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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, 23RD MARCH 2022 at 7p.m. NB Time**, and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

Councillors, Mrs P. Haunts, (The Worshipful the Mayor), Mrs. J.A Blissett ,(Deputy Mayor),A. Acott, J. Anderson, D. Blackwell, B. Campagna, S. Cole, J.M. Cutler, M. Dixon, Ms. N. Drogman, Mrs. B. Egan, E. Egan, J. Fortt, M. J Fuller, W. Gibson, P.C. Greig, S. Hart, N. Harvey, G.I. Isaacs, W. Johnson, C.A. MacLean, P. May, S Mountford ,C. Mumford, Mrs. S. Mumford, B.A. Palmer, Mrs. J Payne, J.A. Payne, C.R Riley, Mrs. C.J Sach, R. Savage, A.G. Sheldon, T.F. Skipp, A. Taylor, D.J. Thomas, A. Thornton, Mrs. J Thornton, M.A Tucker, P.E. Varker, Walter and G.St.J. Withers

AGENDA

PART I

(Business to be taken in public)

1. Apologies for absence

2. Members' Interests

3. Minutes

To receive the Minutes of the meeting of

- Ordinary Council held on 24th November 2021.
- Special Council held on 8th December 2021
- Special Council held on 23rd February 2022

4. Mayor's Announcements

The Mayor will report announcements if any at the meeting.

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

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
To consider the notice of Motion deferred from the last meeting.

8. Any explanations for urgent decisions taken by Cabinet
There are none.

- 9. Consideration of recommendations from Cabinet:**
There are none.
- 10. Any References from the Scrutiny/Policy and Scrutiny or Regulatory Committees**
There are none.
- 11. New Castle Point Local Plan**
A report is attached.
- 12. St Peter's Ward By- Election Borough - Report of the Returning Officer**
To receive the report of the Returning Officer which will be circulated separately.
- 13. Amendment to Terms of Reference to the Audit Committee and Appointments to Committee**
A report is attached seeking approval to vary the Terms of Reference of the Audit Committee to approve the audited Statement of Accounts. Under this item the Leader of the Council is to report on changes to the membership of Committees.
- 14. Report from Staff Appointments Panel**
A report is attached to update Council and seek approval to increase the membership to seven members to ensure that there is continuity in dealing with the appointment of a permanent Chief Executive over the forthcoming Elections.
- 15. Report from the Leader of the Council/Cabinet Member**
A report is attached regarding the Humanitarian Crisis in Ukraine – Response on which Members will be updated at the meeting.
The Leader is to report on other matters at the meeting.
- 16. Notices of Motion**
These are attached.
- 17. Petitions submitted by Members of the Council of which Notice has been given.**
No notice has been received.



ORDINARY COUNCIL MINUTES

24TH NOVEMBER 2021

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 Wednesday, 24th November 2021.

PRESENT:

Councillors, Mrs P. Haunts, (The Worshipful the Mayor), Mrs. J.A Blissett, (Deputy Mayor), A. Acott, J. Anderson, D. Blackwell, B. Campagna, S. Cole, J.M. Cutler, Ms. N. Drogman, Mrs. B. Egan, E. Egan, J. Fortt, M.J Fuller, W. Gibson, P.C. Greig, S. Hart, G.I. Isaacs, W. Johnson, C.A. MacLean, P. May, S Mountford, C. Mumford, Mrs. S. Mumford, B.A. Palmer, Mrs. J Payne, J.A. Payne, C.R Riley, Mrs. C.J Sach, R. Savage, A.G. Sheldon, T.F. Skipp, D.J. Thomas, A. Thornton, Mrs. J Thornton, M.A Tucker, P.E. Varker and Walter, G.St.J. Withers.

APOLOGIES

Apologies for absence were received from Councillor W.J.C. Dick, N. Harvey and A. Taylor

IN MEMORIAM

At the opening of the meeting the Mayor's Chaplain took prayers, Members observed a minute's silence to mark the tragic passing of Sir David Amess MP.

30. MEMBERS' INTERESTS

There were none.

31. MINUTES

The Minutes of the meeting of the Ordinary Council held on, 29th September were taken as read and agreed as a correct record.

32. MAYOR'S ANNOUNCEMENTS

The Mayor:

- On Monday 22nd November 2021, sadly represented the Borough Council at the memorial service held in Southend, for the late Sir David Amess MP, who was murdered while holding a surgery for the community.
- Thanked all who attended or assisted with arrangements for the Remembrance Sunday Services.
- Thanked all those who supported The Mayor's Charity Quiz Night held last Friday, 19th November, which raised over £800 for Coast Watch.

- Reminded everyone that Community Carols were to take place on, Sunday, 5th December at the Salvation Army at 6pm. The tradition to raise funds for Cancer Research was to continue.

33. QUESTIONS FROM MEMBERS OF THE PUBLIC OF WHICH NOTICE HAS BEEN RECEIVED

There were none.

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

There were none.

35. TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING MOTION TO COUNCIL – ACCESSIBILITY OF PARKS AND OPEN SPACES

Consideration of this Motion was deferred for a report on the budget implications. A report was before the Council setting out the budget implications and work which had been undertaken to improve accessibility.

Discussion took place on the Motion:

“The Peoples Independent Party would like to put forward a motion to ensure all parks in Castle Point are accessible to everyone and conform to the following requirements

1. Disability Discrimination Act 2005.
2. Ensuring that only accessible gates are in operation and all restrictions E.G. barriers are removed.
3. Access should also include pavement/concrete access from the road/pavement to the park”

An amendment was moved and seconded which was accepted by the Proposer and Seconder and became the substantive Motion.

‘Castle Point Council are requested to carry out an Equality Impact Assessment on all Council owned Parks in Castle Point under the terms of the Equality Act 2010 and make accessibility, adaptations and improvements where necessary from the findings of the report for the benefit of all.’

Debate took place during which Councillors expressed support for the motion. It was confirmed the findings would be reported. A vote was taken which was CARRIED and RESOLVED accordingly.

Council then considered the recommendation in the report before Council.

Resolved:

Council wishes to support the Motion and give consideration to a growth bid as part of the annual budget setting process to improve accessibility of its parks and open spaces by providing hard surfaced pathways from park entrances to all play areas within its parks and open spaces.

36. ANY EXPLANATIONS FOR URGENT DECISIONS TAKEN BY CABINET

There were none.

37. CONSIDERATION OF RECOMMENDATIONS FROM CABINET:LOCAL COUNCIL TAX SUPPORT (LCTS) SCHEME FOR 2022/23

Council was asked to approve recommendation from Cabinet held on 17th November 2021 to make no changes to the Proposed Local Council Tax Support Scheme for 2022/23.

Resolved:

1. To note the information summarised in Section 5 of the report before Council and the information detailed in Appendices A, B, and C.
2. That there are no changes to the Local Council Tax Support Scheme for 2022/23.

38. ANY REFERENCE FROM THE SCRUTINY/POLICY AND SCRUTINY OR REGULATORY COMMITTEES

There are no references from Committees.

39. NEW CASTLE POINT LOCAL PLAN

The report before the Council set out the main modifications for the new Castle Point Local Plan, that the Inspector had requested the Council consults on so he could prepare his final report into the Plan as part of the ongoing examination. The Council was being asked to note the main modification, associated documents and consultation.

A decision on whether the plan was acceptable for adoption was not being asked for now: that would come after the Inspector has concluded the examination and issued to the Council his final report.

The report and appendices set out: -

Section 1 started with a brief outline of the background to the Plan and the decision this Council took on, 22nd October 2019, to approve the plan for examination.

The examination process and modification requirements were outlined in paras 4.8 to 4.29, including the appointment of Mr Philip Lewis as the Independent Inspector, It was only the Inspector who can, during the examination, judge on whether the plan is sound or not. He held hearings in May and June this year.

A note of thanks was recorded, to the Inspector and the Programme Officer, Andrea Copsey, for their work on the examination to date, and indeed our own officers (particularly Amanda Parrott, Maria Hennessy and Kim Fisher Bright) and the consultant team. Also, those residents and organisations who made representations and attended the hearings.

The Inspector's Post Hearings Letter was received on, 29th September, after it had been sent to the Secretary of States team. In his letter, the Inspector concluded, quote: -

'Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound.'

He has asked the Council to consult on modifications, and associated documents that he considers are necessary to ensure that the plan is sound.

The Inspector's letter, in Appendix One. It was stressed: The Inspector's letter is **NOT** his final say on this plan. The conclusion of whether the Plan is sound or not would only be made in his Final report.

The report then sets out what the main modifications are (paras 4.30 to 4.38), and they were set out in full in Appendix Two. This section of the report referred to changes to the Policies Map (Appendix Three) and Additional or Minor Modifications (Appendix Four).

Members' attention was drawn in particular to the following policies proposed to be deleted, replaced, or added. The reasons for these changes were set out in the Main Modifications document:

- HO3 (Housing Mix) is replaced.
- HO8 (Residential Annexes) is replaced.
- HO20 (The Chase) has been extensively revised.
- HO25 (Thorney Bay) has been replaced.
- Part 1 of EC2 (extension to the Manor Trading Estate) has been deleted.
- TP2 (Improvements and Alterations to Highway Infrastructure) has been replaced.
- New Policy TP3 (Access to Canvey)
- GB2 (New Development in the Green Belt) has been replaced to incorporate the policy objectives of GB3, GB5, GB6 and GB8 all of which have been amalgamated into this one new GB2 policy.
- GB7 (Positive uses in the Green Belt) has been replaced.

Changes to the Policies map included:

- The addition of Ancient Woodlands to the Policies Map
- The Inspector did not agree that some school playing fields should be removed from the Green Belt so these are to remain as Green Belt
- Minor changes to the boundary of the Glyders site HO11 which results in part of the site remaining in the Green Belt
- Inset of the Orchard Place traveller site so it is removed from the Green Belt
- Deletion of Roscommon Way safeguarded route which the Inspector considered there was insufficient evidence to support – this will form part of the Access to Canvey project

The additional modifications did not affect the objectives of the Plan or policies.

Para 4.39 to 4.46 set out that the Sustainability Appraisal; Habits Regulations Assessment; and Equalities Impact Assessment had also been updated, and there was a link in the report to those documents or in the case of the EQUIA published alongside this report.

Paras 4.48 to 4.58 set out details on how the consultation would be conducted. It is intended to start the consultation on Friday, 3rd December and finish on Friday, 28th January.

The Council was only obliged to consult for six weeks, but two additional weeks had been added to take account of Christmas.

It was recommended that consultation was undertaken on the main modifications as soon as possible after the Inspector's letter.

All households in the Borough would receive a letter (Appendix Five). The letter was clear that representations should only be made on the aforementioned documents and not the Reg 19 Plan.

All of the representations would be made available to the Inspector and the Inspector will consider them prior to issuing his final Report.

Section 5 of the Council report referred to Failure to Proceed with the Plan: and Members were reminded that the Council has been on notice of intervention in 2017 and 2018, but had avoided this by the progress made on the plan; and the good work of the late Chief Executive David Marchant and Council Officers.

Members were reminded of the impact of the removal of plan making powers would have on this Council.

As set out in paragraph 5.3 if the plan did not proceed the Secretary of State would need to consider the use of his powers under the planning act.

Section 6 of the report set out that the timetable suggested by the Inspector for adoption was doubtful, and further discussions with the Inspector were required on that.

Attention was drawn to paragraph 4.63 to 4.65 and that the Head of Place and Policy in consultation with the Leader of the Council has delegated powers to undertake this consultation. Hence the Council was only being asked to note the report

However the Interim Chief Executive and Officers considered it was important that this report be presented. It provided a greater transparency to residents. It provided Members with a better understanding of the main modifications, the role the Inspector plays and his requirements for these modifications and the process going forward. But the Plan remained in examination.

After the Inspector's report was published a report would be presented to full Council. That report would set out in detail the implications of the Inspector's report, including if the Council does not adopt the Plan.

