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Chief Executive

A **MEETING OF THE COUNCIL** of the Borough of Castle Point will be held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on **WEDNESDAY, 12TH DECEMBER, 2018 at 7.p.m. NB TIME**, and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

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

Chief Executive

AGENDA

PART I

(Business to be taken in public)

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

1. Apologies for absence

2. Members' Interests

3. Minutes

To receive the Minutes of the meeting of the Ordinary Council held on 26th September 2018 and the Special Council meeting held on 28th November 2018.

4. Mayor's Announcements

The Mayor will report at the meeting.

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

- 6. Questions from Members of the Council of which Notice has been received**
There is none.
- 7. To deal with any business from the last Council Meeting**
There is none.
- 8. Any explanations for urgent decisions taken by Cabinet**
There are no explanations.
- 9. Consideration of recommendations from Cabinet:**
The Cabinet meeting on 21.11.2018 referred a recommendation concerning the Local Council Tax Support (LCTS) Scheme for 2019/20 on which a report is attached.
- 10. Any References from the Scrutiny/Policy and Scrutiny or Regulatory Committees**
Licensing Committee on 22.11.2018 referred a recommendation to approve the Council's revised Statement of Gambling Licensing to Council. A report is attached.
- 11. Castle Point Brownfield Land Register 2018**
The Council is asked to consider the attached report.
- 12. Christmas Car Parking – Additional Free Parking Town Centre Car Parks**
A report is attached.
- 13. Report from the Leader of the Council/Cabinet Member**
The Leader is to report at the meeting.
- 14. Notices of Motion**
Councillor Johnson has given notice of the following:

‘That Castle Point Council acknowledges the efforts of voluntary groups across the Borough during 2018 and continues to provide assistance and forge links with those organisations.’
- 15. Petitions submitted by Members of the Council of which Notice has been given.**
No Notice has been received.



ORDINARY COUNCIL MINUTES

26TH SEPTEMBER 2018

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 26th September 2018.

PRESENT:

Councillors, A.C.Walter, (The Worshipful the Mayor), C.G. Riley, (Deputy Mayor), A.J. Acott, D.A. Blackwell, Mrs J. Blissett, B. Campagna, S. Cole, D.T. Cross, W.J.C. Dick, Ms.N.B.Drogman, Mrs B. Egan, E. Egan, P.C. Greig, S.Hart, N.R. Harvey, Mrs P. Haunts, R.C. Howard, W. Johnson, C.A. MacLean, P.J. May, C.E. Mumford, B.A. Palmer, J.A.Payne, Mrs. J. Payne, Mrs C.J Sach, A.G. Sheldon, T.F. Skipp, N.G. Smith, P.E.Varker, Mrs L. Wass, Mrs G Watson and N Watson.

Apologies for absence were received from Councillors J. Anderson, Mrs W. Goodwin, N.E.Ladzrie, A. Partridge, W.K.Sharp, J.A. Stanley, A. Taylor and B. S. Wood.

29. MEMBERS' INTERESTS

There were no declarations of interest.

30. MINUTES

The Minutes of the Ordinary Council held on 30th July 2018, were taken as read and approved as a correct record. The Mayor signed the Minutes.

31. MAYOR'S ANNOUNCEMENTS

The Mayor:

- Had enjoyed one very special occasion over the weekend of 1st and 2nd September to celebrate 400 years of the Dutch Cottage, the Council's Grade 2 listed building on Canvey Island. The Mayor thanked all those who had contributed to the success of the weekend and particularly commented on how well everything had been organised
- Thanked David Thorndyke and his team for an excellent Militaria Exhibition that had taken place over the last couple of weekends at the Bay Museum. The Mayor was very appreciative of the preservation of the museum as a valuable resource for future

generations. He was also impressed by the reception he had received at the museum, being welcomed by the pipe major.

- Was pleased and congratulated all concerned that the skate park at Waterside Farm was held in high regard by local youngsters and by more mature professionals and semi-professionals.
- Drew attention to the various functions that showed what extraordinary artistic talent there was in the Borough. He highlighted events organised at Hadleigh Old Fire Station, the Arts Ministry and the Benfleet Rotary Club.
- Thanked the Railway Club for running a charity day to raise funds for his chosen charities.
- Reminded Members that the Firework Spectacular would take place at Waterside Farm on Saturday 3 November and he encouraged everyone to attend.
- Also encouraged all Councillors to attend one of the Borough's services on Remembrance Sunday on 11 November 2018, particularly as this was the Centenary Year marking the end of the First World War.
- Informed Members of the Council that Canvey Community Choir had kindly offered to organise a charity concert for him in March 2019. The theme would be Old Time Music Hall. Further details would be circulated to Members.

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

There were none.

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

There were none

34. TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING

There was none.

35. ANY EXPLANATIONS FOR URGENT DECISIONS TAKEN BY CABINET

There were none.

36. CONSIDERATION OF RECOMMENDATIONS FROM CABINET:

At its meeting on 19 September 2018, the Cabinet had referred a recommendation to Council concerning the approval and adoption of the Corporate Plan.

The Council considered a report on a draft Corporate Plan 2018-2021 which had been subject to significant development, including a number of policy and

scrutiny sessions in 2017 and early 2018. The Plan had also been subject to public consultation and had been circulated to partner organisations. Service planning with managers and staff had been developed to ensure it underpinned the new Corporate Plan, which was attached as an appendix to the report.

Discussion took place on the priorities and aims of the Corporate Plan for the next three years and Members took the opportunity to raise some operational service issues of concern and importance to local residents.

Councillor Riley moved a procedure motion to refer to Cabinet the following –

“With the ever present anti-social behaviour throughout the Borough, due to the apparent lack of sufficient police resources, this Council must act on behalf of our residents affected by this poor behaviour.

To explore the use of private security in areas to be identified by residents, and with the assistance of Essex Police, discourage any such anti-social behaviour”.

Councillor Dick seconded the motion.

Discussion took place on the motion following which it was CARRIED.

Resolved – That the Corporate Plan set out in Appendix 1 to the report is adopted.

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

There were none.

38. REPORT OF THE LEADER OF THE COUNCIL/CABINET MEMBER

The Leader of the Council following on the custom of previous Leaders of the Council reported to Council on key issues facing the Council; highlighted recent Cabinet business and activities of Cabinet Members and looked forward.

New Local Plan

The Leader acknowledged the amount of work that Members and officers were putting into the development of a robust draft local plan to avoid intervention by Secretary of State for Housing, Communities and Local Government. The briefing sessions for Members had been helpful, and further briefings were planned on 3 and 4 October. The Leader explained that whilst some Members felt that they had not had sufficient involvement in the process, the timescale was intended to deliver a draft plan and Members would have input at the appropriate time.

ASELA

The Leader reported that together with the Cabinet Member for Regeneration and Business Liaison he was continuing to attend the South Essex Planning meetings which involved planning portfolio leads in progressing strategic planning in south Essex.

Partnership Working

The Leader reported that he had chaired the Castle Point and Rochford Community Safety Partnership which had agreed its 2018/19 action plan following a review to set the priorities for the Partnership. Activities within the next few months included a Rogue Trader week of action and a Hate Crime awareness week.

Cabinet Business

The Cabinet was to consider a report on the Paddocks Business case in October. The Leader confirmed that consultation would be undertaken with residents, users and other interested parties before any final decision was taken.

The Cabinet was also to consider a report on Canvey Seafront. The Cabinet had met the seafront group to discuss revised proposals to improve the seafront, which were well received. The Leader was pleased to report that the traders wished to work with the Council to progress the improvements to Canvey's very popular seafront.

39. NOTICES OF MOTION

Councillor Dick had given notice of the following –

“This Council welcomes the present use of the Council owned allotments. These facilities provide health and wellbeing for all the allotment users, by the provision of exercise and healthy eating, the resulting organic provisions they provide gives further healthy eating.

This Council will promote the use of the present allotment sites by clearly monitoring the land usage more effectively. To encourage full use of the available land, thus consolidating the present sites, protected under the NPPF.

To accommodate waiting lists, this Council will look towards extending the present allotment sites, where possible, to create further adjoining plots within the area of the present sites”.

The motion was seconded by Councillor Skipp.

Following discussion the motion was put and declared to be CARRIED

40. PETITIONS

There were none.

Mayor



SPECIAL COUNCIL MINUTES

28TH NOVEMBER 2018

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 28th November 2018.

PRESENT:

Councillors, A.C.Walter, (The Worshipful the Mayor), C.G. Riley, (Deputy Mayor), A.J. Acott, J. Anderson, D.A. Blackwell, Mrs.J.A Blissett, B. Campagna, S. Cole, D.T. Cross, W.J.C. Dick, Ms.N.B.Drogman, Mrs B. Egan E. Egan, P.C. Greig, S.Hart, N.R. Harvey, Mrs P. Haunts, G.I. Isaacs,W.Johnson, N.E.Ladzrie, C.A. MacLean, P.J. May, C.E. Mumford, A. Partridge. Mrs C.J Sach, A.G. Sheldon, T.F. Skipp, N.G. Smith, J.A. Stanley, P.E.Varker, Mrs G. Watson, N. Watson and B.S. Wood.

Apologies for absence were received from Councillors Mrs W. Goodwin, R.C. Howard, B.A. Palmer, J.A.Payne, Mrs. J. Payne, W.K.Sharp, A. Taylor and Mrs L. Wass.

41. MEMBERS' INTERESTS

Councillor Riley declared a prejudicial/discloseable interest under Part 2 of the Code of Conduct for Councillors as his home address was directly opposite a housing site identified in the Local Plan 2018. He left the Chamber and took no further part in the meeting.

42. NEW LOCAL PLAN 2018

This Special Meeting of the Council had been convened for the Council to approve and progress a new Local Plan for the Borough. A report together with a copy of the pre-publication Local Plan November 2018 including a Policies Map and the Equality Impact Assessment (EqulA) had been circulated to the Council.

The Chief Executive presented the comprehensive report to the Council.

Section 4 of the report set out the background and highlighted the long and difficult history the Council had experienced in trying to develop a local plan.

In November 2017 the Secretary of State had written to 15 authorities which included Castle Point expressing his concern at their failure to make progress with local plans.

A response was sent to the Secretary of State setting out the Council's special circumstances. The Secretary of State wrote again in March 2018 continuing his intervention saying that we were now one of three authorities (the others being The Wirral and Thanet Council) and he had instructed a specialist team to determine the best way to **accelerate** the delivery of a local plan.

At the meeting of Special Council on 6th June 2018 the Council agreed to a timetable that **accelerated** the delivery of the New Local Plan to be considered at this meeting. That timetable was set in consultation with the Government office. Council was advised of the importance of adhering strictly to that timetable.

The Chief Executive was grateful to all Members who had been extremely patient and understanding at the briefing meetings that were arranged throughout the summer to share progress. The Briefings covered: Local Plan Preparation and Site Assessment Methodology; Update on Evidence; Call for Sites and Work on the SHLAA (Strategic Housing Land Availability Assessment); Policies and Allocations; Duty to Co-operate and Master Planning; Report to Council.

Section 5 of the report considered the policy context and dealt with the National Planning Policy Framework July 2018 (NPPF) which set out the Government's policies with regard to plan – making.

