Brandon Lewis, Minister of State for Housing and Planning with regard to how to interpret national planning policy in relation to the Green Belt and housing provision

- Formal response from Essex County Council Transport Strategy & Engagement with regard to highway access and road infrastructure improvements that would be required if site H18 were to proceed. It is to be noted that the Essex County Council Transport Strategy & Engagement maintain their objection to the development of H18 based on the following four points:
 - *“No direct access should be taken from the A127 and A130 as this would significantly impact on the free flow of traffic on this strategic network*
 - *An appropriate strategic access is required into the site, which is presently un-made roads*
 - *Access from the existing urban area will exacerbate congestion at Tarpots (A13) and Woodman’s Arms junctions (A129)*
 - *Any reconfiguring of the Rayleigh Spur junction is unviable at present, and especially at the proposed level of development.”*

5.5 The Task and Finish Group has been briefed and noted the publication of the Housing and Planning Bill on 13.10.2015, and the Government’s determination to speed up delivery and approval of local plans for housing.

5.6 The Group has noted the Government’s statement that “Councils must produce local plans for new homes in their area by 2017 – or the Government will ensure, in consultation with local people, those plans are produced for them.”

5.7 In order to assist councils who have not yet put in place local plans the Planning Inspectorate has put in place a programme for an experienced Planning Inspector to visit and offer assistance to councils.

5.8 Laura Graham, an experienced Planning Inspector, visited the Council and all Members were given the opportunity to attend a session to question the Inspector generally on the local plan process.

5.9 Key messages emerging from the briefing session included:

- Reaffirmation that plans should be positively prepared
- Plans must boost significantly housing land supply
- The starting point for housing provision is Objectively Assessed Need (OAN)
- If a plan cannot meet OAN, then a review of constraints needs to be conducted, to see if they can be overcome “leaving no stone unturned”
- Importance of discharging the Duty to Co-operate
- If there is no plan in place, the Council run the risk of “planning by appeal”

5.10 Finally, the Task & Finish Group was advised on the risks of not proceeding with a Draft New Local Plan that is likely to be found sound.

- Planning by appeal resulting in
 - Intensification
 - More sites coming forward for development
 - Green Belt at risk
 - Greater loss of Green Belt
 - Loss of community benefits
 - Loss of new homes bonus
 - Loss of wider infrastructure improvements
- Government Intervention

6. Findings

6.1 With the exception of Chapter 13 (Housing), the Task and Finish Group has considered the representations and has accepted the responses set out in the Report of Consultation Responses in respect of Chapters 3 to 21 of the Plan.

7. Recommendations

7.1 Having considered all the information referred to in this report, the Group was unable to reach agreement in relation to the release of Green Belt sites and other constraints, the Task and Finish Group refers the Draft New Local Plan to Council for decision.

8. Corporate Implications

(a) Financial Implications

There are no financial resource implications which are additional to those that have previously been identified through the previous Local Development Scheme. Any additional evidence base work required however would need additional funding, for which no provision has been made. The Local Development Scheme will require updating if and when the Council approves a plan for publication.

(b) Legal Implications

At examination, planning authorities must show how the duty to cooperate has been fulfilled, and how plans meet the four tests of soundness as set out in paragraph 182 of the NPPF, which are:

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Where Local Plans are not based on robust evidence, there have been instances where they have been subject to legal challenge

If the Draft New Local Plan is altered it will be necessary to carry out further Sustainability Appraisal and Habitat Regulation Assessment work to ensure that the impacts on sustainability and on European Sites respectively have been appropriately assessed. The Council would need to consider the findings of these assessments before taking any final decision.

Any substantive amendment to the Draft New Local Plan would also require supporting evidence and additional consultation with residents, stakeholders and statutory consultees.

(c) Human Resources and Equality Implications

Human Resources

Any additional evidence based work may need additional resources, for which no provision has been made.

Equality Impacts

If the Draft New Local Plan is altered it would be necessary to review the Equality Impact Assessment to ensure that the outcomes of the plan result in a fair and equal community. The Council would need to consider the findings of this assessment before taking any final decision.

(d) IT and Asset Management Implications

There are no IT implications associated with this report.

9. Timescale for implementation and Risk Factors

The consultation on the Draft New Local Plan was carried out under Regulation 18 of the Local Plan Regulations; the next stage (Regulation 19) is for the Council to publish its final plan for consultation before submission.

The final plan should show how earlier stages have been taken into account.

Failure to have regard to the National Planning Policy Framework and the evidence base in the preparation and progress of the draft New Local Plan will put it at risk of being found unsound. Failure to have made substantive progress with the draft New Local Plan by early 2017 runs the risk of Government intervention.

Without a Local Plan, it will also be difficult to secure investment in improved infrastructure, with limited opportunity for a Community Infrastructure Levy to be pursued.

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