Council was requested to note the following

1. Note the progress of the new Castle Point Local Plan through Examination and the Inspector's Post Hearings letter received on 29th September 2021.
2. Note the main modifications to ensure that the Local Plan is sound and or legally compliant.

3. Note the changes to the policies map required as a consequence of the Main Modifications.
4. Note the additional modifications
5. Note the Sustainability Appraisal, Habitats Regulations Assessment and Equalities Impact Assessment updates to take account of the Main Modifications.
6. Authorise that the Interim Chief Executive and Head of Place and Policy in consultation with the Leader and Deputy Leader make any further minor changes to the Main Modifications ahead of the Consultation, including any further changes required by the Inspector.
7. Note that the Head of Place and Policy has the authority in the Scheme of Delegations to undertake any consultation on any planning policy document and to undertake the consultation of the main modifications, changes to the policies map and additional modifications.
8. Note that following the receipt of the Inspector's final report into the Local Plan, that a report is made to Full Council.

Discussion took place during which a number of Members expressed firm views opposing the Local Plan and did not wish to be associated with the matter.

Members were reminded that the report was information report. The necessary action was covered by Delegated authority.

Members of the Canvey Island Independent Party and the People's Independent Party Group wished their opposition to be recorded in the Minutes of the meeting.

40. LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001:

A comprehensive report was before Council dealing with required changes to the Constitution to reflect the revised statutory process for the dismissal of statutory officers and associated arrangements to give effect to the Local Authorities (Standing Orders) (England) Regulations 2015 to protect the Statutory Chief Officers of the Council, to adopt and implement the Model Disciplinary Procedure and Guidance agreed by the Joint Negotiating Committee (JNC) for Local Authority Chief Executives to govern any future disciplinary procedures for the Council's Statutory Officers.

Discussion took place during which it was clear that members would appreciate further time to consider the detail of the report. A Motion to defer the item was Moved Seconded and agreed.

Resolved: to defer consideration of the report.

41. APPOINTMENTS TO COMMITTEE:

The Leader reported changes to the membership of Development Management Committee, the amendment to the Conservative group allocation is:

Councillor Walter to replace Councillor Drogman. Councillor A. Thornton will be a substitute.

42. REPORT FROM STAFF APPOINTMENTS PANEL:

The members of the Panel are Councillors Blackwell, Cole, Mrs Egan, Sheldon and Varker. Meetings of the Panel had taken place on 14th October and 11th November 2021.

Councillor Sheldon Leader of the Council was appointed Chairman of the Committee at the initial meeting on 14th October and at that meeting three options to fill the appointment of the Chief Executive were considered.

Two options were considered. First, the appointment of a permanent Chief Executive which would be undertaken with assistance from external recruitment consultants.

Currently the market was very competitive, with a high number of councils going to the market with vacancies, seeking to recruit from a limited pool of experienced candidates. The recruitment process was likely to take some six months before the successful candidate could take up the post.

Option two was to look to share a Chief Executive. Castle Point 's neighbour Rochford was engaged in a trial sharing the post of Chief Executive with Brentwood. At present with increasing budget pressures on Councils and the prospects for devolution, reorganisation of local government this was becoming an attractive proposition especially for smaller Councils. (Option three was to redesignate the role as Managing Director.)

The Panel felt that the option to share a Chief Executive merited examination. The Panel agreed that the Leader should take informal soundings with colleague Leaders. The Panel also agreed to seek proposals from recruitment consultants to recruit to the post of a permanent Chief Executive.

At the meeting on 11th November 2021 the Leader reported on his response to initial soundings. Given the interest in the possibility of sharing the post of Chief Executive and reflecting again on the merits of the proposition the Panel agreed to take further time to explore the option of a shared Chief Executive.

The Panel decided to request the Leader and Chief Executive to continue their investigations to explore and report on the feasibility of a shared Chief Executive to improve the opportunities and resilience of the Council.

Resolved:

To note and endorse the report of the Staff Appointments Panel.

43. REORT FROM THE LEADER OF THE COUNCIL/CABINET MEMBER

The Leader of the Council Cllr Sheldon reported on the following summarised:

- The tragic passing of Sir David Amess MP.
- Life Chances Partnership set up in December, the 1st meeting is in January. Terms of reference in the new year
- The lovely poppies and knitted remembrance items around the Borough
- Positive comments on the good work of the Fly Tipping Enforcement Officer

- Meeting with Essex County Council to seek improvement of the boroughs roads through the Road and Pavement restoration programme.
- Utilities companies action to require proper repair of roads and footways
- Progress regarding the PSPO on Roscommon Way
- Town Centres, welcome back fund and branding schemes introduced to shop local
- Parks are valued by residents and the initiative to allow mobile food vendors in some of the parks.
- Conservative Party Leaflet to residents
- Flooding issues
- Thank staff you to all staff for their response during Covid and financial pressures

The Leader took questions on the report.

The Leader of the Main Opposition Group Cllr Blackwell welcomed the opportunity to ask questions of the Leader and if Canvey Island Independents could be more involved in some of the items raised in the Leader's report.

A discussion took place regarding the Local Plan.

In response to a question from Councillor Anderson it was confirmed that the Place and Community Policy & Scrutiny Committee would take on the work Canvey Seafront, the Paddocks and the Town Centre Working Groups.

In response to a question following an Oikos photo opportunity, a Canvey Island Independent Ward Councillor asked whether all West Ward Councillors, when dealing with ward issues, could be included in photo opportunities. It was agreed that where it is necessary to do so, all ward Councillors would be included.

Councillor Acott received clarification that a Trustee of the Friends of the Paddocks Group had laid a wreath at the Paddocks War Memorial. Leader said that proposals for a new Paddocks continued to be under consideration. However consideration would be given to explore other propositions.

Resolved – to note the report.

44. NOTICES OF MOTION

1. Councillor Fuller had given notice of the following:

Canvey Island Independent Party calls upon Castle Point Council to ask Anglian water to produce information on how much raw sewage has been pumped into our creeks, river Thames, and our drainage system in the last five years.

The Motion was moved by Councillor Fuller and seconded by Councillor Anderson. During debate the following amendment was moved and seconded

The Council also requests they explain in detail how they intend to meet the provisions the Government have set out in the Environment Act 2021, and further requests they publish an action plan for local residents on how they intend to dramatically reduce such discharges from their assets in our Borough into our water ways in the future.

The amendment having been accepted by the proposer and seconder it became the substantive Motion. Debate took place at the conclusion a vote was taken which was CARRIED UNANIMOUSLY and RESOLVED accordingly

2. Councillor Blackwell had given notice of the following:

Canvey Island Independent party calls upon all Members to give a vote of thanks to all senior management and staff for their hard work at keeping all services running during COVID-19 and the untimely death of our chief executive.

The Motion was moved by Councillor Blackwell and seconded by Councillor Savage. During debate the following amendment was moved and seconded

The elected members of Castle Point Borough Council extend a vote of thanks on behalf of the whole community of Castle Point to Senior Management and all Council staff for their hard work at keeping all the services running during COVID-19 and the untimely death of our Chief Executive.

The amendment having been accepted by the proposer and seconder it became the substantive Motion. Debate took place at the conclusion a vote was taken which was CARRIED UNANIMOUSLY and RESOLVED accordingly.

3. Councillor Sheldon had given notice of the following:

“Castle Point Council congratulates the Royal British Legion on their centenary and thanks local volunteers and organisers for their work in fundraising, raising awareness and supporting our veterans and their families.

Loneliness and social isolation is a growing health issue facing our Borough and is recognised by the Royal British Legion as a particular problem amongst veterans of our armed forces.

Castle Point Council commits to raising awareness about this issue and helping veterans and others who suffer from it in our Borough to be aware of and access the local support that is available.”

The Motion was moved by Councillor Sheldon and seconded by Councillor MacLean. Debate took place at the conclusion a vote was taken which was CARRIED UNANIMOUSLY and RESOLVED accordingly.

4. Councillor A. Thornton had given notice of the following:

“Castle Point Borough Council explore the use of an Article 4 direction in relation to relevant permitted development rights to ban the installation of non-porous driveways and hard standing without planning permission to help reduce surface water runoff into local roads in times of heavy rain.”

The Motion was moved by Councillor A. Thornton and seconded by Councillor Fortt. Debate took place at the conclusion a vote was taken which was CARRIED and RESOLVED accordingly.

5. Councillor Drogman had given notice of the following:

“Castle Point Council calls upon the Government to raise the legal age for buying category 3 fireworks to 21”

The Motion was moved by Councillor Drogman and seconded by Councillor S Mumford. Debate took place at the conclusion a vote was taken which was CARRIED and RESOLVED accordingly.

6. Councillor Skipp had given notice of the following:

“Castle Point Council would like to make residents and members of the public aware that it is an offence to use e-scooters on the Public Highway unless part of an official trial. If you are involved in a collision with an e-scooter as a pedestrian or another road user then this should be reported to the police.”

The Motion was moved by Councillor Skipp and seconded by Councillor Isaacs. Debate took place and during debate Councillor Sheldon declared an Interest as Deputy Leader for Education.

At the conclusion a vote was taken which was CARRIED and RESOLVED accordingly.

7. Councillor Mountford had given notice of the following:

We call on the Council to stop and assess the recent announcements made by the Conservative Government and the new Secretary of State Michael Gove with regard to changes to the planning system (and take whatever action is necessary) to protect and preserve the precious green belt in our local area and reduce the housing numbers and extended the term of delivery in the emerging new local plan.

The Motion was moved by Councillor Mountford and seconded by Councillor Gibson.

As this Motion had budget implications the Motion was deferred without debate for a report to Cabinet Council Procedure Rule 13 applied.

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

No notices were received

Mayor



SPECIAL COUNCIL MINUTES

8TH DECEMBER 2021

MINUTES of the Special Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on Wednesday, 8th December 2021.

PRESENT:

Councillors, Mrs P. Haunts, (The Worshipful the Mayor), Mrs. J.A Blissett, (Deputy Mayor), A. Acott, J. Anderson, D. Blackwell, B. Campagna, S. Cole, J.M. Cutler, Ms. N. Drogman, Mrs. B. Egan, E. Egan, J. Fortt, M.J Fuller, W. Gibson, P.C. Greig, S. Hart, N. Harvey, G.I. Isaacs, W. Johnson, P. May, S Mountford, C. Mumford, B.A. Palmer, Mrs. J Payne, J.A. Payne, C.R Riley, Mrs. C.J Sach, R. Savage, A.G. Sheldon, T.F. Skipp, D.J. Thomas, M.A Tucker, P.E. and G.St.J. Withers.

Apologies for absence were received from Councillors C.A. MacLean, Mrs. S. Mumford, A. Taylor, A. Thornton, Mrs. J Thornton, P. Varker and C. Walter.

46. FORMER MAYOR COUNCILLOR DICK RIP

Before commencing the formal business of the meeting, the Mayor led formal tributes to Councillor Bill Dick who had passed away on 4th December 2021.

Councillor Dick was a member of the Council for total of over 38 years serving the St Peter's Ward and was Mayor of the Borough for the year 1992 to 1993. He had been struggling with ill health for some time, but he was determined in his efforts to continue to serve this Council.

Councillor Dick served on Essex County Council for many years, highly regarded for his expertise on Scrutiny Committees both at Essex and here in Castle Point.

He was among the first to serve on the Cabinet and was a member of the Planning Committee for many years and was a highly regarded and respected Chairman of the Committee.

Councillors have been kind enough to send messages of condolence all have paid tribute to his hard work and dedication.

Councillor Riley, Mrs Egan, Blackwell, Skipp and Ms Drogman spoke in tribute. All present stood in silence in memory of Councillor Bill Dick RIP.

47. MEMBERS' INTERESTS

Councillor Riley restated his prejudicial interest in respect of the Local Plan and left the Chamber for the following item.

48. NEW CASTLE POINT LOCAL PLAN

This meeting had been convened to correct a procedural matter following the Ordinary Council meeting on 24th November 2021

At the Ordinary Council meeting held on 24 November 2021 a report was made to Council for note prior to consultation setting out the modifications to the Local Plan on which the Local Plan Inspector had requested consultation be undertaken.