Local plans were to be subject to independent examination by a planning inspector before they could be adopted. The examination process checked that the proposed local plan had been prepared in accordance with legal and procedural requirements, and were sound. The NPPF sets out four tests of soundness that must be met. These were:

Positively prepared – the plan should be prepared based on a strategy which should as a minimum seek to meet the area's objectively assessed needs, and is informed by agreements with other authorities so that unmet requirements from neighbouring authorities can be accommodated where it is reasonable to do so and consistent with achieving sustainable development;

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

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities, as evidenced by the statement(s) of common ground; and

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

Government also published and maintained its National Planning Practice Guidance (NPPG) in web-based format providing practice guidance on a range of matters relevant to plan-making.

Section 6 described the significant work being carried out across South Essex by all local planning authorities and Essex County Council on a range of matters. In January 2018, agreement was reached to form the Association of South Essex Local Authorities (ASELA). Its ambition was to develop a long-term place-based growth ambition. Part of the South Essex growth ambition would be realised through the preparation and adoption of a Joint Strategic Plan (JSP). In accordance with the NPPF, a statement of common ground had been prepared to support the preparation of the JSP, to ensure that there was not only a proactive and positive approach to strategic planning matters across housing market areas, but that there was a clear (and agreed) approach to how these would be delivered in all relevant local plans.

Section 7 summarised the important evidence base that had been used to formulate the plan. This included the Strategic Housing Land Availability Assessment (SHLAA); the Annual Monitoring Report (AMR); the Strategic Housing Market Assessment (SHMA); draft Transport Evidence; draft Viability Report; Joint South Essex Strategic Flood Risk Assessment (Level 1) and Draft Castle Point Strategic Flood Risk Assessment for Housing Site Options (Level 2); Draft Green Belt Review (Parts 1 & 2) and Draft Green Belt Topic Paper; Draft Housing Sites Options Topic Paper; Draft Sustainability Appraisal.

Members' attention was directed to the important figure at paragraph 7.5 which stated that the housing need for the Borough is 342 dwellings per annum.

Section 8 of the report described the contents of the New Local Plan 2018 and covered the following:

- Vision and Objectives
- The Presumption in Favour of Achieving Sustainable Development and Effective Use of Land
- Delivering a Sufficient Supply of Homes
- Building a Strong, Competitive Economy
- Ensuring the Vitality of Town Centres
- Promoting Healthy and Safe Communities
- Promoting Sustainable Transport
- Supporting High Quality Communications Infrastructure
- Achieving Well-Designed Places
- Protecting Green Belt Land
- Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Conserving and Enhancing the Natural Environment
- Conserving and Enhancing the Historic Environment
- Monitoring & Review

Within the section dealing with Delivering a Sufficient Supply of Homes the strategic sites forming a crucial part of the plan were identified together with commentary about each site.

Council was reminded that this was a twenty year plan and it might be some while before any of sites came forward for development and because of the sequential test those on Canvey were more likely to be towards the end of the plan period.

Council's attention was directed to paragraph 8.12 which confirmed the plan could only deliver 240 homes per annum which was some way short (102 homes per year) of the assessed need.

Given that shortfall information was provided in Section 9 of the report on how the Council had worked and would continue to work with the Council's neighbouring local authorities to fulfil the Duty to Co-operate. Council was reminded that objections from Rochford, Thurrock, Basildon, Southend and Essex County Council to the 2016 draft local plan regarding the duty to co-operate meant it failed.

This time there were no objections to the plan as the Council's neighbouring authorities recognised there had been a very thorough examination of all of the opportunities to provide housing within the Borough and was not (by excluding deliverable sites) forcing them to use more of their own Green Belt.

Section 9 of the report also covered other matters relating to Legal and Policy compliance such as the Draft Sustainability Appraisal and Strategic Environmental Assessment. A full copy of the Equality Impact Assessment had been included with the agenda papers for the meeting. The analysis found the Objectives and Policies of the New Local Plan to meet the socio-economic and single (integrated) equality duties of the Equality Act 2010, and that there were no areas which needed to be changed or given further consideration in order for the Council to fulfil its duties under the Act.

Section 10 of the report contained the next steps the Council must take in accordance with the expressly agreed time table.

Subject to Members agreement, a further round of public consultation on the plan would take place in January of next year prior to submission for public examination before a planning inspector. This would take place during the summer and would provide a further important opportunity for anybody who remained dissatisfied with the contents of this plan to make their views known directly to the planning inspector. It would be the Inspector who decided whether the plan went forward or not.

Paragraphs 10.7 to 10.9 highlighted the new master planning approach adopted in the plan. This would allow Members and the local community to work together with the developer to ensure the proposed development reflected the local character and amenity of the area.

The Chief Executive reminded Members of his statutory duty to bring to the Council's attention matters presenting a corporate risk to the authority. These concerns were set out in paragraph 11.1 through to 11.21 of the report, reproduced below:

- 11.1 As the Proper Officer of the Council the Chief Executive has a duty to ensure that before a decision is made Councillors are aware of the consequences of failure to approve the New Local Plan 2018. The Chief Executive has advised separately the Leaders of the Political Groups on the Council regarding the legal, financial and reputational risks of failing to approve the New Local Plan 2018 and as a consequence of intervention.

(a) Intervention

- 11.2 A report was presented to Cabinet on intervention and its consequences in September 2018. Council is reminded that Intervention by Government in any area of local government business is a last resort and follows poor decision making and failure to follow Government direction and advice. Intervention is a sanction and should not be considered as an alternative mechanism to deliver a local plan. The Secretary of State is still considering whether to intervene in the local plan process in Castle Point. Failure to keep to the programme as agreed by Council in the LDS to produce a legally and technically compliant local plan is likely to result in intervention. The Secretary of State has extensive powers to intervene in the planning process.
- 11.3 There are two principal areas where the Secretary of State could intervene in the Borough Council's work as Local Planning Authority. In terms of **plan-making**, it is clear from legislation, most recently the Housing & Planning Act 2016 that the Secretary of State has wide-ranging powers to intervene in plan-making; for example he may direct that a certain approach be taken, or not taken. In these circumstances the local planning authority loses control of the plan-making process. A plan would prepared elsewhere by others and with reference to evidence, national policy and guidance; it would be taken through the necessary legal stages to adoption. Members of the Council will not be involved and will be excluded from the plan-making process. This plan would then become the statutory development plan for the borough, with no formal involvement by the Borough Council.
- 11.4 In terms of **decision-taking**, the Government will wish to make certain after intervention that the statutory development plan and policies for the borough will be implemented and will not allow the local plan, once agreed, to be frustrated by the development control process. Consequently as the Borough Council had no role in the preparation of the plan, indications from the Ministry are that the Secretary of State will exercise powers available to him to direct that any strategic planning applications submitted pursuant to the plan will be referred to the Planning Inspectorate directly rather than the Borough Council, to ensure that the plan and its policies are correctly implemented. The Borough Council through the Development Control Committee will not be involved in implementation of the statutory development plan and the Council's ability to take decisions locally on strategic planning applications will be lost.

- 11.5 As one of the very few planning authorities under intense scrutiny by the Ministry, the Council remains at great risk of intervention and this will lead to considerable reputational damage on a national scale. This may cause other non-intended consequences such as the inability to attract staff; implications for joint working arrangements and funding opportunities which could last over many years.

(b) Planning Implications

- 11.6 Any amendments made to either the policies in the plan, to the proposed housing sites or to other allocations on the Policies Map will undermine the strategy, objectives and policies in the New Local Plan 2018, since it must be read as a whole.
- 11.7 For example to remove sites with a higher likelihood of delivery in favour of other less sustainable and less deliverable sites may result in the plan's approach to housing provision being found to be faulty. This in turn makes the plan less sound, and puts the Council at risk either from intervention by the Secretary of State, or from criticism from neighbouring or nearby authorities and duty to co-operate bodies, or ultimately from the planning inspector appointed to examine the plan. Therefore it is likely that as with the 2016 New Local Plan the Council will fail at the first hurdle, namely the duty to co-operate stage.
- 11.8 Failure to make progress with the New Local Plan 2018 at this time will also be noted by the Secretary of State. As mentioned earlier Officials from the Ministry have been in regular contact with Council officers since the Secretary of State's decision to continue intervention in March 2018. It is clear that the Ministry officials believe that the Secretary of State's published criteria for intervention have been met in the case of Castle Point. The Council has only avoided more direct control from the Ministry by publishing and keeping to the accelerated plan preparation timetable set out in the LDS in June 2018.
- 11.9 Should there be any indication that the Council will be unable to make progress with the plan, then further and more direct intervention and control can be expected. As described earlier this would be likely to take the form of a direction from the Secretary of State requiring either the Council to take whatever action he deems necessary to progress the plan, or to provide his appointed officials and/or consultants with the New Local Plan 2018 and all its associated background material so that it may be progressed with no formal input or involvement from the Council. These measures are likely to be put in place for a significant period of time, leading up to and through examination and adoption, and potentially until the first review of the plan after 5 years.
- 11.10 Furthermore the Council is likely to lose the ability to determine significant planning applications which would deliver development as proposed in the plan. The Secretary of State may direct that applications that give effect to the proposals are "called in" for his own determination. Again, there would be no

formal input or involvement from the Council in this casework. Moreover there will be no ability to be involved in the master planning of sites.

- 11.11 As a consequence, the Council will find itself spending considerable sums of money on supporting the Secretary of State's officials and/or consultants on the preparation and approval of a plan, and/or the determination of strategic planning applications over which it would exercise no control.

(c) Financial Implications

- 11.12 Expenditure to Date: The technical work involved in preparing a New Local Plan 2018 has been carried out using the resources identified in the LDS 2018, considered and approved by Council on 6th June 2018.

- 11.13 Required Expenditure: The further costs of taking the New Local Plan 2018 through the next stages of plan preparation to examination and adoption have been included in budget projections for the plan, and were also identified in the LDS 2018, considered and approved by Council on 6th June 2018.

- 11.14 Potential Cost Avoidance: It is estimated that by making progress with the New Local Plan 2018, the Council could avoid in the region of £1.3m in appeal costs. These estimated appeal costs are not currently included in the Council's detailed budget, but do form part of the calculation of the minimum required level of General Fund reserves.

- 11.15 Potential Income Generation: There will be longer term potential financial implications from approval and adoption of the local plan. These cannot be quantified at this time, and will need to be the subject of future reports, but could potentially include additional income from:

- Pre-application fee income
- Planning Performance Agreements
- Planning application fee income
- Section 106 contributions to Council facilities required as a result of development
- An increased Council Tax Base from new properties;
- Business Rates

- 11.16 It should be noted however that some of these additional income streams may have costs associated; for example an increase in the number of pre-application and master plan requests may require further staff resources to respond adequately, while additional dwellings would result in increased costs of servicing those properties, such as refuse and recycling collection costs.

(d) Legal Implications

- 11.17 As set out above there are a number of statutory requirements that must be met during the preparation of a local plan. These include the requirements to carry out and consider sustainability appraisals, habitat regulations assessments and equality impact assessments. These requirements have been met in the preparation of the New Local Plan 2018.