Following presentation of the report in considering various matters highlighted under recommendations for noting, a vote was not taken a recommendation on which a decision was required by Council. This required authorisation by Council to rely on other delegations lacked transparency.

Recommendation 3.6 provided:

‘Authorise that the Interim Chief Executive and Head of Place and Policy in consultation with the Leader and Deputy Leader make any further minor changes to the Main Modifications ahead of the Consultation, including any further changes required by the Inspector.’

In taking this decision, Council was informed that no changes were proposed to be made to the consultation document listed below and presented to Council on 24th November 2021:

- Schedule of Main Modifications
- Schedule of Additional Modifications
- Changes to the Policies Map
- The Sustainability Appraisal
- The Habitats Regulations assessment
- The EquIA (Equalities Impact Assessment)

All of these documents had been published with the Report to Council 24 November 2021 and posted on the New Local Plan website. Consultation would be on the same documents: therefore, it was not necessary for the authorisation to be used.

Council was also provided with the following clarification: once the consultation started the documents listed could not be changed. Any further changes would be at the approval of the Inspector, set out with his final report and it would be for Members of the Council to consider at the appropriate time when it considered the Inspector's report. A tracked change document would be made available to Members at that time, with a distinction made between Modifications noted on 24 November and any subsequent modifications should the Inspector seek further modifications.

Council was advised that as a consequence of the scheduling of this meeting to address this procedural error, the public consultation on the modifications would now commence at the earliest on 10 December 2021 and run until 4 February 2022, and otherwise be completed as per the agenda item presented to Ordinary Council on 24 November 2021.

Council was asked to vote on the following:

'3.6 Authorise that the Interim Chief Executive and Head of Place and Policy in consultation with the Leader and Deputy Leader make any further minor changes to the Main Modifications ahead of the Consultation, including any further changes required by the Inspector.'

An amendment as moved and seconded

- 3.6 Authorise that the Interim Chief Executive and Head of Place and Policy in consultation with the Leader and Deputy Leader, *and the Leaders of both Opposition Groups on the Council* make any further minor changes to the Main Modifications ahead of the Consultation, including any further changes required by the Inspector.'

Five Members having requested that voting on the amendment be recorded, Members present voted as follows:

For:

Councillors: Blissett, Cutler, Drogman, Mrs. Egan, E. Egan, Fortt, Hart, Mrs. Haunts, Isaacs, Johnson, Mumford, Sheldon, Skipp (13)

Against:

Councillors: Acott, Anderson, Blackwell, Campagna, Cole, Fuller, Gibson, Greig, Harvey, May, Mountford, Palmer, Payne, Mrs. Payne, Sach, Savage, Thomas, Tucker, Withers (19)

Abstained

Councillors: none

The amendment was lost.

Vote took place on the recommendation. Five Members having requested that voting on the amendment be recorded, Members present voted as follows:

For:

Councillors: Hart, Isaacs, Mumford. (3)

Against:

Councillors: Acott, Anderson, Blackwell, Campagna, Cole, Fuller, Gibson, Greig, Harvey, May, Mountford, Palmer, Payne, Mrs. Payne, Sach, Savage, Thomas, Tucker, Withers. (19)

Special Council 8.12.2021

Abstained

Councillors: Blissett, Cutler, Drogman, Mrs. Egan, E. Egan, Fortt, Mrs. Haunts, Johnson, Sheldon, Skipp. (10)

The recommendation was lost.

Mayor



SPECIAL COUNCIL MINUTES

23RD FEBRUARY 2022

MINUTES of the Special Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on Wednesday, 23rd February 2022.

PRESENT:

Councillors, Mrs P. Haunts, (The Worshipful the Mayor), Mrs. J.A Blissett, (Deputy Mayor), A. Acott, J. Anderson, D. Blackwell, B. Campagna, J.M. Cutler, Ms. N. Drogman, Mrs. B. Egan, E. Egan, J. Fortt, M.J Fuller, W. Gibson, P.C. Greig, S. Hart, N. Harvey, G.I. Isaacs, W. Johnson, C.A. MacLean, P. May, S Mountford, C. Mumford, Mrs. S. Mumford, B.A. Palmer, Mrs. J Payne, J.A. Payne, C.R Riley, Mrs. C.J Sach, R. Savage, A.G. Sheldon, T.F. Skipp, A. Thornton, Mrs. J Thornton, P.E. Varker, and G.St.J. Withers

Apologies for absence were received from Councillors S. Cole A. Taylor, D.J. Thomas, M. A Tucker, C.Walter

49. MEMBERS' INTERESTS

There were none.

50. POLICY FRAMEWORK AND BUDGET SETTING FOR 2022/23

This Special Meeting of the Council had been scheduled to determine the budget requirement and the level of Council Tax for 2022/2023.

At the Cabinet meeting held earlier the Cabinet considered the report on the Policy Framework and Budget Setting for 2022/23. The Cabinet had approved the report and recommendations for consideration by this meeting

The Council must make certain statutory calculations in relation to the budget requirement and Council Tax for 2022/23. These were set out in full in the Policy Framework and Budget Setting report.

Council was asked to consider and resolve recommendations 1 to 18 as set out in the report to complete the budget process for 2022/23.

The Cabinet Member for Resources, Councillor Johnson in his introductory remarks described the approach to the budget as displaying Resilience, Pragmatism and Determination all of these characteristics would need to continue to be displayed to meet the future financial challenges to be faced by the Council which he would address in more detail in the report.

Councillor Johnson took the Council through the report drawing attention to the key features of the budget including the budget process. Councillor Johnson drew attention to the significant budget gap which the Council faced from 2023 onwards which needed to be planned for and addressed in the current financial year with plans being prepared to resolve the situation.

The Strategic Director (Resources) Section 151 Officer had briefed the leaders of the Opposition groups so there was an understanding of the challenge before the Council to be addressed together.

Castle Point was not unique many other councils were facing these pressures. This was through no fault of the Council but due to a number of causes including reduction in Government grant, increasing cost pressures among other matters. Indeed the Council was better placed to respond due to the prudent approach to its finances adopted by the Council.

He drew attention to the formal report of the Strategic Director (Resources) Section 151 Officer confirming that the estimates and budget process were robust and confirming the adequacy of the recommended level of reserves.

Councillor Johnson on behalf of the Council acknowledged and thanked the Strategic Director (Resources), the Council's Section 151 Officer, her Deputy Lance Wosko and their colleagues for their continuing hard work and dedication in preparing the budget which was endorsed by Councillors in discussion

Councillor Johnson commended the budget to the Council the budget was balanced, prudent, fully providing high quality, value for money services during extraordinary times. He formally moved the recommendations to Council.

The Leader of the Council seconded the recommendations. Discussion and questions took place on the budget. Members acknowledged the serious implications for the Council which needed to be addressed together to ensure the delivery of services to residents.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 a recorded vote was taken on the recommendations of the Cabinet meeting held earlier in the evening and the Members present voted as follows:

For:

Councillors:

Acott, Anderson, Blackwell, Blissett, Campagna, Cutler, Drogman, Mrs. Egan, E. Egan, Fortt, Fuller, Gibson, Greig, Hart, Harvey Mrs. Haunts, Isaacs, Johnson, Maclean, May, Mountford, Mumford, Mrs S Mumford, Palmer, Payne, Mrs.

Payne, Riley, Mrs Sach, Savage, Sheldon, Skipp, Mrs. Thornton, A.Thornton, Varker, Withers.(35)

Against:

None

Abstained

None

Resolved Unanimously:

Implementation of Council policies and related spending plans

1. That the Council approves the continued funding of priority projects and other items of discretionary expenditure, as set out in table 3.4.
2. That the Council notes the cost pressures and budget increases (growth) as set out in table 3.5.
3. That the Council note the efficiency savings, cost reductions and additional income summarised in table 3.6.
4. That subject to recommendations 1 to 3 above, the revenue spending plans for 2021/22 (revised) and 2022/23, set out in section 3, tables 3.1 (summary) and 3.2 (net services expenditure) of the accompanying report, are approved.

Capital spending plans and prudential indicators

5. That the capital spending plan described in section 9 of the accompanying report (tables 9.2 and 9.3) is approved in respect of 2021/22 (revised) and 2022/23.
6. That as required by section 3 of the Local Government Act 2003, and the Prudential Code for Capital Finance in Local Authorities (the Prudential Code), the following Prudential Indicators are approved as set out in the appropriate sections of the accompanying report:

Prudential Indicator - Reference to sections 9, 10 and 11 of accompanying report	
Capital expenditure	Tables 9.2 and 9.3
Capital financing requirement (CFR)	Table 9.4
Authorised limit for external debt	Table 9.5
Operational boundary for external debt	Table 9.6
Ratio of financing costs to new revenue stream	Table 9.7 (a & b)
Gross external borrowing does not exceed CFR	Section 9 – para 53
Maturity structure of fixed rate borrowing - upper and lower limits	Table 10.2
Upper limits of fixed and variable interest rate exposures	Table 10.3
Maximum period and counterparty limits for specified and non-specified investments	Table 11.2 & 11.3

7. That the Statement of Minimum Revenue Provision for 2022/23, as stated in paragraphs 55 to 60 of section 9 of the accompanying report is approved.
8. That no new capital proposals are allowed until:
 - the proposal has been evaluated in accordance with relevant evaluation criteria;
 - the Cabinet has confirmed affordability and compliance with the Prudential Code for Capital Finance in Local Authorities.
 - the Cabinet has considered and approved details of the proposal.
9. That, as stated in paragraph 69 of section 9 of the accompanying report, and as required by the Prudential Code, the statement of the Strategic Director (Resources) in respect of the affordability, deliverability and appropriateness of risk management arrangements with respect to the Capital Strategy is noted.
10. That the policies and strategies supporting the budget framework and contained within the accompanying report are approved.

Statutory report of the Strategic Director (Resources)

11. That as required by section 25 of the Local Government Act 2003, the report of the Strategic Director (Resources) set out in section 13 of the accompanying report in respect of robustness of the estimates is noted.
12. That as required by section 25 of the Local Government Act 2003, the report of the Strategic Director (Resources) set out in section 7 of the accompanying report in respect of the adequacy of proposed financial reserves is noted.

Statutory calculations in respect of the budget requirement & Council Tax as required by the Local Government Finance Act 1992, as amended (“the Act”)

13. That as set out in section 4 of the accompanying report it is noted that acting under delegated authority and in consultation with the Cabinet Member responsible for Finance, the Strategic Director (Resources) has calculated:
- A tax base for the Borough of Castle Point of 31,181 being the amount T required by section 31B of the Act; and
 - A tax base for Canvey Island to which a Town Council precept applies as **12,041**.
14. That the following amounts be calculated for the year 2022/23 in accordance with sections 31 to 36 of the Act:

Ref	Amount £	Item
(a)	58,028,189	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish (Town) Councils.
(b)	49,298,244	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	8,797,265	being the amount by which the aggregate at 14(a) above exceeds the aggregate at 14(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the act)
(d)	282.14	being the amount at 14(c) above (item R), divided by item T (14(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish (Town) precepts).
(e)	263,337	being the aggregate amount of the (Parish (Town) precepts) referred to in Section 34(1) of the Act.
(f)	273.69	being the amount at 14(d) above less the result given by dividing the amount at 14(e) above by item T (14(a) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

15. That the Cabinet recommends that Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2022/23 for each part of its area and for each category of dwelling. This information is included within section 14 of the accompanying report:

Special Council 23.2.2022

Castle Point Borough Council Tax 2022/23, including and excluding Town Council precept, for each of the following categories of dwelling:

Council Tax Band	Ratio in 9ths	Canvey Residents Council Tax Including Town Council	Mainland Residents Council Tax Excluding Town Council
A	6	197.04	182.46
B	7	229.88	212.87
C	8	262.72	243.28
D	9	295.56	273.69
E	11	361.24	334.51
F	13	426.92	395.33
G	15	492.60	456.15
H	18	591.12	547.38

16. To note that the County Council, the Police Authority and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area, as indicated in the table below:

Council Tax for each band	Castle Point Borough Council	Essex County Council	Essex PFCC - Fire and Rescue Authority	Essex PFCC - Policing and Community Safety	Total excluding Town Council	Canvey Island Town Council	Total including Town Council
	£	£	£	£	£	£	£
A	182.46	934.08	50.22	145.68	1,312.44	14.58	1,327.02
B	212.87	1,089.76	58.59	169.96	1,531.18	17.01	1,548.19
C	243.28	1,245.44	66.96	194.24	1,749.92	19.44	1,769.36
D	273.69	1,401.12	75.33	218.52	1,968.66	21.87	1,990.53
E	334.51	1,712.48	92.07	267.08	2,406.14	26.73	2,432.87
F	395.33	2,023.84	108.81	315.64	2,843.62	31.59	2,875.21
G	456.15	2,335.20	125.55	364.20	3,281.10	36.45	3,317.55
H	547.38	2,802.24	150.66	437.04	3,937.32	43.74	3,981.06

17. To note that, in accordance with the requirements of section 52ZC of the Act the Council has determined whether it's Relevant Basic Amount of Council Tax for 2022/23 is excessive.
18. For 2022/23, the relevant basic amount of Council Tax for Castle Point would be deemed excessive if the authority's relevant basic amount of Council Tax for 2022/23 is:
- (a) 2%, or more than 2%, greater than its relevant basic amount of Council Tax for 2021/22; and

- (b) More than **£5.00** greater than its relevant basic amount of Council Tax for 2021/22.

Ref	Amount £	Item
(a)	268.38	being the Relevant Basic Amount of Council Tax for 2021/22, excluding local precepts.
(b)	2.0%	being the percentage increase above which the Secretary of State has determined the Relevant Basic Amount of Council Tax for 2022/23 would be excessive.
(c)	273.75	being the amount above which the Relevant Basic Amount of Council Tax for 2022/23, excluding local precepts, would be excessive (rounded down to the nearest penny).
(d)	273.69	being the Relevant Basic Amount of Council Tax for 2022/23, excluding local precepts.

The Relevant Basic Amount of Council Tax for 2022/23 was therefore not excessive and the duty to make substitute calculations and hold a referendum does not apply (Chapter 4ZA of Part 1 of the Act).

51. COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Recommendations from Cabinet were presented to Council following examination by the Scrutiny Committee.

At the meeting on 26th January Cabinet considered the report on the Community Infrastructure Levy (CIL) Charging Schedule.

Arising from officer briefings to Councillors, representations were by Members that further time was required to examine the report before consideration by Council. As this was a new charging arrangement, the proposed arrangements were referred to be scrutinised by the Scrutiny Committee before a decision was taken by Council.

The Cabinet, having considered the outcomes of consultation on the draft CIL Charging Schedule agreed:

1. To note the outcomes of the consultation carried out pursuant to Regulation 16 of the CIL Regulations 2010.
2. To refer for scrutiny the following recommendation prior to consideration by Council to Scrutiny Committee: The Cabinet recommends to Council that it:
 - a. Approves the submission of the Community Infrastructure Levy Charging Schedule attached as Appendix 2 to the Planning Inspectorate for the purposes of examination in

accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and the Planning Act 2008.

- b. Authorises the Head of Place and Policy, and suitably qualified officers and consultants as he approves, to represent the Council in the examination of the Community Infrastructure Levy Charging Schedule, and undertake any work deemed necessary for that examination.
 - c. In the case that the examiner does not recommend changes to the rates proposed in the submission Community Infrastructure Levy Charging Schedule, the CIL Charging Schedule attached as Appendix 2 is Approved for publication and to come into effect. The Chief Executive and Head of Place and Policy, in consultation with the Leader and Deputy Leader, are authorised to publish and set a date on which the Community Infrastructure Levy will come into effect, as soon as is practical after the receipt of the examiner's report.
 - d. In order to enable the Chief Executive and Head of Place and Policy to implement recommendation c, they are authorised, in consultation with the Leader and Deputy Leader, to make minor editorial changes to the Community Infrastructure Levy Charging Schedule as necessary to indicate that it is the final version and will come into effect on a specified date.
 - e. In the case that the examiner does recommend changes to the rates proposed in the submission Community Infrastructure Levy Charging Schedule, require the Chief Executive and Head of Place and Policy to report back to Council on the examiners recommendations as soon as practical after its receipt, so that a further decision can be taken on the implementation of the Community Infrastructure Levy.
3. The Cabinet requests the Scrutiny Committee together with Place and Communities Policy & Scrutiny Committee to review in detail the Governance options for the expenditure of CIL monies and report back on a recommended arrangement.

A meeting of the Scrutiny Committee took place on 9th February 2022 to scrutinise the recommendation before submission to Council. A number of Members were present in addition to the Committee who took part in scrutiny of the recommendations.

In addition to the reports before Cabinet in October 2021 and January 2022, information was presented regarding progress in implementing CIL within Essex and across the country. Members received a comprehensive presentation on

CIL. Additional explanation would be provided regarding the viability assessment conclusion that different rates should be charged for Canvey Island and the mainland and information as to why care homes were not assessed to be viable to attract CIL.

Members questioned both the Head of Place and Policy and Planning Policy Manager.

The Committee decided unanimously following scrutiny to endorse the Cabinet recommendation.

Council was asked to consider the submission of the CIL Charging Schedule for examination, with the aim of getting a CIL in place as quickly and efficiently as possible.

To facilitate getting the CIL in place as soon as possible authorisations for the Head of Place and Policy were sought to implement the CIL Charging Schedule, assuming it remained unchanged following the examination process. If the examiner proposes changes a further report would be brought to Council.

The Cabinet Report explained and as highlighted to the Scrutiny Committee that the expenditure of CIL income needed strong governance arrangements to be put in place. As CIL did not become liable until developments approved after CIL is implemented commence on site, there would be a period before the Council would be in receipt of any CIL income to spend. Therefore, separate to the recommendation to Council to progress a CIL Charging Schedule, the Cabinet had asked the Scrutiny committee together with the Place and Communities Policy and Scrutiny Committee to look at the governance arrangements for spending CIL and recommend an approach which Council was asked to endorse.

A motion to defer consideration to allow a further consideration at the Scrutiny Committee was lost. A vote took place on the recommendations before Council which was CARRIED

Resolved:

1. To approve the submission of the Community Infrastructure Levy Charging Schedule attached as an Appendix to this report to the Planning Inspectorate for the purposes of examination in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and the Planning Act 2008.
2. To authorise the Head of Place and Policy, and suitably qualified officers and consultants as he approves, to represent the Council in the examination of the Community Infrastructure Levy Charging Schedule, and undertake any work deemed necessary for that examination.

3. In the case that the examiner does not recommend changes to the rates proposed in the submission Community Infrastructure Levy Charging Schedule, the CIL Charging Schedule as attached as and Appendix to this report is Approved for publication and to come into effect. The Chief Executive and Head of Place and Policy, in consultation with the Leader and Deputy Leader, are authorised to publish and set a date on which the Community Infrastructure Levy will come into effect, as soon as is practical after the receipt of the examiner's report.
4. In order to enable the Chief Executive and Head of Place and Policy to implement recommendation 3, they are authorised, in consultation with the Leader and Deputy Leader, to make minor editorial changes to the Community Infrastructure Levy Charging Schedule as necessary to indicate that it is the final version and will come into effect on a specified date.
5. In the case that the examiner does recommends changes to the rates proposed in the submission Community Infrastructure Levy Charging Schedule, require the Chief Executive and Head of Place and Policy to report back to Council on the examiners recommendations as soon as practical after its receipt, so that a further decision can be taken on the implementation of the Community Infrastructure Levy.
6. To endorse the Cabinet request to the Place and Communities Policy and Scrutiny Committee to review in detail the Governance options for the expenditure of CIL monies and report back on a recommended arrangement.

Mayor

ORDINARY COUNCIL

23rd March 2022

Subject: Questions from Member of the Public

1. Purpose of Report

To present to Council Notice of Question from Mr FA Moeller a resident to be put to the Leader of the Council received for consideration at this meeting.

Question to the Leader of the Council

I would like to ask him (the Leader of the Council) what he intends to do about the false allegations that Cllr Simon Hart made against Cllr Blackwell and myself. The Leader is fully aware of these false allegations and as far as I know nothing has been done.

ORDINARY COUNCIL

23rd March 2022

Subject: To consider business from the last Council Meeting

1. Purpose of Report

To present to Council business deferred from the last Council Meeting for consideration at this meeting.

At the last Council Meeting Councillor Mountford had given notice of the Motion set out below:

We call on the Council to stop and assess the recent announcements made by the Conservative Government and the new Secretary of State Michael Gove with regard to changes to the planning system (and take whatever action is necessary) to protect and preserve the precious green belt in our local area and reduce the housing numbers and extended the term of delivery in the emerging new local plan.

The Motion was moved and seconded but as the Motion had budget implications the Motion was deferred without debate to this meeting being the next Ordinary Council meeting for a report to Cabinet Council Procedure Rule 13 applied.

Cabinet is to consider a report on the Motion at the meeting on 16th March 2022. The report is attached as an Appendix to this report to inform debate on the Motion.

Council is invited to debate the Motion.

CABINET

16th March 2022

Subject: Report on Notice of Motion regarding the Castle Point Local Plan

Report of: Interim Chief Executive, Section 151 Officer and Head of Place and Policy

1. Purpose of Report

To set out a response to and implications of the Motion: *'We call on the Council to stop and assess the recent announcements made by the Conservative Government and the new Secretary of State Michael Gove with regard to changes to the planning system (and take whatever action is necessary) to protect and preserve the precious green belt in our local area and reduce the housing numbers and extend the term of delivery in the emerging new local plan.'*

2. Links to Council's Priorities and Objectives

The Local Plan seeks to achieve elements within each of the new Corporate Plan objectives - Economy and Growth, People, Place and Environment

3. Recommendations

That Cabinet notes the implications of the Motion and refers this report to Ordinary Council to inform debate on the Motion

4. Background

Notice of the Motion

4.1 At Ordinary Council on 24 November 2021 a Motion was submitted in respect to the new Castle Point Local Plan. The Motion as published was:

Councillor Mountford has given notice of the following:

We call on the Council to stop and assess the recent announcements made by the Conservative Government and the new Secretary of State

Michael Gove with regard to changes to the planning system (and take whatever action is necessary) to protect and preserve the precious green belt in our local area and reduce the housing numbers and extended (sic) the term of delivery in the emerging new local plan.

The Motion is to be seconded by Councillor Gibson. Note 'extended' should read 'extend.'

4.2 It was noted with the Motion that:

'As this Motion has budget implications the Motion will be deferred without debate for a report to Cabinet[.] Council Procedure Rule 13 applies. The Motion will not be dealt with at this meeting.'

The New Castle Point Local Plan

- 4.3 On 22nd October 2019 the Council agreed to proceed with the publication of the Pre-Submission Local Plan and submit the Plan for examination, following a period of public consultation.
- 4.4 The Council has a statutory responsibility to prepare development plan documents for the Borough in accordance with its Local Development Scheme, as set out in the Planning and Compulsory Purchase Act 2004 (the "2004 Act"). It also has a responsibility to ensure that development plans are kept up to date, and since January 2018, that any local plans are reviewed within 5 years of their adoption.
- 4.5 Local Plans should be prepared in consultation and engagement with the local communities and key stakeholders and in accordance with the Planning Acts and Local Planning regulations. The Town and Country Planning (Local Plans) Regulations 2012 (as amended) sets out the procedures to be followed.
- 4.6 The current Development Plan for Castle Point is the Castle Point Local Plan which was adopted in 1998. That plan ran to 2001 and was prepared prior to the 2004 Act, which established the 'new style' local plan based on a local development framework.
- 4.7 The 2004 Act did allow for local planning authorities with recently adopted 'old-style' local plans to save policies, which met the objectives of national policy at that time. In 2007 the Council saved some of the Policies in the 1998 Local Plan.
- 4.8 The Council is currently in a position of not having an up-to-date local plan in place. National policy changed in 2012 with the National Planning Policy Framework, and an out-of-date Local Plan puts the Council at risk of not be able to defend against inappropriate development, including on appeal.
- 4.9 On adoption of the new Local Plan it will replace with immediate effect the existing Local Plan (1998 – saved 2007). It will, with the Essex and Southend waste Local Plan and the Essex Minerals Plan, be the development plan for the Borough.