- 11.18 The Localism Act 2011 introduced the duty to co-operate. As Council will recall from its experience in 2016, failure to co-operate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in the plan, by engaging with neighbouring authorities and other relevant bodies during preparation and in the period up until the finalisation of the New Local Plan, would leave a planning inspector with no option but to cease examination work and recommend the plan be withdrawn.
- 11.19 The New Local Plan 2018 will be subject to independent examination by a planning inspector who will consider whether the tests of soundness set out in the NPPF have been met. This report sets out how those tests – positively prepared, justified, effective and consistent with national policy - have been satisfied.
- 11.20 The recommendation for a legal and technical review of any new evidence or guidance and the consultation responses will also provide advice on any consequences for the New Local Plan before submission.
- 11.21 Failure to agree the New Local Plan 2018 will result in the very real risk that the Secretary of State will use his powers of direction to in effect take control of plan-making and the determination of strategic planning applications in the borough.

The Chief Executive reminded Members that the Secretary of State had threatened to intervene in the plan making process of this Council. The Housing and Planning Act of 2016 had given him 'new' powers to take over plan making and Castle Point was now alone faced this threat.

The decision before Members was entirely focussed on whether Council wished to retain control of plan making and development control or rely on the intervention of Government officials. Members' attention was drawn to paragraphs 11.9 and 11.10 in this respect.

Consequently the Chief Executive had spoken again most recently with the Government Chief Planner about intervention.

The Chief Executive reported that the Chief Planner had confirmed that arrangements were in hand with consultants commissioned to undertake preparation of a local plan should the Secretary of State consider it to be necessary. The Council had only been able to avoid intervention by adhering to the accelerated timetable Council agreed in June.

The Chief Planner had also confirmed that intervention should **not** be regarded as an alternative mechanism for plan making. It was a sanction that would be painful and costly to the local community. The Government office did not want to intervene - they would much rather the planning authority got on with the task but in the event of continued failure to make progress the Government had no choice.

Members were warned that Intervention was likely to result in a plan that delivered more and not less housing. The Government team would not want to risk failure at public examination and would be at pains to demonstrate how they could accommodate the identified level of housing need in full. That would mean up to an additional 2000 homes over the plan period.

Members were also reminded that intervention could last for some time. If plan making was removed from Council control, it was highly likely that the Development Control Committee would not be allowed to manage the implementation of the plan. Planning applications would be called in and determined directly by the Government Office and the Secretary of State. Exclusion could last for up to five years and would have implications for what happened on each of the strategic housing sites.

Finally and most importantly, in para 12.3 of the report the Chief Executive indicated that the opinion of the Government intervention consultants (Intelligent Plans and Examinations) had been sought on the final draft of the Council's plan

The Chief Executive informed Council that the consultants, led by an experienced Planning Inspector had concluded *'...it appears that the Council should be able to submit a local plan for examination which meets current national advice'*.

This was an important endorsement from the Government's consultants to the advice before Members. Plan making was a legal process and Council could therefore have confidence that the plan before them was legally and technically compliant which was essential if the plan was to be successful at public examination.

The Chief Executive concluded that the decision before Members was extremely difficult and restated that this was not a decision about whether development took place in the Green Belt or not. The decision was whether to keep control of the local plan making process for Castle Point or allow Government officials to intervene and take over the process.

The following recommendations were commended to Council:

Recommendations:

1. Pursuant to Section 20 of the Planning & Compulsory Purchase Order Act 2004, and Regulations 19 and 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012, Council to approve the publication of the Castle Point New Local Plan 2018 for further consultation and then submission to the Secretary of State, subject to 3.4 below;
2. Make available for public examination the evidence base and supporting documents prepared to inform and accompany the New Local Plan 2018;

3. In consultation with the Leader of the Council, the Chief Executive should continue with on-going engagement and additional work as necessary to fulfil the duty to co-operate;
4. In consultation with the Leader of the Council, the Chief Executive should seek appropriate legal and technical advice on any new evidence or guidance which emerges, and effect any consequential changes as required to the New Local Plan before consultation or submission;
5. In consultation with the Leader of the Council, the Chief Executive should seek appropriate legal and technical advice on any consultation responses to the New Local Plan 2018, and effect any consequential changes as required to the New Local Plan before submission;
6. To appoint a Master Plan Working Group for each site identified for master planning or planning briefs, membership to include Ward Councillors, to work with officers, other service providers, the local community and developers to prepare a master plan or planning brief for the site to be reported to Cabinet and formally agreed by the Council.
(Note - Planning approval will still be required from the Development Control Committee to progress development in respect of each of the Master Plan sites)

In moving the Recommendations the Leader of the Council among other matters emphasised the importance of the Council remaining in control of the Local Plan making process and future planning decisions for the Borough.

(The Leader advised that Councillors would be given the opportunity to request adjustments other plan prior to consultation and submission provided no fundamental material changes were made to the Plan .The Chief Executive confirmed that this could be accommodated).The Deputy Leader seconded the Motion.

Debate took place during which Members acknowledged the difficult decision before the Council. A number of Members recognised that they would have to set aside their views concerning the use of Green Belt land for building in order that an effective Local Plan could be delivered to retain control of local plan making in the Borough and future planning decisions for the benefit of the community and avoid the serious consequences of intervention.

At the conclusion of the debate a vote was taken on the recommendations by show of hands which was lost narrowly by one vote. The meeting concluded.

(Councillor Dick was unwell during the meeting and left the Chamber and did not take part in the vote on the recommendations)

Mayor

ORDINARY COUNCIL

12th December 2018

**Subject: Consideration of Recommendations from Cabinet:
Local Council Tax Support (LCTS) Scheme for 2019/20**

Cabinet Member: Councillor Stanley – Finance, Policy & Resources

1. Purpose of Report

To present recommendations from the Cabinet meeting held on 21.11.2018 following consideration of a report providing an update in respect of the proposed Local Council Tax Support scheme for 2019/20.

2. Links to Council's priorities and objectives

This report is linked to the Council's priority of a commercially sound and democratically accountable Council. Sound and strategic financial management is essential in order to ensure that resources are available to support the Council's priorities and maintain or improve services.

3. Recommendations from Cabinet

- 1. To note the information regarding consultation and review of the scheme, and the Universal Credit Impacts on LCTS at Appendix A.**
- 2. To note the Stage 2 Equality Impact Assessment at Appendix B and the Impact of the Proposed 2019/20 LCTS Scheme at Appendix C.**
- 3. That there are no changes to the Local Council Tax Support Scheme for 2019/20.**

4. Background Information

- 4.1 The former Council Tax Benefits scheme was replaced by a discretionary, Local Council Tax Support scheme (LCTS) in April 2013, following the announcement by Government in the 2010 spending review that support for Council Tax would be localised. At the same time, the level of funding provided by Government was reduced nationally by an average of 10% which translated locally to a reduction of 15%.**

- 4.2 In December 2012, Council approved the local scheme for Castle Point. The scheme was designed to be cost neutral and based largely on an Essex wide framework developed over the course of the preceding year by Essex Benefit and Finance Officers working together.
- 4.3 The current scheme is generally still in line with the original 2013/14 scheme approved by Council in December 2012. The only changes made to the scheme since then have been where required to bring it in line with technical and legislative changes made in Housing Benefit.
- 4.4 Key aspects of the current scheme are set out in para 6.1.
- 4.5 The Council is required to approve future year's Local Council Tax Support schemes annually before 31st January, regardless of whether there are proposals to change the scheme or not. Cabinet decided to recommend no changes to the scheme.

5. Consultation

- 5.1 It is a legal requirement for Local Authorities to consult with residents and other interested parties in relation to the scheme before any changes to the scheme can be imposed.
- 5.2 In previous years consultation has been routinely undertaken even though no subsequent changes, other than technical changes, were made to the scheme.
- 5.3 On 25th July 2018 the Council became a Universal Credit "full service" site. This has, and will continue to have, an impact on the volume of interactions the Council has with working age customers who are in receipt of Universal Credit and also claim Local Council Tax Support.
- 5.4 Given that the Universal Credit migration timetable is still subject to change and the that further evaluation is required in relation to the impact of Universal Credit on our working age customers and their ability to maintain Council Tax payments, no changes to the scheme are being recommended this year and therefore no consultation arrangements have been undertaken.
- 5.5 It is anticipated however that a major review of the Local Council Tax Scheme will be required during 2019/20, with a view to consulting on and recommending changes for 2020/21.

6. Proposed Local Council Tax Support Scheme for 2019/20

- 6.1 The following elements are already incorporated in the 2018/19 scheme for Castle Point:
 - 1 As directed by central Government, all pensioners are treated as protected, meaning that the financial impact of changes falls on working age households only.

- 2 The scheme is means tested, using many of the principles of the previous Council Tax Benefit scheme, which enables specific protections to be applied to vulnerable groups, households with children, and households with disabilities.
- 3 The scheme incentivises work by disregarding £25 per week of earned income.
- 4 Child Benefit is counted in full as income when calculating entitlement.
- 5 Claims for Local Council Tax Support cannot be back dated.
- 6 As far as possible the scheme allows for expected growth in demand and is easy to claim and administer.
- 7 Second Adult Rebate, previously available under Council Tax Benefit, is not part of the scheme for working age claimants.
- 8 The savings limit is £6,000, meaning that claimants with capital exceeding this value are not entitled to Local Council Tax Support.
- 9 Non-Dependant deductions, previously applicable under Council Tax Benefit, are not included in the scheme for working age claimants.
- 10 In conjunction with the Council's 'Local War Pensioner' scheme, income received in respect of War Pensions for disablement or bereavement is fully disregarded when calculating entitlement.
- 11 Support is capped at Council Tax band D and at 70% of Council Tax liability for working age claimants, meaning all working age Council Tax Payers are required to pay a minimum of 30% of their weekly council tax bill and those living in properties banded E to H will be assessed as though they are living in a Band D property.
- 12 Underlying Entitlement, previously awarded when an overpayment occurred under Council Tax Benefit, is not applicable in the scheme for work age claimants.
- 13 The Family Premium, previously awarded under Council Tax Benefit, no longer applies to new working age claims made from 1st April 2017 onwards.
- 14 The period for which a person can be absent from Great Britain and still receive Local Council Tax Support is limited to a maximum of 4 weeks (subject to specific exceptions).
- 15 The Severe Disability Premium, previously awarded under Council Tax Benefit, no longer applies where another person is paid Universal Credit (Carers Element) to look after them.
- 16 The Work Related Activity Component is no longer included when calculating entitlement for new applicants who receive Employment and Support Allowance (ESA) and who fall within the Work Related Activity Group.

- 17 The number of Dependant Child Applicable Amounts used when calculating entitlement is limited to a maximum of two (subject to specific exceptions).

6.2 It is recommended that the scheme should not be changed for 2019/20.

7. Corporate Implications

a. Financial Implications

Funding

- 7.1 The reduced tax yield arising directly from the council tax support scheme discount was originally compensated for by a Government grant. With the exception of the Town Council, each precepting organisation received their equivalent grant directly and it was specifically identified within the overall finance settlement. An amount was paid over from this Council to the Town Council based on an estimate of the amount relating to them. From 2015/16 the grant has not been specified separately and the scale of reductions applied to Revenue Support Grant (RSG) means that local authorities are now required to fund this scheme entirely from their own resources.
- 7.2 The overall impact on the Council Tax Base for each financial year since introduction of the scheme is shown in the table below:

	Outturn £000s	Projected £000s
2013/14	5,798	
2014/15	5,282	
2015/16	4,874	
2016/17	4,804	
2017/18	4,686	
2018/19		4,663

- 7.3 The number of discounts awarded under the local scheme has steadily reduced throughout the period since the scheme was launched in April 2013. Caseload will be influenced by changes in the local economy.