- 4.10 Planning law requires that planning applications must be determined in accordance with the development plan unless there are material considerations that justify otherwise. The material considerations must be justifiable in planning terms. With a new local plan in place, maximum weight is available for the Council to defend against inappropriate development.

The Inspectors Report

- 4.11 A fuller account of the Examination progress was set out in Item 11 at the Council meeting on 24 November 2021. This report updates members on the conclusion of the examination with on 3 March 2022 the receipt and publication of the Inspector's report. In paragraph 220 of his Report, the Inspector, Mr Philip Lewis, concluded that:

'The Council has requested that I recommend MMs [Main Modifications] to make the Plan sound and/or legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the New Castle Point Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.'

The Examination

- 4.12 The draft Local Plan, together with a comprehensive set of supporting documents, was submitted to the Secretary of State on 2nd October 2020. The examination of the Plan started with the submission and the appointment of the Inspector.
- 4.13 Mr Phillip Lewis was appointed as the Inspector to examine the Plan in accordance with the regulations and procedures. The Inspector is appointed by the Planning Inspectorate and is independent of the Council and the government.
- 4.14 The Inspector is required to examine the Plan as submitted: in this case, the same plan approved by Council in October 2019. He is required to consider whether the submitted plan is sound, and if necessary, make modifications to the plan to ensure its soundness and ask the Council to consult on those modifications.
- 4.15 The examination of plans is designed to test the soundness and ensure legal compliance. As set out in paragraph 35 of the National Planning Policy Framework (NPPF), Plans are 'sound' if they are:
- 'a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*

- c) *Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
 - d) *Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.'*
- 4.16 In the examination, the Inspector is guided by all of the material submitted and national policy that is relevant and extant at the time of the examination.
- 4.17 As part of his examination of the Plan, the Inspector held hearings between 11th May 2021 to 29th June 2021.
- 4.18 The Inspector's Post Hearing letter was received on 29th September 2021 – see **Appendix One**. The Inspector's letter is not his final report, and the plan remains in Examination until his final report has been published.
- 4.19 The Inspector concluded in paragraph 2 of his letter that:
- 'Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound.'* He further stated in that paragraph that he *'will set out my reasoning for this in my final report.'*
- 4.20 The Inspector reserves his final decision on the legal compliance and soundness of the Plan to his final report as he will want to consider representations made to the main modifications. He has called upon the Council to prepare the main modifications for public consultation. The Main Modifications had been agreed with the Inspector.
- 4.21 The Council noted the modifications on 24 November 2021, and consultation started on 10 December 2021. After the end of the consultation (4th February 2022) on the main modifications and associated documents and his consideration of representations made, the Inspector issued his final report on 3 March 2022.
- 4.22 The receipt and publication of the Inspector's report drew his examination to an end. It is not the intention of this report to consider the Inspector's report and a decision to adopt the plan or not. This is a matter for ordinary Council and will be subject to a separate report.

5 Report

- 5.1 Any Motion to Council that could impact on progression of a Local Plan has serious implications for the Plan, planning policy, decision making and the reputation and finances of the Council.
- 5.2 It is not the purpose of this report to set out what a new local plan would be if the proposed motion was adopted as the basis of a future planning strategy – that would require significant investment in time and resources and be subject

to further reports. However, this report will address the implications of the Motion.

The Motion

- 5.3 The Motion before Council is:

'We call on the Council to stop and assess the recent announcements made by the Conservative Government and the new Secretary of State Michael Gove with regard to changes to the planning system (and take whatever action is necessary) to protect and preserve the precious green belt in our local area and reduce the housing numbers and extended (sic) the term of delivery in the emerging new local plan.'

- 5.4 This Motion as drafted suggests that the Council should stop or extend (pause) the plan making process to do three things:

- a) Assess the recent announcements by the Government on changes to the planning system;
- b) Protect the Green Belt; and
- c) Reduce the housing numbers

This report takes each in turn.

- 5.5 Section 23 of the 2004 Act sets out the legal framework for adopting a plan. It allows the Council to adopt the plan as submitted (if sound) or with the modifications recommended by the Inspector to make the plan sound. The only other modifications that can be made are *'additional modifications [which] (taken together) do not materially affect the policies that would be set out in the [local plan] document.'*

- 5.6 The proposal in the motion to protect the Green Belt from development and reduce the housing numbers would materially affect the policies in the plan, and, therefore, cannot be made to the New Castle Point Local Plan.

Stop or extend the plan making process to assess the recent announcements by the Government on changes to the planning system

- 5.7 The Planning Acts provide primary legislation as the backdrop for the making of government policy. The principal planning act is the Town and Country Planning Act 1990 and for plan making the Planning and Compulsory Purchase Act of 2004 ("the 2004 Act"). Although some parts of that Act have been superseded by other legislation, the provisions of that Act generally remain in place.

- 5.8 Under the 2004 Act and the associated Regulations, it is not the purpose of an examination to allow the local planning authority to rethink its strategy or promote an alternative strategy to the submitted Plan. Once a plan has been submitted, substantive changes can only be made to it if the Inspector thinks they are necessary to achieve soundness or to secure legal compliance. A Council has a limited power to promote 'additional modifications' but these only

relate to minor or consequential matters and cannot include substantive changes to policies or proposals.

- 5.9 Procedurally, the course of an examination is a matter for the Inspector. Only the Inspector can 'pause' an examination. Given the purpose of an examination (as outlined above), if the Inspector has been able to conclude that the Plan (with modifications) is 'sound' and that he is therefore in a position to complete his examination, it is hard to see why he would agree to 'pause' the examination. A 'pause' that is not needed for 'soundness' or legal compliance reasons would, from the Inspector's perspective, serve no purpose but would simply delay the Plan and the completion of the examination. Once the Inspector's final report has been issued (which it has been), the examination is at an end and the Inspector no longer has any powers to exercise.
- 5.10 With regard to statements made by the Prime Minister or Secretary of State, national planning policy is set out in the National Planning Policy Framework - <https://www.gov.uk/government/publications/national-planning-policy-framework-->. This was first published in 2012, and has been updated three times since, most recently in 2021 (in response to which the Inspector held a consultation in August 2021 on whether there were any implications for the Plan). The Council was asked by the Inspector to review the Plan against the changes to the NPPF. The response was published in August 2021 - <https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjm4n6213.pdf&ver=10045>.
- 5.11 The NPPF is the primary source of government planning policy and paragraph 35 is clear that plans are sound if they are '*d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*' Therefore, the Inspector must consider the plan against the prevailing national planning policy.
- 5.12 In addition to the NPPF, the government publishes Planning Practice Guidance notes (PPGn). These are not generally policy but provide advice on how policy should be implemented. There are total of 57 PPGn on a wide range of subjects including many procedural matters - [Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/planning-practice-guidance). The Inspector will consider these in his examination of the Plan.
- 5.13 In August 2020 the Government published for consultation a White Paper called the Future of Planning - <https://commonslibrary.parliament.uk/research-briefings/cbp-8981/>.
- 5.14 That White Paper proposed changes to the planning system. It was reported to Cabinet on 21 October 2020 (Minute No. 2020/135) - <https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjm4n5370.pdf&ver=8810>
- 5.15 The Planning White Paper is not government policy. It has not featured in the examination, although some elements in respect of beautiful places have been included in the latest version of the NPPF 2021, and these were a consideration for the Inspector as set out in paragraph 5.11 above.

- 5.16 Statements made at party conferences are not government policy. At the Conservative Party Conference on 6 October 2021 the Prime Minister said on housing in his speech:

‘to build the homes that young families need in this country, not on green fields, not just jammed in the South East, but beautiful homes on brownfield sites, in places where homes make sense’

- 5.17 The reference to ‘*not on green fields*’ may suggest a potential future change in government policy, but the statement does not, in itself, change policy.
- 5.18 There is no disputing that both the Secretary of State and Housing Minister have made statements which reiterate support for protecting the Green Belt and how housing needs should be met. However, these are not policy statements and, therefore, not policy.
- 5.19 The motion also refers to the forthcoming ‘changes to the planning system’ or planning reforms.
- 5.20 Both the Secretary of State and Housing Minister have been clear that plan preparation should not be stopped pending planning reforms. This complies with current plan making policy and regulations. Indeed, the Housing Minister has recently written to Welwyn Hatfield Council, following a request for clarification from that Council’s Cabinet, stressing the importance of getting an up-to-date local plan in place <https://one.welhat.gov.uk/localplanresponse>.
- 5.21 In a letter dated 18 November from the Housing Minister to the Leader of Welwyn Hatfield Council, the Minister said:

‘In relation to future changes to the planning system, an announcement on our proposed way forward for the planning reforms will be made in due course. In the meantime, local authorities should continue work on meeting the deadline the Government has set to have an up-to-date local plan in place by the end of 2023...

Local Authorities are more at risk of appeals and speculative planning applications being successful if they do not have a Local Plan setting out an up-to-date housing requirement, as the presumption in favour of sustainable development applies. The latest Housing Delivery Test results show that the majority of those Local Authorities delivering 75% or less of the housing they need, have a plan over 5 years old at the time of results publication – this underlines the importance of having an up-to-date plan and proactively supporting development in a plan-led way. An out-of-date Plan puts local residents at risk.’

As a consequence of the letter, Welwyn Hatfield Council have recommenced progression of their local plan.

- 5.22 The Housing Minister made similar comments (paragraph 3 in the text below) in a Parliamentary debate at Westminster Hall regarding the Green Belt in Hertfordshire and national planning policy (on 23 November 2021). The Minister said:

‘We believe that the green belt is vital for preventing urban sprawl from towns and cities—it helps stop the advance of developments on to precious countryside—and national planning policies deliver strict protections for the green belt along with strong safeguards against development and changes to boundaries. Any proposals to release land from the green belt are subject to consultation with local people followed by a rigorous and independent examination of the revised local plan by a qualified planning inspector...

Let me reiterate that green-belt land can change only in exceptional circumstances and that must be done in accordance with the NPPF and the local plan process, in consultation with local people, followed by rigorous examination of the revised plan. That is why the NPPF provides for two tests in safeguarding the green belt. The first prevents local authorities from changing a green-belt boundary unless there are exceptional circumstances and they have shown that they have examined every other option—using brownfield land, optimising the density of development and discussing whether neighbouring authorities can take some of the necessary development...

The challenge for all authorities, however, is to get an up-to-date plan in place. We might say that, in the land of no plan, the local housing need number is king. If there is no set number in an up-to-date local plan, it is quite possible for developers to submit speculative development applications to local authorities. The local authorities may choose to turn them down, but if they have no number in their plan, the local housing need number is the default that the Planning Inspectorate will look at. It is entirely possible that the Planning Inspectorate will overturn refusals sent down by local authorities that do not have up-to-date plans or targets, and will instead look at the local housing need target. It is incumbent on local authorities that wish to protect their communities and avoid speculative development to get up-to-date plans in place.’

<https://hansard.parliament.uk/commons/2021-11-23/debates/A1816F84-64EE-41F6-8900-70938C91E88A/HertfordshireGreenBeltNationalPlanningPolicy>

- 5.23 There is no set timetable for the introduction of planning reforms. There has been speculation that the reforms set out in the Future of Planning White Paper will be changed. The Government has yet to publish their response to the public consultation on the White Paper. Therefore, it would be inappropriate in this report to speculate on what might happen. At the appropriate time a report will be made to Council through Cabinet on the reforms and the implications for local planning policy.
- 5.24 It should be noted however, that the Government intend to introduce a Planning Bill as set out in the Queen’s Speech on 11 May 2021:

*‘My Government will help more people to own their own home whilst enhancing the rights of those who rent. **Laws to modernise the planning system, so that more homes can be built, will be brought forward**, along with measures to end the practice of ground rents for new leasehold*

properties [Planning Bill, Leasehold Reform (Ground Rent) Bill].’ (report authors emphasis)

- 5.25 If this Bill is a new Town and Country Planning Act it will have to go through full law-making procedures in Parliament. There is currently no draft Bill and therefore no timetable for its introduction and target date for coming into effect.
- 5.26 It is important for members to note that the Inspector has not asked the Council to respond to these statements by the Prime Minister, Secretary of State or ministers or on the planning white paper.
- 5.27 The Council must prepare the plan in accordance with the timetable set out in its Local Development Scheme. The LDS, which was approved by Cabinet in November 2021 (Minute No. 2020/144) sets out the timetable for the preparation of the Plan and at that time anticipated adoption by the end of 2021.
- 5.28 There has been a delay in the progress of the Plan since that LDS due to various circumstances including a delay in the appointment of the Inspector; a break in the hearings sessions; the four week consultation on the revised NPPF; and a three week period between the writing and publication of the Inspector’s letter.
- 5.29 The Inspector indicated in his letter that adoption could feasibly be towards the end of winter 2021/22.
- 5.31 The Inspector’s report has been received and published, so the next decision for the Council is on whether to adopt the Local Plan. Given that the planning reforms have not been published such a decision will be made before they come into effect.
- 5.30 Consequently, a delay risks the Council not being able to meet its obligations to have a plan in place in accordance with a revised LDS and with the timetable suggested by the Inspector.
- 5.31 Furthermore if the Council was to pause the plan pending the implementation of the planning reforms, given the above, it is highly unlikely that a plan would be adopted by the end of 2023, which was the deadline the Government put in place in March 2020 for all local planning authorities to have an up-to-date local plan in place. This was restated by the Housing Minister in a Written Ministerial Statement in January 2021 - <https://questions-statements.parliament.uk/written-statements/detail/2021-01-19/hcws720>
- 5.32 The Housing Minister wrote to Basildon Council in response to the, then, proposed motion to withdraw the draft Basildon Borough Local Plan (https://www.basildon.gov.uk/media/11045/Correspondence-letter-to-Basildon-Council-from-the-Minster-of-State-for-Housing/pdf/Cllr_Baggott_correspondence.pdf?m=637819218763330000) He stressed the importance of having an up-to-date local plan in place but also the implications of not doing so:

‘Having an effective, up to date plan in place is essential to planning for and meeting housing requirements; in ways that make good use of land and result

in well-designed and attractive places to live. The Government's priority for getting up-to-date plans in place by the end of 2023 has not changed.

The Basildon Local Plan was adopted in 1998, with subsequent alterations in 1999 and accordingly Basildon have not had a plan under the 2004 Planning Act. The then Secretary of State wrote to the Council in 2017 regarding potential local plan intervention based on the intervention priorities set out in the 2017 Housing White Paper. Following the Secretary of State's letter, considerable progress has been made in preparing a plan, culminating in it being submitted for examination in 2019. It is, therefore, very disappointing, having reached this advanced stage of plan preparation, that the Council is now considering withdrawing the emerging Local Plan.

I note that the Council will be considering a report which sets out the details of the implications of any decision to withdraw the plan from examination. If the plan is withdrawn it will take some time to ensure an up-to-date plan is put in place. Not having an up-to-date plan puts Basildon at more risk of appeals and speculative development. An out-of-date plan can result in development being built on a speculative basis with no coordination and limited buy in from local people.

If the Council decides to withdraw the plan at the Extraordinary Full Council meeting on 3 March, I will ask my officials to carefully monitor your progress on preparing a new local plan. Given my continued commitment to ensuring up-to-date local plans are in place, I must remind the Council that the Government remain prepared to intervene where local authorities fail to make sufficient progress in accordance with the existing statutory powers in the Planning and Compulsory Purchase Act 2004. I will carefully consider all appropriate action using available statutory powers, including whether to direct with regard to the local development scheme and inviting the County Council to prepare a local plan for Basildon.'

- 5.33 The Motion suggests that the plan making process should be stopped or paused. As set out above the recent statements by the Prime Minister and Secretary of State are not national policy and the Inspector has not asked the Council to comment or review any aspect of the plan. But it is also clear that the Secretary of State and Housing Minister want Plans in preparation to proceed in accordance with the current regulations, national guidance, and local development schemes.
- 5.34 Not having an up-to-date local plan or a lengthy delay is a very significant risk to the Council. This is something that the Inspector comments on. The Authority Monitoring Report is clear that housing delivery remains below 50% of the target and the Council is failing the Housing Delivery Test. This puts the borough at risk of continued inappropriate speculative development including within the green belt, and results in a small number of affordable homes being built. The Council will struggle to secure infrastructure investment without a clear plan which provides justification for such investment.
- 5.35 Crucially, planning law requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. This priority for plan-led decisions means that the Council has the greatest control

over decision making and the highest level of influence when working with developers to ensure that developments comply with policies and the requirements in the site allocations.

- 5.36 Without an up-to-date local plan the level of control the council has over development is diminished and there will be a real risk that developers will erode compliance with the Council's requirements. Officers will do everything they can to avoid that, but they cannot stop a developer from submitting a planning application, or the determination of that application and any subsequent appeal. An up-to-date plan with a five-year supply of land and needs shown to be met, provides the most important tool the Council needs to defend against inappropriate development in the borough.
- 5.37 In addition, the absence of a plan causes greater uncertainty for developers, which creates delays, impacts on viability and therefore weakens the ability to secure infrastructure and affordable homes.
- 5.38 Each year of delay adds another year of unmet need to the housing target, and with so few affordable homes being built, it also means that tackling homelessness and reducing the Council waiting list is not possible.

Protect the Green Belt

- 5.39 The protection against inappropriate development within the green belt is at the heart of national planning policy on Green Belt. Section 13 of the NPPF on Protecting the Green Belt defines what is appropriate development in the Green Belt; as well as the purposes against which harm to the green belt is assessed, the need to define boundaries and to review them if required in exceptional circumstances; and the very special circumstances for allowing inappropriate development in the Green Belt.
- 5.40 National policy, in the NPPF, on Green Belts allows for changes to Green Belt boundaries to be made in exceptional circumstances and through local plans. This is not recent as the previous Planning Policy Guidance 2 on Green Belts included the same allowance but the NPPF now gives clearer guidance on how the exceptional circumstances test should be applied.
- 5.41 The Inspector has concluded that the Council has been legally compliant in this regard and that the housing strategy and spatial strategy is sound subject to main modifications. The Inspector has also concluded that the Council has met the tests in paragraph 141 of the NPPF with regard to whether exceptional circumstances for removing land from the green belt have been demonstrated.
- 5.42 The Government is clear that the Green Belt is a constraint to development – this has fundamentally been its purpose. It is also a constraint when setting locally assessed need. Where there is unmet need – i.e. need which cannot be met within unconstrained areas then the local planning authority will have to demonstrate where that need will be met. This is what the 2016 Plan sought to do, but the Council was unable to demonstrate that the need would be met elsewhere.

- 5.43 In preparing the plan a sequential approach was taken to identify how the need for the borough could be met. This involved, in order, consideration of:
- 1) extant planning consents, irrespective of location;
 - 2) any unimplemented allocations from the 1998 Plan (all within the urban areas);
 - 3) a capacity assessment of urban areas and any urban sites identified by landowners as available in successive call for sites and assessed as suitable in the strategic housing land availability assessment;
 - 4) a windfall assessment; and if required, and it was
 - 5) sites within the green belt which passed various assessments into their suitability including a two-stage green belt review.
- 5.44 In addition, the Council has a legal duty to engage with nearby local planning authorities – Duty to Cooperate (DTC) (see Section 33A of the Planning and Compulsory Purchase Act 2004 (inserted as a consequence of the Localism Act 2011) - <https://www.legislation.gov.uk/ukpga/2004/5/section/33A>
- 5.45 Government guidance on plan making - <https://www.gov.uk/guidance/plan-making#statutory-duty-and-the-role-of-plans> – requires that as part of the statutory Duty to Cooperate statements of common ground should be prepared, which in the case statements agreed between local planning authorities includes consideration of:
- ‘f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;’*
- 5.46 Unmet need, in the case of Castle Point, is need that cannot be accommodated with urban areas. No nearby local authorities agreed to accept unmet need from Castle Point. Indeed, the Council has had similar requests from other authorities (which have been rejected), which indicate that other authorities are unlikely to meet their own needs within urban areas. This is borne out by other local plans in South Essex also releasing Green Belt land for new development, as have many Green Belt authorities throughout the country.
- 5.47 If the motion is carried and the future planning policy strategy of the Council in a new local plan is to *‘take whatever action is necessary to protect and preserve the precious green belt in our local area’* then that plan will not be able to promote any development sites within the Green Belt, whether they be those proposed in the current Plan or new sites, such as North West Thundersley.
- 5.48 The effect of the motion will be that a future local plan will need to set out how housing need will be met within the non-green belt area – i.e. the urban area.
- 5.49 Policy HO1 of the new plan, proposes some 5,510 new homes (net) during the plan period. Of these broadly 45% are within the existing urban areas. This includes completions since 2018 and sites with planning permission. But with limited urban capacity, the plan proposes 2,960 new homes outside of urban areas to meet the identified need. The Inspector was clear in paragraph 53 of his report that this strategy is appropriate:

'With regard to paragraph 11(b)I, footnote 7 of the NPPF lists the policies that protect assets or areas of particular importance. Having regard to the evidence before me, which includes the SA, the HRA, the Green Belt Review, the Strategic Flood Risk Assessments and results of the sequential and exceptions tests, and Heritage Impact Assessments and archaeological evaluation report, I conclude that the application of policies in the NPPF that protect areas or assets of particular importance do not provide a strong reason for restricting the overall scale, type or distribution of development in the Plan area as a whole.'

- 5.50 There is insufficient land in urban areas to meet the identified need. The Council could adopt an urban intensification strategy which means significantly higher density development on the limited number of urban sites and high-rise development. However, this not only imposes risks on viability (and consequently affordable housing and infrastructure provision) but also could result in a disproportionately high level of flatted development which may not meet the housing mix needs of the borough.
- 5.51 Alternatively and potentially in addition, the Council would have to consider urban open spaces for development. Current local planning policy, and that in the New plan, and the NPPF seeks to protect such open spaces.

Reduce housing numbers

- 5.52 The implications of reducing housing numbers are to some extent set out above.
- 5.53 In addition, if the Council was to prepare a local plan that sought to reduce the housing numbers then it will need the most robust evidence. It cannot rely on unmet need being met elsewhere. Therefore, it will need to challenge as a starting point the standard methodology calculation.
- 5.54 Government guidance on how to assess local need is set out in the 'Housing and economic needs assessment' PPGn - <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>
- 5.55 This sets out how the standard methodology is calculated. Whilst the guidance states that the standard methodology is not mandatory, it is also clear that it is the starting point. The NPPF states in paragraph 61:

'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.'