Collection

- 7.4 On introduction, the scheme resulted in a number of residents receiving full or partial Council Tax bills for the first time and, as expected, some residents have had difficulty in making payment. The Council has seen a reduction in the overall council tax collection rate, and an increase in the number of payment arrangements which extend payment into subsequent financial years.
- 7.5 Financial implications over and above the target cost of the scheme, positive or negative, would be shared with the major precepting organisations.

Council Tax Reserve

- 7.6 The Council has preserved an amount of £100k in an earmarked reserve from scheme underspends in previous years.

b. Legal Implications

- 7.8 The Local Government Finance Act 1992 made provision for local authorities to implement a council tax reduction scheme based on financial need criteria. This legislation also placed responsibility on the billing authority before introducing or implementing changes to their scheme to undertake consultation on the various options enabling consultees to express meaningful views on the proposals. As no changes are proposed since the introduction of the 2018/2019 scheme it is intended that no further consultation be undertaken on the 2019/2020 scheme.

c. Human resources/equality/human rights

- 7.9 A stage 2 Equality Impact Assessment for the proposed 2019/20 scheme has been completed. A copy is attached at Appendix B of this report.

d. Timescale for implementation and risk factors

- 7.10 The 2019/20 Scheme needs to be finalised by 31st January 2019. The new scheme must be operational from 1st April 2019.

Key project milestones are as follows:

Milestone	Timeframe	Purpose
Grant Published	Nov 18 – Dec 18	
Cabinet Report	21.11.18	Proposed scheme to be recommended to Council
Report to Council	12.12.18	Final scheme approval
2019/20 Scheme in place	31.3.19	Adoption and Implementation
2019/20 Scheme in operation	1.4.19	Operation

8. Background Papers:

Appendix A Universal Credit Impacts on LCTS

Appendix B Stage 2 Equality Impact Assessment

Appendix C Impact of the Proposed 2019/20 Scheme

Report Author:

Eddie Mosuro – Revenues & Benefits Transformation Manager

Universal Credit - Impacts on the Local Council Tax Support Scheme

Background

Universal Credit **Live** Service (UCLS) was first introduced in Castle Point in May 2015. UCLS had very little bearing on the LCTS scheme design because it affected only a relatively small number of LCTS customers – mostly non-complex single households.

Universal Credit **Full** Service (UCFS) is the national model of Universal Credit. UCFS was introduced in Castle Point in July 2018. The UCFS model is constantly evolving and being refined by DWP, and this work is expected to continue going forward.

By early December 2018 UCFS is expected to have been rolled out partially to every single Local Authority across the country. DWP plan to then commence the 'managed migration' of existing legacy benefit claims during 2019.

Details of the exact timetable have not yet been published but migration of the entire caseload is expected to be a gradual process which will take several years.

Impacts of UCFS on LCTS

Up until now UCFS has had relatively little influence on the LCTS scheme design, however the following are recognised factors that need careful consideration when designing future schemes;

Increased responsibility for customers

With the migration onto UC many customers now have to take direct responsibility for their finances and learn how to manage a digital account.

For some this will be the first time that they have had to do this. Difficulties in completing tasks which are necessary to receive a UC award may, in some cases, lead to delays or complete failure of the UC payment. This is likely to have an impact on the customers' ability to pay Council Tax, or to maintain agreed payment plans.

Although Personal Budgeting and Assisted Digital Support arrangements are currently in place and under Local Authority control (via Peabody) at the moment, DWP have indicated that they intend to change these arrangements nationally from April 2019, bringing UC Support under the remit of Citizens Advice Bureau's.

Under the current support arrangements in Castle Point, Peabody have to date received 46 referrals for UC Support from Job Centre Plus. 39 of these customers attended their appointments and received UC Support, whilst 7 customers failed to attend their appointments.

The level of Local Authority engagement in the new support arrangement going forward is currently unknown.

Ideally, future LCTS schemes will look to minimise the requirement for customers to complete tasks, beyond that which is absolutely necessary. The Authority will need to ensure it is engaged with whatever support arrangements are adopted by Job Centre Plus going forward.

Declining take up of LCTS

Administration of LCTS is a Local Authority responsibility. There is no automatic entitlement to LCTS for UC customers. UC customers who do not have an existing live LCTS claim must complete an LCTS application form before an LCTS award can be made.

The Authority relies on the Job Centre to inform these customers of the LCTS application process but there is no automatic requirement under UC for them to claim LCTS and it is apparent that customers do not always do so. The current LCTS scheme also does not allow for backdating.

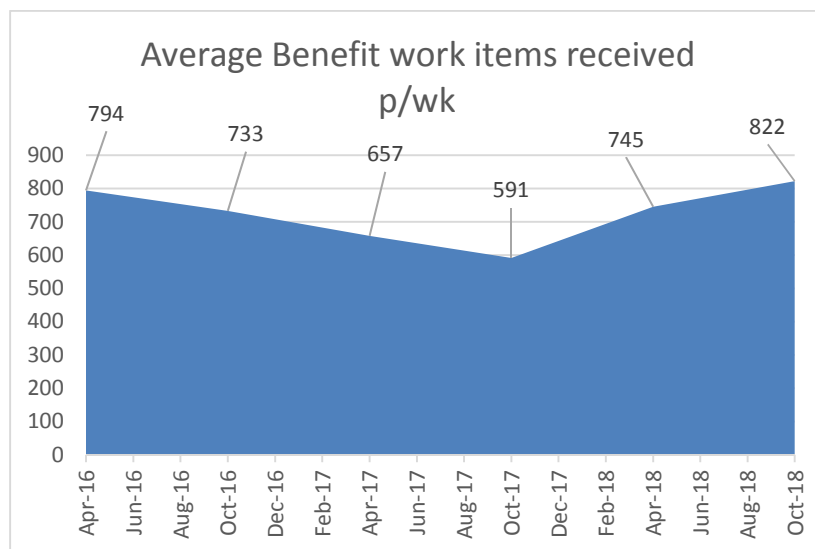
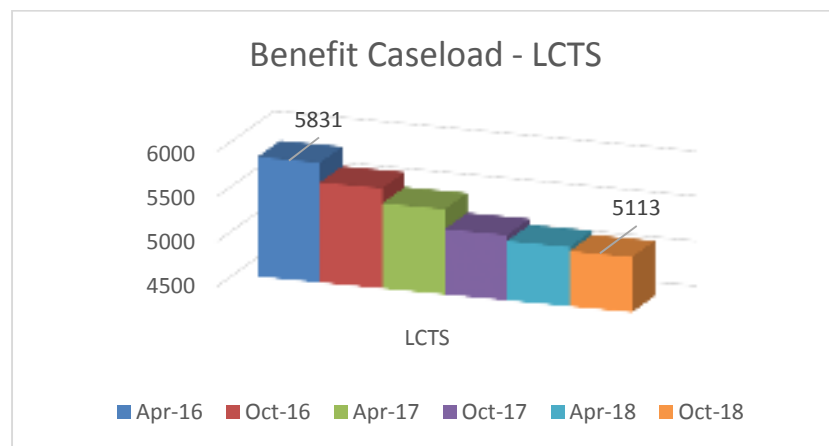
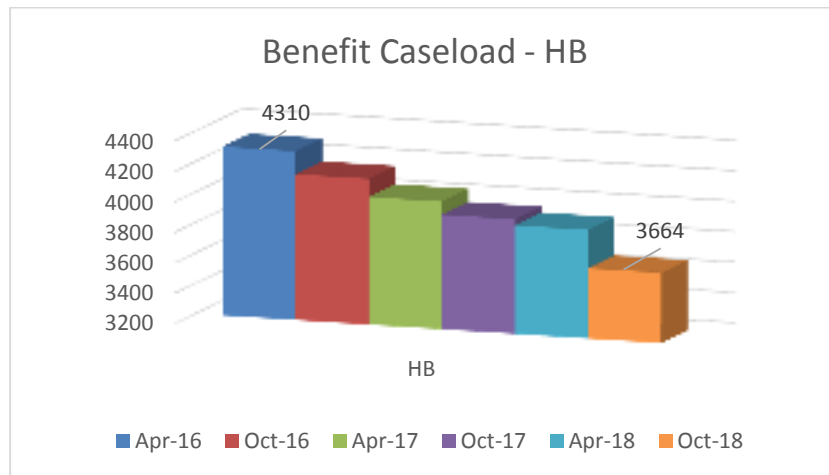
Whilst existing LCTS customers do not need to complete a new LCTS application when they move onto UC, this is sometimes necessary because the Authority needs to collect more detail than that which is provided through shared data or can be completed on a change of circumstances form.

Recent analysis of known UC claims in Castle Point to date suggests that some one third of previous LCTS customers are currently failing to provide sufficient information to enable an LCTS to be made after they move onto UC.

Ideally, future LCTS schemes will look to make the claim process and gateway to LCTS as simple as possible. The Authority could look at ways of increasing take up and removing barriers to claiming, such as simplifying the claim form and information required. It may also wish to reconsider backdating as an option.

Impact on resources & collection

The following graphs show the changes to numbers of Housing Benefit claims, numbers of LCTS claims, and the average number of work items received per week within the Benefit Service since April 2016:



Whilst caseloads appear to be declining across both Housing Benefit and LCTS, the average number of work items received has increased. This is due in part to an increase in the volume of data being shared electronically by DWP.

On average Local Authorities receive 4 notifications each time an existing HB/LCTS claim moves onto UCFS.

UC is a “real time benefit”. This means the UC award can change, on a monthly basis, to reflect changes to the customer’s monthly income. Where the customer receives LCTS the Local Authority will receive notifications for these too each month, so they can adjust the customers LCTS award. In many cases this may only be an adjustment of pennies.

There is no de minimus change value in the current LCTS scheme so all changes, no matter how small, have to be processed. This increases the number of adjustments being made to Council Tax liabilities. This also increases Bill and Notification production, and results in instalments being rescheduled over shorter periods, impacting Council Tax collection.

Ideally future LCTS schemes will look to minimise the number of changes that need to be processed. This could be achieved by setting a de minimus value on changes, or by introducing a fixed award and review period.

Conclusion

Following the recent budget announcement, DWP have declared 2019/20 as a ‘year of consolidation for UC’.

It is therefore recommended that no changes are made to the current LCTS scheme for 2021/20, and that the Authority uses this opportunity to undertake a more in depth review of possible scheme options for 2020/21.

Options being considered by other local authorities currently include;

- a modified and more flexible LCTS scheme with the ability to award fixed award periods and a de minimus change figure,
- a ‘banded scheme’ where claims are assessed based on bands of income and circumstances,
- a discount scheme akin to the single person discount where a simple fixed discount is granted following completion of a very basic claim form.

One key factor in any proposed change to the scheme is the ability of software providers to produce the IT tools necessary to;

- robustly test the scheme design before adoption
- robustly model the financial impacts to the authority and customers
- easily administer the scheme and maintain collection/recovery processes
- produce adequate monitoring reports

Substantial and robust public consultation will need to be undertaken and it should also be remembered that the LCTS scheme only impacts on the working age customers as Pension age customers are still receiving LCTS under the Government Prescribed Scheme.

There is no indication when this might change so any new scheme or IT system would need to ensure that this can still be delivered too.



Local Council Tax Support Scheme 2019-20

Equality Impact Assessment (EqIA)


Nov 2018

Strategy and Policy EqIA

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

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

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

Title of strategy or policy:	Local Council Tax Support Scheme
Person undertaking EqIA:	Eddie Mosuro
Head of Service: 	Craig Watts
Department:	Housing & Communities
Date EqIA completed:	6.11.18

Strategy and policy overview

Strategy and policy overview	
What is the strategy or policy intending to achieve?	To fulfil the Local Authorities legal obligation under the Localism Act to provide a Localised Council Tax Support Scheme with effect from 1.4.19.
What are the summary aims and objectives of the strategy or policy?	<p>Since 1st April 2013, the Council has maintained a Local Council Tax Support (LCTS) scheme. This replaced the national Council Tax Benefit scheme, which ended on 31st March 2013. LCTS helps provide support to council taxpayers who have a low income. It supports the taxpayers by providing a reduction in the actual amount in Council Tax payable.</p> <p>The Council has the ability to determine the level of support given to working age applicants only. The scheme for pension age applicants is determined by Central Government and therefore the ability of the Council to vary that part of the scheme is limited and can only enhance the national scheme in any event.</p> <p>When LCTS was first introduced, Central Government provided a specified level of grant, which was approximately 10% lower than the amounts previously given (pre 1st April 2013). This has now been replaced by a general duty to provide a scheme and funding is not separately identified within the grants given to the Council.</p> <p>After the original consultation, the Council decided to introduce an LCTS scheme that differed from the original Council Tax Benefit in that instead of granting a maximum level of support of 100% it would limit the maximum support to 70%.</p>

<p>Who will benefit from implementing the strategy or policy?</p> <p>What are the links to the Council's corporate priorities?</p> <p>What are the links to other Council strategies and policies?</p> <p>What are the links to other community strategies and policies?</p>	<p>Changes since 2013 Since the introduction of LCTS, the overall scheme adopted by the Council has remained broadly the same, with only applicable amounts for Pension Age and Working Age people being up-rated annually in line with Central Government.</p> <p>Some technical changes were introduced in 2017/18 to mirror changes being made within Housing Benefit legislation.</p> <p>The Proposed Scheme for 2019/20 The Council is minded not to make changes to the working age scheme for 2019/20.</p> <p>The scheme benefits those on low incomes by providing them with support to pay their Council Tax. In particular it provides full protection to Pensioners (as prescribed within the requirements of the Localism Act) and includes locally determined protections for vulnerable groups and incentives to encourage people into work.</p> <p>This Policy supports the Council's corporate priority of 'Efficient & Effective Customer Focussed Services' by ensuring the Council is 'fit for purpose by meeting national and local requirements to agreed timescales and to optimum performance standards'.</p> <p>Corporate Debt Recovery Policy Exceptional Hardship Policy Homelessness Strategy Action Plan</p> <p>National Strategy for tackling child poverty under the Coalition Government: https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208061</p>
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Equality Act 2010

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

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

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

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

Initial screening

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

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

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

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

Full assessment

Information gathering	
What quantitative and qualitative information is there?	<p>The following paper contains information detailing the changing LCTS caseload and impacts of Universal Credit on the caseload:</p> <p>S:\Corporate\LCTS\Reports\2019-20 Scheme Reports\NOV CABINET - DRAFTS\Nov Cabinet Report - Appendix A - Universal Credit Impacts on LCTS V1.docx</p>
What additional information is required?	<p>The following paper sets out the relative financial impact that the proposed scheme will have on Canvey Island Parish Council and non-Parish residents:</p> <p>S:\Corporate\LCTS\Reports\2019-20 Scheme Reports\NOV CABINET - DRAFTS\Nov Cabinet Report - Appendix C - Impact of Proposed 2019-20 LCTS Scheme.docx</p> <p>This is based on the assumption that:</p> <ul style="list-style-type: none"> • Council Tax will increase in line with the 2018/19 increase, • The property is Band D, • A full charge applies, • The customer is entitled to the maximum LCTS award, • No changes are made to the 2018-19 for 2019-20. <p>Caseload and census data was gathered for the 2018-19 scheme as follows:</p> <p>Appendix B - Impact of Proposed 2018-19 LCTS Scheme V1 FINAL.docx</p>

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	No further information is required.
What are the outcomes of any internal and/or external consultation with stakeholders?	As no changes are proposed for 2019/20 no consultation was undertaken
What further consultation is required?	No further consultation is required.
What examples are there of existing good practice?	<p>Some elements of the current working age scheme (i.e. Band restriction, % liability reduction, removal of Second Adult Rebate) have been agreed as part of the overarching Pan Essex scheme.</p> <p>Other current scheme elements have been designed to meet specific needs within Castle Point.</p> <p>All of the technical changes introduced in the 2017/18 scheme mirror changes which have been introduced as part of Central Governments wider Welfare Reforms</p> <p>Guidance provided by DCLG, outlining good practice with regards to treatment of vulnerable groups;</p> <p>(http://www.communities.gov.uk/publications/localgovernment/lscvulnerablepeople)</p> <p>and incentives to work;</p> <p>(http://www.communities.gov.uk/publications/localgovernment/lscworkincentives),</p> <p>were considered when designing the scheme.</p> <p>The Local Government Finance Bill: Localizing Support for Council Tax – Updated Impact Assessment is also available here:</p> <p>http://www.communities.gov.uk/publications/localgovernment/lqfblocalisingcounciltax</p>

	Each Local Authority is required to adopt their 2018/19 scheme by 31.1.18.
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Making a judgement	
How will the strategy or policy eliminate discrimination, harassment and victimisation?	<p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>People with disabilities will continue to receive additional premiums as part of the calculation of their award and also may receive additional financial support through the Exceptional Hardship Fund.</p> <p>Without these elements the policy could potentially be discriminatory to those who fall within the 'disability' characteristic group.</p> <p>No other impacts on protected groups have been identified.</p>
How will the strategy or policy advance equality of opportunity?	<p>The Policy is compliant with prescribed Regulations that protect Pension Age people. This advances equality of opportunity for those who fall within the 'age' characteristic group (specifically those of Pension age) who would otherwise be disadvantaged by the schemes fundamental incentives to work.</p> <p>Parents will continue to receive a Dependant's Applicable Amount (limited to a maximum of two children in line with other</p>

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	<p>Welfare Reforms) and working parents will continue to receive an earnings disregard, as part of the calculation of their award.</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>People with disabilities will continue to receive additional premiums as part of the calculation of their award and may also receive additional financial support through the Exceptional Hardship Fund.</p> <p>This advances equality of opportunity for those who fall within the 'disability' characteristic group who would otherwise be disadvantaged and may have less opportunity to improve their financial circumstances through work.</p> <p>No other impacts on protected groups have been identified.</p>
How will the strategy or policy foster good community relations?	No impacts on protected groups identified – not applicable.
<p>Does the strategy or policy have the potential to make a negative contribution to equality?</p> <p>If so, which groups with “protected characteristics” will be affected and what are the reasons?</p>	<p>Working Age people aged over 18 will be required to pay more than those of Pension Age.</p> <p>People with disabilities who are below pensionable age will need to pay more than those above pension age. This is due to the Prescribed Regulations which automatically protect people of Pension Age.</p> <p>The locally funded nature of the scheme that applies to those of working age, compared to the Prescribed Regulations that apply to those of pension age, means it is not financially viable</p>

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	to completely protect all protected characteristic groups from the full effects of this scheme.
What can be done to address any contribution to inequality caused by the strategy or policy?	<p>Working Age people aged over 18 will be required to pay more:</p> <p>The Council actively supports customers with information and advice on income maximisation, financial capability, and debt management. The Flat Rate earnings disregard has been maintained in the scheme design to incentivise work.</p> <p>People with disabilities who are below pensionable age will need to pay more:</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>A discretionary Exceptional Hardship Fund is available to provide additional financial assistance to those who are particularly vulnerable and suffering exceptional financial hardship.</p>
What can be done to assist understanding of the strategy or policy?	<p>Details of the scheme will be publicised on the council website www.castlepoint.gov.uk , and will be provided in hard copy and alternative formats (i.e. Braille, Large Print, Audio) on request.</p> <p>An on-line 'Calculator' is available to assist those who want to find out if they would be entitled to LCTS.</p> <p>First Contact customer service staff are available to explain the scheme to any individuals or organisations who require assistance.</p>

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	Partners, national bodies, and local advice and support agencies are notified of the scheme adopted each year.
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Action plan					
Equality objective	Action(s)	Lead responsibility	Resources	Timescale(s)	Outcome(s)
Assist understanding of the Policy	Refresh website and hard copy information once 2019/20 Final Scheme formally adopted.	First Contact Manager	Staff time & printing costs	Jan – Mar 2019	All affected groups fully aware of the Policy and how it will affect them.
Assist understanding of the Policy	Engage with and raise awareness amongst local advice and support groups.	Benefit Manager	Staff time	Jan – Mar 2019	All local advice and support groups fully aware of the policy and how it will affect their customers.
Advancing equality of opportunity	Proactively identify suitable cases for Exceptional Hardship awards using internal knowledge of debts identified in 2018/19.	Revenues Manager	Staff time, provision of discretionary funding pot	Jan 2019 – Mar 2020	Reduce impact of the scheme on those suffering exceptional financial hardship.
Advancing equality of opportunity	Maintain a range of support services and referral arrangements to provide effective assistance with	Revenues & Benefits Transformation Manager	Staff time, funding pot for services, additional staff resource	Jan 2019 – Mar 2020	Customers adequately supported and equipped with skills to manage financial impact.

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	financial capability, budgeting, and/or debt management advice.				
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Impact of the Proposed 2019/20 LCTS Scheme

Assuming an overall increase of 4.81% for the mainland properties and 4.75% for the Canvey parish in next year's Council Tax (similar to 2018/19), the minimum impact of a **no change recommendation** for 2019/2020 based on a council tax payer receiving the highest rate of Local Council Tax Support and residing in a band D property on a full charge would be as follows:-

Canvey Island Parish

	2018/19	2019/20	
Property Band D	£1,732.32	£1,814.61	4.75% increase

The tax payer would be liable to pay an increase on the 2018/19 amount of £24.69 for the year 2019/20

Mainland

Property Band D	£1,711.71	£1,794.04	4.81% increase
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The taxpayer would be liable to pay an increase on the 2018/19 amount of £24.70 for the year 2019/20.

If broken down further this is an increase for customers on full Council Tax Support of an estimated 48 pence per week.

ORDINARY COUNCIL

12th December 2018

Subject: Gambling Licensing Policy Statement

Report of the: Chief Executive

1. Purpose of Report

- 1.1 To present to Council the recommendations of the Licensing Committee held on 22.11.2018.