- 5.56 The Council has already determined what an appropriate level of housing is needed, factoring in a wide range of issues including demographic growth, housing aspirations, tackling homelessness and waiting lists, and general affordability. These factors form part of a Strategic Housing Market Area Assessment (SHMA).
- 5.57 Castle Point is within the South Essex SHMA area. SHMAs should be based on market housing areas rather than simply district boundaries. People do move locally between districts and changes in property prices and supply and demand have impacts across boundaries.
- 5.58 The SHMA used as evidence to support the Local Plan, was the South Essex Strategic Housing Market Area Assessment 2017 (<https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjjm4n5184.pdf&ver=8611>) and the update in 2018 (<https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjjm4n5186.pdf&ver=8613>)
- 5.59 The SHMA is an independent assessment that can be used to challenge the standard methodology. Using the same baseline population and household projections as is currently used by the standard method it concluded that the housing need for Castle Point was 311 dwellings per annum. Over a 15-year period this equates to 4,665 new homes which is in excess of the assessed urban capacity, unless the Council adopts a policy of urban intensification and high-density development. Otherwise, pressure will remain to develop green belt sites.
- 5.60 Local plans should provide a buffer between need and allocations to take account of any non-delivery of sites (which will count towards future supply targets) and therefore, the difference between identified need and allocated site numbers was acceptable to the Inspector.
- 5.61 If the housing numbers were reduced to protect the green belt, based on current urban capacity assessments the annual target will be about 200 per annum (between 2018 and 2033). Members must note that delivery against even this target has underperformed in recent years and the difference between the target and actual homes is added to the future requirements. In addition, if the unmet need cannot be accommodated elsewhere it is unlikely that this figure will be found sound.
- 5.62 Furthermore, simply reducing numbers without evidence is neither logical nor legally compliant.
- 5.63 The problem of the supply of affordable housing is a combination of insufficient new homes being built (no new affordable homes were built by private developers and housing associations in 2021) and without an increase in the supply of land, viability.
- 5.64 Table 6.1 in the Castle Point Local Plan and CIL Viability Assessment 2020 - <https://www.castlepoint.gov.uk/download.cfm?doc=docm93jjjm4n5157.pdf&ver=8584> – clearly details the difference in viability between greenfield and brownfield sites for various housing types. In some instances, development is

showing as not being viable on Canvey Island. This means that securing affordable housing is even more at risk on brownfield sites.

- 5.65 In addition, where brownfield sites are re-used for new homes paragraph 64 of the National Planning Policy Framework introduces vacant building credit, which means that affordable housing can only be secured on additional floorspace created and not the total floorspace, again reducing the supply of affordable homes that can be achieved from such sites.
- 5.66 There is no suggestion in the motion as to what the reduced housing numbers target will be. A full assessment of options will be needed if the motion is carried. The options will need to include the existing local plan.

6 Implications

Alternative strategy

- 6.1 The preparation of a new local plan is one of the most significant pieces of work that a local authority does. Local plan preparation is resource and time intensive.
- 6.2 Members must note that there are powers of intervention invested in the Secretary of State under Section 21 of the Planning and Compulsory Purchase Act 2004. These can be found at: <https://www.legislation.gov.uk/ukpga/2004/5/section/21>. These are discussed below but, in simple terms, the Secretary of State has default powers to approve a plan even if a local planning authority is unwilling to adopt it.
- 6.3 The Motion is proposing alternatives which are fundamentally different to the plan (i.e. no loss of green belt and reduced housing numbers).
- 6.4 A Local Plan that is submitted for examination is the local plan that a council wants to be examined and if found sound and legally compliant, with or without modifications, the Plan a Council wishes to adopt.
- 6.5 The Council is in receipt of and published the Inspector's report.
- 6.6 The Inspector had considered representations against the plan and whether the Council has adequately considered alternatives. On the latter point he is satisfied the Council has. He concluded that the plan, with the recommended modifications is legally compliant and sound.
- 6.7 Once the Inspector's report has been issued, the Council cannot change the Plan (as modified by the Inspector) or request the Inspector to do so.

Not progressing the Local Plan

- 6.8 The powers of the Secretary of State are set out in Section 21 is sub-section 4 of the 2004 Act:

'At any time before a development plan document is adopted by a local planning authority the Secretary of State may direct that the document (or any part of it) is submitted to him for his approval.'

- 6.9 In order for the Secretary of State to use his powers under Section 21 he will need to be aware of the risk of a sound plan not being adopted. That can be done in writing from anyone, including the Council, Cabinet, members of the public or landowners/developers.
- 6.10 If the Secretary of State decides to use section 21(4) and the Plan is submitted to him for his approval, the Council will not be able to take any more decisions on the plan, unless that direction is withdrawn by the Secretary of State. This includes adopting the Plan.
- 6.11 There is a precedent in Essex of the Secretary of State approving a plan. In July 2017 the Secretary of State approved the Maldon Local Development Plan. The Plan came into effect on the day of his approval letter and the Council did not vote to adopt the plan.
- 6.12 Secretary of State approval of a local plan is not something that is to be taken lightly. For the Council it indicates that there is a failing in the ability of the Council to adopt a plan. For the Secretary of State, although the powers exist, it is seen as imposing on local decision making.
- 6.13 The Secretary of State now knows the outcome of the examination process prior. A pause for an unknown period of time to await planning policy reforms and any new planning strategy that might then be put forward, would imply a significant delay to the plan's adoption, and the Secretary of State may regard such delay as unsatisfactory and could trigger call-in. Also, a proposal by the Council to withdraw the plan could also prompt the Secretary of State to intervene (as he did in South Oxfordshire in 2020).

Appeals

- 6.14 During plan preparation a critical factor in demonstrating whether a site is developable, or deliverable is through discussion with prospective landowners and developers. The Council has established the Local Plan Delivery Board as a discussion forum to ensure that developers submit planning applications that accord with the Plan and can deliver, inter alia, the necessary infrastructure, highest quality standards and affordable housing.
- 6.15 In the event that the plan is delayed or not adopted, it is highly likely that the developers will continue with the preparation and submission of planning applications. Without an up to date local plan, there is a risk that the Council would decide to refuse planning permission. Developers will contend that there are very special circumstances to grant planning permission and appeal a decision to refuse.
- 6.17 The evidence that informed the current plan remains valid, as are the conclusions in the Inspector's report. The Inspector has examined the plan using this evidence and is satisfied that the evidence supports the plan and its soundness. Whilst the weight attributed to an Inspector's conclusions does not

hold the same weight as an adopted plan, in the absence of an adopted plan and no five-year land supply, there is a risk of the evidence being used successfully by developers on appeal.

7 Financial Implications

- 7.1 The costs to date of the plan preparation are about £1.4 million, this includes the costs of the examination and the Inspector's report.
- 7.2 Should the local plan not be adopted and a new plan prepared; the Council will have significant costs to fund. The costs of doing so would be determined to a large extent by the policy direction the Council wish the Plan to take. If the plan is significantly different to the current plan, which the motion suggests, most of the evidence would have to be reviewed with new evidence produced that takes account of the alternative approach. It is not possible to say what the estimated costs would be but the £1.4 million cost to date is a guide.
- 7.3 In addition, a delay in the plan's adoption (and not having an up-to-date local plan in place), would lead to the increased risk of appeals, whether on sites allocated in the plan or speculative development elsewhere. The cost risks would relate to the costs the Council would incur in defending decisions and possibly developers' costs awarded against the Council. Whilst there will be an increase in fee income should major applications be submitted, the net effect of that income would be substantially reduced or fully eradicated by the potential appeal costs.
- 7.4 Every year, the Council's Section 151 Officer (Strategic Director, Resources) is required under section 25 of the Local Government Act 2003 to report on the adequacy of the proposed financial reserves, and this is done within the Policy Framework and Budget Setting Report.
- 7.5 Whilst a very small amount is allowed for as a provision for planning appeals, that envisages only the typical 'business as usual' type appeals rather than appeals on larger sites 'allocated' or speculative development on non-allocated sites.
- 7.6 Consequently, if the Council does not have the reserves earmarked to meet an increase in appeal costs or the cost for an immediate review of the local plan, any significant use of the reserves could result in the Section 151 determining the proposed financial reserves are inadequate.
- 7.7 With reserves unavailable to fund the estimated costs, the Council would instead need to find new savings in order to balance the budget. Service areas have already, as part of the 2023/24 budget process, been tasked with identifying savings so that the existing budget gap of £1.3m (as reported in the Policy Framework and Budget Setting for 2022/23 report) can be closed.
- 7.8 This is against the backdrop of the Council having already found permanent savings over several recent years to match the reduction of Government funding. There remain no easy or inconsequential options

- 7.9 The Council has a legal requirement to set a balanced budget, with a risk of significant Government intervention if there is or, in the opinion of the Section 151 officer, is likely to be an unbalanced budget.

8. Corporate Implications

(a) Financial Implications

These are set out in a main report

(b) Legal Implications

The Council has a statutory duty to prepare and maintain an up-to-date local plan. Sanctions of intervention are included within the Planning Acts as set out in the main report.

The report also highlights the implications for decision making, appeals and ability to secure necessary infrastructure and affordable housing. In defending appeals, the Council may need legal representation.

There is also a risk of judicial review into any decision by the council to stop and significantly change the plan's strategy at this late stage, or at a future date withdraw the plan.

(c) Human Resources and Equality Implications

Human Resources

Work on the Castle Point Local Plan has been undertaken by a small but dedicated team of professional officers. Receipt of the Inspector's letter which finds the Plan sound, means that officers have succeeded in their responsibilities handed down by the Council in October 2019.

A Motion to not proceed with that plan will have a very significant impact on the morale of those officers, and other officers in the Council. It will make decision making and the ability to continue to defend council decisions on appeal harder.

It is likely that should applications on sites allocated in the draft plan result in appeals, the Council will need to employ consultants to represent the Council at those appeals. Officers who represented the Council in support of the plan will be precluded from arguing against the development of the same sites by the RTPI Code of Ethics and Professional Standards (rtpi.org.uk).

Preparing a new plan will require new staff. The new plan will need to be adopted by the end of December 2023, to meet the Government's deadline. This is less than two years away. In response to the decision to withdraw the Plan, the Housing Minister advised Basildon Council that he may consider intervention, unless progress is made towards a new plan.

It will be more difficult for the Council to attract new professional staff, and retain existing staff, if the uncertainty of the local plan remains.

Should the Council be in the position of needing to find new savings to fund the costs shown in paragraph 7.1 above, it is likely that a reduction in services will be required.

Equality Implications

The Local Plan is subject to an equalities impact assessment at each stage and the latest version of the assessment was presented to Council on 24 November 2021.

(d) IT and Asset Management Implications

The Local Plan includes green belt releases of two parcels of land owned by the Council: the Former WRVS site in South Benfleet and land to the east of Kings Park Village.

8. Background Papers

As highlighted in the report

Report Author:

Ian Butt – Head of Place and Policy
Lance Wosko – Manager of Financial Services

**CASTLE POINT BOROUGH COUNCIL
ELECTION OF BOROUGH COUNCILLOR
IN ST. PETER'S WARD OF THE BOROUGH
24TH FEBRUARY 2022
REPORT OF THE RETURNING OFFICER**

As Returning Officer I have pleasure in submitting the following report on the result of the Borough Council By-Election held on 24th February 2022, as follows: -

(a) Result

The number of votes for each candidate was as follows: -

St Peter's Ward	
DIXON, Michael	502 Elected
EMBERSON, William, Frederick	178
WOODLEY, John, Charles	439

Turnout 22%

**Ann Horgan
Returning Officer**

ORDINARY COUNCIL

23rd March 2022

Subject: Amendment to Terms of Reference to the Audit Committee and Appointments to Committees

1. Purpose of Report

- 1. To seek approval amend the Terms of Reference of the Audit Committee to approve the audited Statement of Accounts.**
- 2. To receive a report on changes to membership of Committees following the By-Election on 24 February 2022.**

2. Links to Council's Priorities and Objectives

This report is linked to all the Council's priorities. 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

- 1. To amend the Terms of Reference of the Audit Committee as follows**
 - To examine and consider the financial outturn results and approve the Council's audited Statement of Accounts.**
- 2. To note the changes to the membership of the Committees**

4. Background

At present approval of the Statement of Accounts is a matter reserved for Council. The audit of the Statement of the Accounts for the financial year 2020/21 has been rescheduled twice and is now to be completed by the end of this month March.

Audit Committee is due to meet on Thursday 28th April (the meeting has been rearranged from 27th). Usually, the committee would consider and examine the financial results before the accounts were submitted to Council which takes place shortly after.