2. Background

- 2.1 The Gambling Commission have instructed that all local authorities must prepare and publish the next policy statement by 3 January 2019, with it coming into force on 31 January 2019. The current policy statement came into effect in January 2016. There is a statutory requirement under the Gambling Act 2005 to review the policy statement every three years.
- 2.2 There are prescribed procedures that the Council must undertake before the policy statement can take effect. This involves formal external consultation and making the policy statement publicly available by a variety of means for a period of at least 4 weeks.
- 2.3 The policy statement must be adopted by full Council. The proposed policy statement must therefore be presented to this meeting to allow sufficient time for the necessary publication to take place prior to 31st January 2019.
- 2.4 Licensing Committee on 22.11.2018 considered the draft Policy Statement which had been revised to reflect the latest guidance issued to licensing authorities by the Gambling Commission. In particular:
- a) It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly rather than focussing on problem gambling alone. In this respect the revised policy statement emphasises the Council's focus on protecting children and vulnerable adults.
 - b) Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Since April 2016 gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation.
- 2.5 Licensing Committee recommended to Council to approve and adopt the attached revised Gambling Policy Statement.

3. Links to Corporate Priorities and objectives

- 3.1 The draft policy statement contributes directly towards the Council's priorities of *Health and Community Safety*. The way in which it is applied will contribute towards the priority of *A Commercial and Democratically Accountable Council*.

4. Financial implications

- 4.1 There are minor financial implications associated with the recommendation in this report and a cost will be incurred to place the required public notice in the local newspaper in order to satisfy the requirement to advertise the fact that the policy statement has been published. The cost is recoverable through the licensing fee process.

5. Legal implications

- 5.1 The Gambling Act 2005 requires that the policy statement is reviewed every three years in order that it can reflect changes in law, guidance and codes of practice. It also specifies the list of statutory consultees.

6. Human Resources, Equality, IT/Asset Management Implications

- 6.1 The public sector Equality Duty pursuant to Section 149 of the Equality Act 2010 ("the Act") came into force on the 5th April 2011. The Equality Act 2010 (Age Exceptions) Order 2012 ("the Order") came into effect on the 1st October 2012. The Equality Duty requires the Council to consider how the decisions it makes and services it delivers affects people who share different "protected characteristics".
- 6.2 The local authority when reviewing its Gambling Licensing Policy Statement under the Gambling Act 2005 must have due regard for the need to eliminate unlawful discrimination, harassment, victimisation to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics includes age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 The revisions proposed are in accordance with the equality framework for local government which describes how the local authority will fulfil its moral, social and legal obligations; this equality framework is closely linked to the Corporate Plan and to other strategies, policies and plans.

7. Timetable for implementation

The Policy Statement is to come into force on 31.1.2019.

Recommendations:

1. **To endorse the recommendation of the Licensing Committee to approve and adopt the revised Gambling Licensing Policy Statement.**

Background Papers:

Report to Licensing Committee 22.11.2018

Gambling Act 2005

Castle Point Gambling Licensing Policy Statement



Gambling Licensing Policy Statement

2019-2022

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Final v December 2018**

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Part A

1.0 Introduction

1.1 This Statement of Licensing Policy sets out the principles by which Castle Point Borough Council as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), intends to apply in discharging its functions to license premises for gambling under the Act as well as:

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting court proceedings for offences committed under the Act.

2.0 The Licensing Objectives

2.1 In exercising most of its functions under the Act, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.0 Description of the Borough

Castle Point Borough Council is in the County of Essex, which comprises of eleven District and Borough Councils, one City and two Unitary Authorities. The Borough of Castle Point is situated on the coastline of south-east Essex on the northern side of the Thames estuary and has an area of 17.3 square miles and a population of approximately 89,500 people.

Through the middle of the Borough runs Benfleet Creek, joining the mainland of Benfleet to the north and Canvey Island to the south. The area is largely urban with considerable open spaces and green belt.

There are few major concentrations of premises in the Borough providing facilities for betting and gambling. Those premises are mainly made up of pubs, clubs, betting shops, family entertainment centres, adult entertainment centres, amusements arcades and bingo halls. There are also a number of registered society lotteries.

There are several areas within the Borough that form part of the focal point for community life such as the seafront area of Canvey Island which provides amusement arcades.

Because of the nature of the Borough, premises and events that are licensed under the Act provide an essential contribution to the local economy of the Borough through tourism, cultural development and regeneration. Outline map of the Borough:



4.0 Responsibilities under the Act

4.1 The Act introduced a licensing regime for gambling which is conducted by the Gambling Commission and by Licensing Authorities depending on the matter to be licensed.

4.2 Castle Point Borough Council is the Licensing Authority for the area shown on the map whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003.

4.3 The Gambling Commission is responsible for issuing Operating and Personal Licences to persons and organisations who:

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- act as intermediaries for betting;

- make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. In addition it is responsible for the registration of certain types of exempt Small Society Lotteries.

4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- in accordance with any relevant Code of Practice under Section 24 of the Act;
- in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
- reasonably consistent with the Licensing Objectives and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence, or both, must have been obtained from the Gambling Commission.

5.0 Statement of Licensing Policy

5.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

5.2 This policy must be reviewed and published every three years. The policy must also be reviewed from time to time and any proposed amendments and/or additions must be subject to fresh consultation.

5.3 This policy takes effect from 31st January 2019 and replaces the previous one.

6.0 Consultation

6.1 In producing this policy the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Council chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Appendix A.

6.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- The Chief Officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and

- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

6.3 Consultation took place between Thursday 11 October 2018 and Thursday 22 November 2018.

7.0 Approval of Policy

7.1 This reviewed policy will be approved at a meeting of the full Council on 12 December 2018. Copies are available on the website or on request.

7.2 It should be noted that this policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

8.0 Declaration

8.1 The Licensing Authority declares that it has had regard to the licensing objectives, formal guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.

8.2 The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Race Equality Scheme and the Disability Equality Scheme.

9.0 Responsible Authorities

9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix B. It should be noted that under the Act the Licensing Authority is designated as a Responsible Authority.

9.2 The Licensing Authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:

- the competency of the body to advise the Licensing Authority;
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons rather than any particular interest group etc.

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities the Licensing Authority designates the Essex County Council Children's and Adult's Safeguarding Boards for this purpose.

10.0 Interested Parties

10.1 Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) has business interests that might be affected by the authorised activities, or*
- c) represents persons who satisfy paragraphs (a) or (b).'*

10.2 Interested Parties can be persons who are democratically elected such as Borough and Town Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Town Councils likely to be affected will be considered to be Interested Parties.

10.3 Borough Councillors who are members of the Licensing Committee will not qualify to act in this way.

10.4 Other than persons mentioned in 10.2 and 10.3, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an interested party.

10.5 The Licensing Authority considers that the Trade Associations, Trade Unions and Residents' and Tenants' Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in (a) or (b) above.

10.6 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities the Licensing Authority will consider the following factors:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- The catchment area of the premises (i.e. how far people travel to visit); and
- Whether the person making the representation has business interests in that catchment area that might be affected.

10.7 The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:

- It is not frivolous or vexatious
- It raises issues that relate to the Guidance issued by the Gambling Commission
- It raises issues that relate to this policy
- It relates to the Licensing Objectives

11.0 Exchange of Information

11.1 In its exchange of information with parties listed in Schedule 6 of the Act the Licensing Authority will have regard to:

- the provisions of the Act, which include the provision that the Data Protection Act 1998 will not be contravened;
- the guidance issued by the Gambling Commission;
- relevant Legislation and Regulations

11.2 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime but will only share any personal details for this purpose if required by law to do so.

12.0 Public Register

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register.

13.0 Compliance and Enforcement

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified the Licensing Authority will follow best practice. This requires that actions should be:

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The Authority must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is possible and adopt a risk based inspection programme. All enforcement action is taken having regard to the Licensing Enforcement Policy.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

13.4 The Licensing Authority will keep itself informed of developments as regard the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

- 13.5** Bearing in mind the principle of transparency the Licensing Authority's enforcement/compliance protocol or written agreements will be available on request.
- 13.6** As part of its ongoing inspection regime the Licensing Authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Licence holders will always be advised of the outcome of the tests. Where operators carry out their own test purchasing the Licensing Authority expect to be advised of the results on request. Should the results show a failure then the Licensing Authority will in the first instance work with the operator to review their policies and procedures.
- 13.7** Where there is a Primary Authority Scheme in place the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- Coral – London Borough of Newham
 - Ladbrokes – Milton Keynes
 - Paddy Power – Reading
 - William Hill – City of Westminster

Part B

Premises Licences

14.0 Delegation of Powers

- 14.1** The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found in the Council's Constitution @ www.castlepoint.gov.uk

15.0 General Principles

- 15.1** Premises licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where it is thought appropriate.
- 15.2** In accordance with section 150 of the Act premises licences can authorise the provision of facilities on:
- Casino premises
 - Bingo premises
 - Betting premises, including tracks and premises used by betting intermediaries
 - Adult gaming centre premises (for category B3, B4, C and D machines)
 - Family entertainment centre premises (for category C and D machines) (note that separate to this category the licensing authority may issue a family entertainment centre gaming machine permit which authorises the use of category d machines only)

- 15.3** Each case will be decided on its merits and will depend upon the type of gambling that is proposed as well as taking into account how the application proposes that the Licensing Objective concerns can be overcome.
- 15.4** The Licensing Authority is required by the Act in making decisions about premises licences to permit the use of premises for gambling so far as it thinks fit:
- in accordance with any relevant codes of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - to be reasonably consistent with the Licensing Objectives; and
 - in accordance with the Authority's policy.
- 15.5 Definition of Premises**
In the Act 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.
- The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).
- 15.6 Demand**
Demand is a commercial consideration and is not an issue for the Licensing Authority.
- 15.7 Location**
Location will only be a material consideration in the context of the Licensing Objectives.
- 15.8** The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the objectives of protection of children and vulnerable persons from being harmed or exploited by gambling as well as issues of crime and disorder.
- 15.9** In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6th April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) under section 10 that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 15.10** The LCCP also states that licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstance, including those identified in this policy;

- b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence.

15.11 The Licensing Authority expects the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area and how game rules, self-exclusion leaflets etc., are communicated to those groups
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

15.12 In every case the local risk assessment should show how vulnerable people with gambling dependencies are protected.

15.13 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines.

The Licensing Authority expects all licensed premises' to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.

15.14 Such information may be used to inform the decision the Council makes about whether to grant a licence, to grant a licence with special conditions or to refuse an application.

15.15 This policy does not preclude any application being made and each application will

be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

15.16 Duplication with other Regulatory Regimes

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded planning permission or building control consent.

15.17 Licensing Objectives

Premises licences granted must be reasonably consistent with the Licensing Objectives. With regard to these objectives, the following will be considered:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime**

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this Licensing Objective.

Where an area has known high levels of organised crime, this Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

- **Ensuring that gambling is conducted in a fair and open way**

The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

In practice, the objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Licensing Authority will consider very carefully whether applications for premises Licences in respect of gambling premises located close to schools, centres for gambling addicts, or residential areas where there may be a high concentration of families with children, should be granted, and will fully scrutinise the control measures outlined in an operator's local area risk assessment in this regard.

The Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

15.18 Conditions and Plans

The Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing Objectives.

Any conditions attached to licences will be proportionate and will be:-

- Relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

In addition, the Licensing Authority will examine how applicants propose to address the Licensing Objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:-

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

15.19 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

15.20 There are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the premises licence which make it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees and the winning of prizes.

It should be noted that given the DCMS proposed changes to gaming machine stakes and prizes these are subject to and likely to change. Please see <https://www.gamblingcommission.gov.uk/home.aspx> for the latest information.

15.21 Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

15.22 Betting Machines [See Appendix C for definition]

In relation to casinos, betting premises and tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (*where betting is permitted in the casino*).

15.23 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

15.24 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

15.25 In all applications where a plan is required to be submitted, The Licensing Authority expectation is that, it will be in a scale of 1:100 unless otherwise agreed in writing and that, as a minimum, it will show the following (as appropriate to the type of application):

- The extent of the proposed licensed area
- All entry and exit points (including fire exits)
- CCTV camera positions
- Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATM's
- Any fixed or permanent structures including counters
- Privacy screens
- All unlicensed areas under the control of the licensee including any 'sterile area's' and toilet and kitchen facilities be they for staff or public use.

16.0 Provisional Statements

16.1 An application for a provisional statement may be made in respect of premises which the applicant:

- expects to be constructed
- expects to be altered
- expects to acquire a right to occupy.

The applicant should refer to the Act and the detailed information provided in the Guidance.

17.0 Representations and Reviews

17.1 Representations and applications for a review of a premises licence may be made by responsible authorities and interested parties.

17.2 The Licensing Authority can make a representation or apply for a review of the premises licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters the Authority has designated the Council's Strategic Director as being the proper person to act on its behalf.

17.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Based on grounds that will certainly not cause the Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance or codes of practice issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives.

17.4 In accordance with the Guidance the Licensing Authority can also initiate a review of the Licence on the basis of any reason which it thinks appropriate.

17.5 There is no appeal against the Authority's determination of the relevance of an application for review.

18.0 Adult Gaming Centres

18.1 An Adult Gaming Centre is defined in Appendix C. Entry to these premises is age restricted.

18.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

19.0 Licensed Family Entertainment Centre

19.1 A Licensed Family Entertainment Centre is defined in Appendix C. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

20.0 Casinos

20.1 The Licensing Authority has adopted:

No decision made but each application be considered on its own merit.

In making this decision the Licensing Authority consulted widely on this specific issue.

20.2 Casinos and Competitive Bidding

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with regulations and codes of practice issued under the Act by the Secretary of State.

20.3 Betting Machines

The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (*where betting is permitted in the casino*). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things should take into account:

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

20.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

20.5 Fixed Odds Betting Terminals (FOBT'S)

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

20.6 The Licensing Authority expects FOBT's to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially code 9.11.1.

20.7 Credit

Credit facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

21.0 Bingo Premises

21.1 A Bingo premises is defined in Appendix C. Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 Credit

Credit facilities are prohibited in premises licensed for Bingo; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22.0 Betting Premises

22.1 Betting Premises are defined in Appendix C. Entry to these premises is age restricted.

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

23.0 Tracks

23.1 A Track is defined in Appendix C. Entry to these premises is generally age restricted. Please refer to the Gambling Commission Guidance.

23.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

24.0 Travelling Fairs

24.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use. ~~(See Appendix H).~~

Part C

Permits/Temporary or Occasional Use Notices/Registrations

25.0 General

25.1 The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.

26.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

26.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

26.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee.

Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.

26.3 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Disclosure and Barring Service check or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises
 - children causing perceived problems on/around the premises
 - suspected truant children

27.0 (Alcohol) Licensed Premises Gaming Machine Permits

27.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.

27.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

27.3 Premises restricted to selling alcohol only with food will not be able to apply for a Permit.

27.4 Where an application for more than two gaming machines is received the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-

- Adult machines being in sight of the bar;
- Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- Appropriate notices and signage;
- As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, and leaflets/help line numbers for organisations such as Gamcare; and
- Relevant Codes of Practice issued by the Gambling Commission.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

28.0 Prize Gaming Machine Permits

28.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic Disclosure and Barring Service check or equivalent criminal record check for the applicant and the person having the day to day control of the premises.
- Proof of age schemes
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises,
 - children causing perceived problems on/around the premises, and
 - suspected truant children

In addition applicants should be able to demonstrate a full understanding of maximum stakes and prizes (and that staff are suitably trained in this respect and keep abreast of changes on the Gambling Commission's website).

In making its decision on an application for a Permit the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

29.0 Club Gaming and Club Machine Permits

29.1 Members' Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

29.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

29.3 Commercial clubs may apply for a club machine permit, subject to restrictions.

29.4 The gambling provided under the authority of a club gaming permit must also meet the following conditions:

(a) in respect of gaming machines:

no child or young person may use a category B or C machine on the premises

that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

(b) the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

29.5 Section 273 of the Act sets out the conditions that will apply to the club machine permit including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

30.0 Temporary Use Notices (TUN)

30.1 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. At present a Temporary Use Notice can only be issued for equal chance gaming.

30.2 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.

30.3 The definition of a "set of premises" will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

30.4 The Licensing Authority will object to Notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

31.0 Occasional Use Notices

31.1 The Licensing Authority has very little discretion as regards these Notices aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.

31.2 The Licensing Authority will however consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

31.3 The person designated to receive the OUN's and to assess the validity is the Head of Legal Services and Monitoring Officer. (A copy to be served on local Chief of Police).

32.0 Small Society Lotteries

32.1 The definition of a Small Society Lottery is contained in Appendix C and these require registration with the Licensing Authority.

Appendix A

List of Consultees

The draft policy was placed on the Council Website and in accordance with the Act and the following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy.

- All responsible Authorities for the Gambling Act (as specified in Annexe 2).
- Holders of Premises Licences and Permits under the Gambling Act 2005.
- The Licensing Committee
- Canvey Island Town Council
- Castle Point Association of Voluntary Services
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Local Solicitors
- Members of the Borough Council

Appendix B

Responsible Authorities

Organisation	Contact and Address	Telephone
Licensing Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF licensingunit@castlepoint.gov.uk	01268 882369
Essex Police	Essex Police Licensing Unit Licensing Department (Alcohol & Gambling) Blythes Meadow Braintree Essex CM7 3DJ Licensing.applications@essex.pnn.police.uk	101 ext 452035
Essex County Fire and Rescue Service	Essex County Fire and Rescue Service Rayleigh Weir Community Fire Station 500 Rayleigh Road Benfleet Essex SS7 3TR eastareacommand@essex-fire.gov.uk	01376 576500
Essex County Council Children's and Adults Safeguarding Service	Licensing Applications Essex County Council 70 Duke Street County Hall Chelmsford Essex CM1 1JP licenceapplications@essexcc.gov.uk	01245 492211
Trading Standards	Information and Business Support Team Essex Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS ESFbsnewdukesway@essex.gov.uk	01245 341800
The Local Planning Authority	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF planning@castlepoint.gov.uk	01268 882200
Environmental Health	Castle Point Borough Council Council Offices Kiln Road Benfleet Essex SS7 1TF	01268 882200

Organisation	Contact and Address	Telephone
	Environmental-Health@castlepoint.gov.uk	
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP info@gamblingcommission.gov.uk	0121 230 6500
HM Revenue & Customs	The Proper Officer HM Revenue & Customs HMRC Banking St Mungos Road Cumbernauld Glasgow G70 5WY	03000 516023
Public Health	Essex County Council Dr Danny Showell Consultant in Public Health Essex County Council County Hall Market Rd Chelmsford Essex CM1 1QH danny.showell@essex.gov.uk Ben.Hughes@essex.gov.uk	

Appendix C

Definitions

Please note, definitions listed below are for guidance only and do not form part of the Council's Statement of Licensing Policy or will necessarily appear in it.

ATM	Auto teller machine or cash machine
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect.
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Betting	In this Act "betting" means making or accepting a bet on: (a) the outcome of a race, competition or other event or process, (b) the likelihood of anything occurring or not occurring, or (c) whether anything is or is not true.
Betting Machines	A machine designed or adapted for use to bet on future real events [not a gaming machine].
Bingo	Bingo is not given a statutory definition in the Act other than that it means any version of the game irrespective of by what name it is described. It is to have its ordinary and natural meaning. Two types of bingo are commonly understood: <ul style="list-style-type: none">• cash bingo, where the stakes paid make up the cash prizes that are won• prize bingo, where various forms of prizes are won, not directly related to the stakes paid.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Resolution	Resolution not to issue casino premises licences.
Child	Individual who is less than 16 years old.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines [3 machines of Categories B,C or D.
Conditions	Conditions to be attached to licences by way of:- <ul style="list-style-type: none">• Automatic provision• Regulations provided by Secretary of State• Conditions provided by Gambling Commission• Conditions provided by Licensing Authority Conditions may be general in nature [either attached to all licences or all licences of a particular nature] or may be specific to a particular licence.
Crane Grab Machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default Conditions	Conditions that will apply unless the Licensing Authority

	decides to exclude them. This may apply to all premises licences, to a class of premises licence or licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:</p> <ul style="list-style-type: none"> • Small Society Lottery [required to register with Licensing Authorities. • Incidental Non Commercial Lotteries. • Private Lotteries. • Customer Lotteries.
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Family Entertainment Centre (FEC)	<p>There are two types of FEC:-</p> <p>A licensed FEC (i.e., one with a Premises Licence) has no limit on the number of category C or D machines permitted</p> <p>An unlicensed FEC (i.e., one with a Permit) has no limit on the number of category D machines permitted</p>
Fixed Odds Betting Terminals	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. (Betting Shops) FOBTs have 'touchscreen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming and Game of Choice	<p>In the Act "gaming" means playing a game of chance for a prize.</p> <p>and "game of chance"—</p> <p>(a) includes—</p> <p>(i) a game that involves both an element of chance and an element of skill,</p> <p>(ii) a game that involves an element of chance that can be eliminated by superlative skill, and</p> <p>(iii) a game that is presented as involving an element of chance, but</p> <p>(b) does not include a sport</p>
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events, but not including home computers even though user can access online gambling websites.