It is not unusual for the adoption of the Statement of Accounts to be delegated to the Audit Committee. Southend on Sea City Council with whom this Council's Internal Audit service is shared deal with approval and adoption of the Statement of Accounts through their Audit Committee.

5. **Proposal**

In order to complete the Audit process for the Statement of Accounts promptly this year and beyond, Council is requested to vary the Term of Reference of the Audit Committee to examine and consider the financial outturn results and approve the Council's audited Statement of Accounts.

6. **Committee Changes**

As a result of the By-Election there is no change to the political balance of the Council which remains as follows:

Party	Seats	Proportions for allocation purposes
Conservative	21	51% (51.21%)
Canvey Island Independent	16	39% (39.02%)
People's Independent Party	4	10% (9.75%)

The Leader of the Council is to report on changes to the membership of Committees.

7. **Corporate Implications**

(a) **Financial Implications**

Absorbing approval of the Statement of Accounts within the business of the Audit Committee will avoid the requirement for a formal meeting of the Council and associated costs.

(b) **Legal Implications**

The Council is required to have an external audit of its activities that complies with the requirements of the:

- Local Audit and Accountability Act 2014
- National Audit Office's 2020 Code of Audit Practice
- Statement of Responsibilities issued by Public Sector Audit Appointments (PSAA) Ltd
- International Auditing Standards and other professional requirements.

(c) **Human Resources and Equality Implications**

None to be addressed by this report.

(d) **IT and Asset Management Implications**

None to be addressed by this report.

7. **Timescale for implementation and Risk Factors**

Dealt within the report.

8. **Background Papers**

Report Author: Miss Ann Horgan Head of Governance

ORDINARY COUNCIL

23rd March 2022

Subject: Report from Staff Appointments Panel

1. Purpose of Report

To report on progress regarding the appointment of a permanent Chief Executive Head of Paid Service and seek approval to increase the membership of the Panel to seven members to ensure that there is continuity in dealing with the appointment of a permanent Chief Executive over the forthcoming Elections.

2. Links to Council's Priorities and Objectives

The appointment of the Head of Paid Service is not linked to a Council Corporate Priority. The Council has a statutory duty to appoint a Head of the Paid Service, who has overall corporate management and operational responsibility for the Council. That position is carried out within the Council by the post of Chief Executive. Section 4 Local Government and Housing Act 1989.

3. Recommendations

To appoint two additional members to the Staff Appointments Panel (one from the Conservative Group and one from the Canvey Island Independent Party) and a nominated substitute member where a political group has only one place on the Panel.

4. Background

Council has appointed the Staff Appointments Panel. The term of reference included to make recommendations to Council regarding the appointment of a permanent Chief Executive and to oversee the recruitment and appointment of a permanent Chief Executive.

5. Report

The members of the Panel are Councillors Blackwell, Cole, Mrs Egan, Sheldon and Varker. Meetings of the Panel have taken place on 14th October and 11th November 2021.

Councillor Sheldon Leader of the Council was appointed Chairman of the Committee at the initial meeting on 14th October.

At the meeting of the Panel on 27th January 2022, the Panel concluded that there was at present little prospect of sharing a Chief Executive and formal steps should commence to recruit a permanent Chief Executive.

To assist the process the Panel considered a short list of recruitment consultants and Penna were appointed.

A detailed briefing meeting took place in February between Penna and members of the Panel following which a Job pack and advertisement for the post of Permanent Chief Executive was prepared. The advertisement appeared in the MJ on 3rd March 2022. The closing date for receipt of applications is 11th April 2022.

Recruitment training is planned for the Panel in April. It is anticipated that the short list of candidates will be presented to the Panel in mid-May with final interviews towards the end of May. A Special Council meeting will be required in June for Council to take the final decision on the appointment.

Council is asked to consider a proposal to vary the membership of the Panel to appoint two additional members to ensure continuity in dealing with the appointment of a permanent Chief Executive over the forthcoming Elections.

In order to give effect to the political balance on the Council this requires the appointment of one member from the Conservative Group and one member from the Canvey Island Independent Party. Where a political Group has only one member as with the People's Independent Party Group a substitute member should attend to ensure continuity. (This will be subject to review at the Annual Meeting following the Borough Elections.)

6. Corporate Implications

(a) Financial Implications

Provision has been made to meet the recruitment costs for the appointment of a new permanent Chief Executive.

(b) Legal Implications

The appointment of the Chief Executive must follow prescribe processes set out in the Local Authorities Standing Orders Regulations 1993 regarding the appointment of a Chief Officer.

(c) Human Resources and Equality Implications

The process will be overseen by the Interim Chief Executive supported by the Human Resources Manager.

(d) IT and Asset Management Implications

None to be addressed by this report.

7. Timescale for implementation and Risk Factors

A report will be to the next Council meeting outlining progress and making recommendations on any formal decisions required.

8. Background Papers

Item 12 Ordinary Council 29.9.2021
Item 14 Ordinary Council 24.11.2021

Report Author: Miss Ann Horgan Head of Governance

ORDINARY COUNCIL

23rd March 2022

Subject: Humanitarian Crisis in Ukraine – Response

1. Purpose of Report

To present to Council the letter received from the Rt Hon Michael Gove MP Secretary of State for Levelling Up, Housing and Communities Minister for Intergovernmental Relation regarding the response to the Humanitarian crisis in the Ukraine including details of the expansion of the Family Sponsorship scheme a new sponsorship scheme, 'Homes for Ukraine'.

A report will be made to the meeting on any further information to assist the response to this crisis.



Department for Levelling Up, Housing & Communities

Rt Hon Michael Gove MP

*Secretary of State for Levelling Up, Housing and
Communities
Minister for Intergovernmental Relations*

**Department for Levelling Up, Housing and
Communities**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Email: Michael.Gove@levellingup.gov.uk

14 March 2022

All Local Authority Leaders, cc: Local Authority
Chief Executives

Dear Leader,

Humanitarian crisis in Ukraine

As a result of Putin's devastating, indefensible invasion, we are now facing the greatest crisis in Europe since the end of the Second World War. This Government is determined to do everything in our power to help those fleeing heart-breaking scenes that we never thought to see again on the Continent.

In local government, I know that you are standing ready to support the national effort needed to welcome Ukrainian arrivals, and your role will, as ever, be critical in responding to this crisis. You have already demonstrated your commitment and expertise through your support for Syrian, Afghan and Hong Kong BNO schemes – it is this we must draw on again to rise to this new humanitarian emergency.

'Homes for Ukraine'

The Government has already put in place a rigorous sanctions regime targeted at the property and assets of those supporting the Putin regime and are providing extensive support to neighbouring countries to support the enormous numbers of displaced people. We have expanded the Family Sponsorship scheme and today I am announcing a new sponsorship scheme, 'Homes for Ukraine'.

This scheme will allow Ukrainians (and their immediate family members) with no family ties to the UK to be sponsored by individuals or organisations who can offer them a home such as a spare room or unoccupied residential self-contained unit. The scheme will be uncapped. Beneficiaries will be able to live and work in the UK for up to three years and also access benefits, healthcare, employment and other support. Our aim, through this route, is to offer a safe, warm welcome to as many arrivals as possible, based on the number of sponsors who come forward.

Sponsor requirements

Sponsors can be of any nationality, with any immigration status, provided they have at least six months' leave to remain within the UK. In the first phase of the scheme, sponsors will need to have a named person whom they wish to sponsor. This could be a friend, someone they are already connected with, or it could be someone they have been linked with by a charity, faith group or other organisation. The visa application route will go live on Friday 18 March.

We are asking that sponsors provide accommodation for a minimum of six months. We appreciate people's generosity and do know there will be costs associated with helping out – so we are offering an optional 'thank you' payment of £350 per month to people who can accommodate one or more household (subject to the accommodation they have) for up to 12 months. This thank you payment is limited to one payment per residential address. Our intention is that these payments will be tax free for individuals and will not affect benefit entitlement and will legislate if necessary. Sponsors should not charge rent. They will not be expected to cover the costs of food and living expenses, although they may wish to offer this philanthropically.

We want to minimise bureaucracy and make the process as straightforward as possible while ensuring the safety of all involved. Those arriving will therefore need to meet standard security checks. Sponsors and all adults in the sponsoring households will also be subject to security checks and may be subject to safeguarding checks too.

Launch of Expression of Interest Webpage

Today we are asking individuals, charities, community groups and businesses across the country to step forward and offer their support to thousands of people displaced from Ukraine, and their immediate family members, who need a route to safety. I am urging anyone who is in a position to help, who fulfils the sponsorship requirements above and with a spare room or empty home, to step up and join this national effort. They can record their interest at www.gov.uk/homes-for-ukraine from today to receive updates and more information on how to apply. Then on Friday 18 March, Phase One of the visa application route will open for sponsors and named contacts to apply to the scheme.

We envisage that Homes for Ukraine will initially be used by those with known connections. Over time, we expect to see the scheme develop further, through our work with charities, faith groups and community groups.

Local authority support

I would like to thank local government colleagues that have worked so intensively with my officials on the fundamentals of this scheme, building on our recent experience with the pandemic and Afghan resettlement programme. We will of course continue to work closely together to support those on the Afghan and other programmes in parallel to opening up our support for the Ukrainian people.

For those arriving via the Homes for Ukraine scheme, I know that you want to play your part in supporting people who have been through so much to feel at home in the UK. I am committed to working with you to achieve this and also to provide a full wraparound service that also encompasses sponsors. As such, we will be providing substantial level of funding at a rate of £10,500 per person to local authorities, with an additional top-up for child education, to enable them to provide much wider support to families to rebuild their lives and fully integrate into communities. Further details will be shared shortly. You will have questions on the detail of the scheme which we will endeavour to answer through guidance published in the coming days. We will continue to listen to your feedback as we get this new scheme off the ground to ensure it works effectively for you, sponsors and beneficiaries.

Our country has a long and proud history of supporting the most vulnerable during their darkest hour. We are doing so again with Homes for Ukraine as part of a wide-ranging package of sponsorship routes and support for those who never could have imagined, less than three weeks ago, that they would be fleeing for their lives and leaving behind everything they have known and loved. Thank you for your support with this vital national effort.

With every good wish,

A handwritten signature in black ink, reading "Michael Gove". The signature is written in a cursive, flowing style.

**Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing and Communities
and Minister for Intergovernmental Relations**

ORDINARY COUNCIL

23rd March 2022

Subject: Notices of Motion

1. Purpose of Report

To present to Council valid Notices of Motion received for consideration at this meeting.

1. Councillor Cole has given notice of the following which will be moved by Councillor Gibson:

We call upon this Council to unite and pledge our support for the people of the Ukraine. We deplore the continuing aggression from their foreign neighbour. The people of the Ukraine have the right to choose their own path and not be dictated to by a foreign neighbour. Democracy must live.

The Motion is to be seconded by Councillor Savage.

2. Councillor Cole has given notice of the following which will be moved by Councillor Gibson:

We call upon this Council to send a message to Her Majesty Queen Elizabeth the Second to congratulate her in celebrating her Platinum Jubilee as our Queen.

The Motion is to be seconded by Councillor Savage.

3. Councillor Blackwell has given notice of the following:

Canvey Island Independent Party calls upon this Council to resolve to retain the Paddocks Hall and complex on Canvey Island in public ownership and that immediate action be taken to prevent it falling into decline and disrepair.

The Motion is to be seconded by Councillor Campagna.

4. Councillor Gibson has given notice of the following:

The Local Plan examination has now been completed and in the event of the Local Plan not being adopted we call on the Council to start work immediately on a new Local Plan that reflects the central government stated aim to protect and preserve the precious green belt in our local area. A priority of this new Local Plan would be to produce a target

housing number that genuinely reflects local need. As this housing target will be lower than previous proposals this must be supported by robust evidence. All housing developments should prioritize brownfield development.

We hope that in the interests of our borough this motion is supported on a cross party basis.

The Motion is to be seconded by Councillor Mountford

As this Motion has budget implications the Motion will be deferred without debate for a report to Cabinet Council Procedure Rule 13 applies. The Motion will not be dealt with at this meeting.