Guidance to Licensing Authorities	Guidance issued periodically by the Gambling Commission.
Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions. Article 6: The right to a fair hearing. Article 8: The right of respect for private and family life. Article 10: The right to freedom of expression.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private game, and which are incidental to non commercial events [commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance]
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- <ul style="list-style-type: none"> • Lives within 100metres, or is sufficiently close to the premises to be likely affected by the authorised activities. • Have business interests that might be affected by the authorised activities. • Represents persons in either of the above groups.
Licensing Objectives	<ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2. Ensuring that gambling is conducted in a fair and Open way. 3. Protecting children and other vulnerable persons From being harmed or exploited by gambling.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must:- <ul style="list-style-type: none"> • Identify the promoting society; • State the price of the ticket, which must be the same for all tickets; • State the name and address of the member of the society who is designated as having responsibility for the society for the promotion of the lottery or, if there is one, the external lottery manager, and • State the date of the draw, or enable the date of the draw to be determined.
Members' Club	A club that must:- <ul style="list-style-type: none"> • Have at least 25 members; • Be established and conducted 'wholly or mainly' for purposes other than gaming; • Be permanent in nature; • Not be established to make commercial profit; • Be controlled by its members equally.
Money Prize Machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-Money Prize machine	A machine in respect of which every prize which can be

	<p>won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full premises licence.
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.
Operating Licence	Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.
Pool Betting - Tracks	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horseracing in Britain.
Premises	Defined as 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.
Private Lotteries	<p>There are three types of private lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries - tickets may only be sold to members of the society or persons who are on the

	<p>premises of the society;</p> <ul style="list-style-type: none"> • Work lotteries - the promoters and purchasers of tickets must all work on a single set of work premises; • Residents lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:-</p> <ul style="list-style-type: none"> • Expects to be constructed. • Expects to be altered. • Expects to acquire a right to occupy.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to premises licences, as follows:-</p> <ul style="list-style-type: none"> • The Licensing Authority in whose area the premises is partly or wholly situated • The Gambling Commission • The Chief Officer of Police • Fire and Rescue Service • The Planning Authority for the local authority area • Environmental Health Service for the local authority area • The Body competent to advise on the protection of children and from harm • HM Revenue and Customs • Authority in relation to vulnerable adults • Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency <p>Full details of Responsible Authorities for Castle Point Borough Council are contained in Appendix 'B' to this policy.</p>
Skill Machine/Skill With Prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An

	example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Small Society Lottery	A lottery promoted on behalf of a non commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house (where the house could be a gaming machine).
Temporary Use Notice	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
Tote [or Totalisator]	Pool betting on tracks.
Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- <ul style="list-style-type: none"> • gamble more than they want to • gamble beyond their means • who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

ORDINARY COUNCIL

12th December 2018

Subject: Castle Point Brownfield Land Register 2018

1. Purpose of Report

- 1.1 To inform the Council of the work undertaken to prepare Part 1 of the Castle Point Brownfield Land Register 2018 for publication and to inform the Council of the current position with regard to Part 2 of the Register and “Permission in Principle”.**

2. Links to Council’s Priorities and Objectives

- 2.1 The matters described in this report are directly linked to the Council’s “Housing and Regeneration” priority – incorporating objectives for putting the right planning framework in place to create a sustainable future.**

3. Recommendation

3.1 The Council is recommended:

To note Part 1 of the Castle Point Brownfield Land Register 2018, and to agree its publication in accordance with the Town & Country Planning (Brownfield Land Register) Regulations 2017: and that no sites will be carried forward into Part 2 of the Register at this time.

4. Background

- 4.1 In April 2017, the Government published the Brownfield Land Register and Permission in Principle Regulations. These require the Council to publish a Brownfield Land Register. The Register must contain two parts; Part 1 shall contain a list of previously developed sites and where residential development is considered suitable, available and achievable, and this must be published by 31st December each year. Part 2 shall be a subset of Part 1 and may list those where the Council has decided to allocate the land for residential development (“Permission in Principle”).**
- 4.2 Since the creation of Part 2 of the Register may not be an executive function, Council established a Member Working Party, the Brownfield Register Working Party, to assist with the preparation of the Castle Point Brownfield Land Register.**

- 4.3 The Brownfield Land Register 2017 had contained 20 sites. Due to the informal position of key statutory consultees, Natural England and the Environment Agency, further work was precluded on Part 2 of the Register.

5. Summary of work undertaken

- 5.1 The Brownfield Register Working Party Member was convened on 17.9.2018 and received a detailed briefing on the legal background to the Register including the Brownfield Land Register and Permission in Principle Regulations with related guidance and advice; the work required and carried out in order to prepare and complete Part 1 of the Register. The Working Party was also briefed on the position of key statutory consultees which precluded further work on Part 2 of the Register. This is described in more detail below.
- 5.2 The evidence used to start preparation of the Register was contained in the Strategic Housing Land Availability Assessment (SHLAA) 2018. A “Call For Sites” was issued in May 2018 in order to inform this year’s SHLAA and the Brownfield Register. Each of the 475 sites listed in the SHLAA was examined, and those not meeting the recognised planning definition of “previously developed land” were excluded. The remaining sites were then tested to see whether they were “suitable, available and achievable”, again in accordance with recognised planning definitions in the regulations.
- 5.3 All suitable sites would then form Part 1 of the Register – this included 19 from the 2017 Register (one site had been developed). In all there are 36 sites meeting the definitions in the regulations which can be published in Part 1 of the Castle Point Brownfield Land Register 2018. The Register must be published in a prescribed electronic form, as required by regulations, but an extract is attached to this report as the Appendix.
- 5.4 Part 2 of the Register may contain sites where the Council agrees that “Permission in Principle” should be given. However a decision on whether to grant “Permission in Principle” to a site must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework (NPPF) and national guidance, which indicate otherwise.
- 5.5 If the Council intended to grant a “Permission in Principle” by incorporating a site into Part 2, it must also carry out consultation, notification and publicity in accordance with regulations.
- 5.6 The Working Party was advised that given the requirements of the Environment Agency and Natural England it was not possible to take forward any sites to be included in Part 2 of the Brownfield Land Register.
- 5.7 The Environment Agency’s advice, given the requirement of the NPPF that all development sites in flood zone 3 should incorporate flood risk assessments, was that further flood risk assessment work would be required on such sites, and that information was also required on prevention of contamination of aquifers on all sites. Until this was obtained it was not possible to take forward any sites for consideration in Part 2 of the Brownfield Land Register.

- 5.8 Natural England continue to raise concerns across Essex in relation to the cumulative impacts of population growth on recreation within and near to internationally designated sites of nature conservation importance. The Benfleet and Southend Marshes SPA is such a site. It is therefore necessary to determine if and how the Council could go about addressing any such concerns in relation to this matter before proceeding with any site for consideration as part of the Part 2 of the Register. Currently Essex Coastal local planning authorities were working with Natural England on a Recreational Avoidance and Mitigation Strategy (RAMS) to address this.

6. Corporate Implications

a. Financial Implications

- 6.1 There are no direct financial implications arising from the recommendations in this report. All work so far undertaken has been carried out using existing approved budgets.

b. Legal Implications

- 6.2 There are no direct legal implications arising from the recommendations in this report, although Council is reminded that consideration of sites for potential inclusion on Part 2 of the Register must be in accordance with the development plan and other material considerations, as with any other planning decision.

c. Human Resources & Equality Implications

- 6.3 There are no direct implications of this kind arising from the recommendations in this report.

d. Timescale for implementation & risk factors

- 6.4 Part 1 of the Castle Point Brownfield Land Register 2018 must be published by 31st December 2018. Failure to complete the Register by that date would mean that the Council had not completed its legal duty.

7. Conclusions

- 7.1 The Member Working Group has assisted the Council in preparing and publishing Part 1 of the Castle Point Brownfield Register 2018 by the appointed date.

Background Papers

Town and Country Planning (Brownfield Land Register) Regulations 2017
Town and Country Planning (Permission in Principle) Order 2017
SHLAA 2018

Report Author: Steve Rogers, Local Plan & Regeneration Adviser

Table 1: Sites included on the Brownfield Land Register

SHLAA Reference	Site Name	Indicative capacity
S0001	316 London Road, Benfleet	14
S0011	84 Vicarage Hill, Benfleet	2
S0012	240-244 High Road, Benfleet	19
S0014	87-97 High Street, Benfleet	14
S0019	65 Thundersley Park Road, 1 & 1a Clarence Road, Benfleet	1
S0028	125-127 High Street, Canvey Island	14
S0036	Briar Cottage, Leige Avenue, Canvey Island	11
S0046	109 Long Road, Canvey Island	7
S0048	Site Adjacent to Pauls Court, Meppel Avenue, Canvey Island	5
S0052	Tower Radio, 573-581 London Road, Hadleigh	14
S0059	82 High Street, Hadleigh	6
S0060	231 London Road, Hadleigh	6
S0063	88 High Street, Hadleigh	5
S0091	Beaver Doors, 211-213 London Road, Thundersley	10
S0095	Rear of 179-181 Church Road, Thundersley	40
S0099	Benfleet Police Station, 90-92 High Road, Benfleet	13
S0108	Outpatients centre, Long Road, Canvey Island	10
S0118	West of Venables Close, Canvey Island	34
S0120	Job Centre, 140 Furtherwick Road, Canvey Island	15
S0139	20 Haresland Close, Hadleigh	9
S0165	Valee Casa, 62 Hill Road, Benfleet	5
S0173	Benfleet Tavern Public House (formerly Appleton Arms), High Road, Benfleet	14
S0232	343 Rayleigh Road, Thundersley	10
S0247	166-168 Kiln Road, Benfleet	3
S0249	320 London Road, Hadleigh	20
S0251	High Road, Tarpots Town Centre, Benfleet	17

SHLAA Reference	Site Name	Indicative capacity
S0252	286 London Road, Benfleet	5
S0253	Maharaja Restaurant, 358 London Road, Benfleet	6
S0399	61-69 Hart Road, Thundersley	2
S0403	210 & 212 High Road, Benfleet	5
S0406	191-193 High Road, Benfleet	14
S0423	30-32 Essex Way, Benfleet	14
S0426	Stafford Court Care Home, Venables Close, Canvey Island	0
S0436	364 London Road, Hadleigh	9
S0437	54 Beech Road, Hadleigh	14
S0445	246-250 High Road, Benfleet	11

ORDINARY COUNCIL

12th December 2018

Subject: Christmas Car Parking – Additional Free Parking Town Centre Car Parks

- 1. Purpose of Report**
To seek approval to three additional free days car parking in the Borough's town centre car parks at Christmas.
- 2. Links to Council's Priorities and Objectives**
This item links to the Council's Environment priority.
- 3. Recommendations**
To suspend car parking charges in the Borough's town centre car parks for an additional three free days car parking at Christmas.

-
- 4. Background**
The Council has for many years as a good will gesture waived car parking charges in the Council's town centre car parks during the Christmas period. Delegated authority has been granted to the Head of Environment in consultation with the Cabinet Member (with responsibility for car parking) to allow up to five free days free car parking at Christmas.

At present arrangements had been made for charges to be suspended for the period Tuesday 18th December until Wednesday 26th December (inclusive). Weekends and Bank Holidays are already free.

- 5. Proposals**
At the Cabinet meeting the Cabinet Member for Environment and Leisure explained there was a limitation placed on the delegation. The Cabinet Member put forward a proposal to grant in effect two weeks free parking in town centre car parks to assist the community and local businesses at Christmas. The Cabinet welcomed and supported the proposal.

In order to give effect to the Cabinet's wishes this will require an additional three free days car parking to be awarded to cover Monday 17th, Thursday 27th and Friday 28th December 2018. Council is asked to endorse and approve the award of an additional three free days car parking in the Borough's town centre car parks at Christmas.

6. Corporate Implications

(a) Financial Implications

Provision is included in the budget for up to five days free parking at Christmas.

(b) Legal Implications

There is provision in the Off – Street Parking Order to suspend parking charges.

(c) Human Resources and Equality Implications

There are none.

(d) IT and Asset Management Implications

Appropriate signs and publicity will be given to the free parking arrangements.

7. Timescale for implementation and Risk Factors

Addressed in the report.

8. Background Papers

None

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