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**A SPECIAL MEETING OF THE COUNCIL** of the Borough of Castle Point will be held in the **Council Chamber, Council Offices, Kiln Road, Thundersley**, on **WEDNESDAY, 23RD FEBRUARY 2022 at 7.30p.m or on the rising of Cabinet whichever is later NB Time** and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

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

**Andrew Grant**  
**Interim Chief Executive**

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## **AGENDA**

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### **PART I**

**(Business to be taken in public)**

**1. Apologies for absence**

**2. Members' Interests**

**3. Policy Framework and Budget Setting for 2022/23**

A report is attached. Council is asked to consider recommendations from the Cabinet held earlier.

Council is reminded that as result of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 voting on the recommendations will be a recorded vote.

**4. Community Infrastructure Levy Charging Schedule**

Following consideration by Cabinet on 26th January 2022 and Scrutiny Committee on 9th February 2022. A report is before the Council to consider the recommendation.

**SPECIAL COUNCIL**

**23rd February 2022**

**Subject: Policy Framework and Budget Setting for 2022/23**

**Cabinet Member: Councillor Johnson – Resources**

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**1. Purpose of Report**

This report supplements the report to Cabinet earlier this evening.

**2. Links to Council's priorities and objectives**

- 2.1 This report is linked to all the Council's priorities. Sound and strategic financial management is essential in order to ensure that resources are available to support the Council's priorities and maintain or improve services.
- 2.2 This report is designed to provide Members with the latest information on the future cost of spending plans and levels of resources.

**3. Recommendations**

**Implementation of Council policies and related spending plans**

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

**Capital spending plans and prudential indicators**

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

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

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

#### **Statutory report of the Strategic Director (Resources)**

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

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

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

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

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

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

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

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

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

17. To note that, in accordance with the requirements of section 52ZC of the Act the Council has determined whether it's Relevant Basic Amount of Council Tax for 2022/23 is excessive.
18. For 2022/23, the relevant basic amount of Council Tax for Castle Point would be deemed excessive if the authority's relevant basic amount of Council Tax for 2022/23 is:
- 2%, or more than 2%, greater than its relevant basic amount of Council Tax for 2021/22; and
  - More than **£5.00** greater than its relevant basic amount of Council Tax for 2021/22.

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

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

### **Resolution required.**

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#### **4. Background**

- 4.1 At the meeting held earlier this evening, Cabinet considered the report on the Policy Framework and Budget Setting for 2022/23. The Cabinet recommended that Council resolve recommendations 1 to 18 as set out in the report.

#### **5. Corporate Implications**

- 5.1 The Council must make certain statutory calculations in relation to the budget requirement and Council Tax for 2022/23. These are set out in full in the Policy Framework and Budget Setting report.
- 5.2 The corporate implications are as set out in the report presented to Cabinet earlier this evening.

#### **6. Conclusion**

- 6.1 Council should consider and resolve recommendations 1 to 18 (above) previously submitted to Cabinet. This will complete the budget process for 2022/23.

### **Background Papers:**

Final local government finance settlement: England, 2022 to 2023

The Referendums Relating to Council Tax Increases (Principles) (England) Report 2022 to 2023

**Report Author:** Chris Mills – Strategic Director (Resources), Section 151 Officer

**SPECIAL COUNCIL****23rd February 2022****Subject: Community Infrastructure Levy Charging Schedule**

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**1. Purpose of Report**

To present to Council recommendations from Cabinet following examination by the Scrutiny Committee.

**2. Links to Council's Priorities and Objectives**

The introduction of a Community Infrastructure Levy (CIL) contributes directly to the Council's **Place** priority by delivering the financial resources necessary to deliver infrastructure projects. There are potential overlaps with the Council's **People** and **Environment** priorities as CIL can be used on a variety of infrastructure types including education, health, community and sport facilities and open spaces. CIL is an enabler under the **Resources** heading.

**3. Recommendations**

- 1) To approve the submission of the Community Infrastructure Levy Charging Schedule attached as an Appendix to this report to the Planning Inspectorate for the purposes of examination in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and the Planning Act 2008.
- 2) To authorise the Head of Place and Policy, and suitably qualified officers and consultants as he approves, to represent the Council in the examination of the Community Infrastructure Levy Charging Schedule, and undertake any work deemed necessary for that examination.
- 3) In the case that the examiner does not recommend changes to the rates proposed in the submission Community Infrastructure Levy Charging Schedule, the CIL Charging Schedule as attached as an Appendix to this report is Approved for publication and to come into effect. The Chief Executive and Head of Place and Policy, in consultation with the Leader and Deputy Leader, are authorised to publish and set a date on which the Community Infrastructure Levy will come into effect, as soon as is practical after the receipt of the examiner's report.
- 4) In order to enable the Chief Executive and Head of Place and Policy to implement recommendation 3, they are authorised, in consultation with the

Leader and Deputy Leader, to make minor editorial changes to the Community Infrastructure Levy Charging Schedule as necessary to indicate that it is the final version and will come into effect on a specified date.

- 5) In the case that the examiner does recommends changes to the rates proposed in the submission Community Infrastructure Levy Charging Schedule, require the Chief Executive and Head of Place and Policy to report back to Council on the examiners recommendations as soon as practical after its receipt, so that a further decision can be taken on the implementation of the Community Infrastructure Levy.
  - 6) To endorse the Cabinet request to the Place and Communities Policy and Scrutiny Committee to review in detail the Governance options for the expenditure of CIL monies and report back on a recommended arrangement.
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#### **4. Background**

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

Arising from officer briefings to Councillors, representations were by Members that further time was required to examine the report before consideration by Council.

As this is a new charging arrangement, it is good practice to refer the proposed arrangements to be scrutinised by the Scrutiny Committee before a decision is taken by Council.

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

1. To note the outcomes of the consultation carried out pursuant to Regulation 16 of the CIL Regulations 2010.
2. To refer for scrutiny the following recommendation prior to consideration by Council to Scrutiny Committee: The Cabinet recommends to Council that it:
  - a. Approves the submission of the Community Infrastructure Levy Charging Schedule attached as Appendix 2 to the Planning Inspectorate for the purposes of examination in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and the Planning Act 2008.



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

### **Scrutiny Committee 9.2.2022**

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

In addition to the reports before Cabinet in October 2021 and January 2022, information was presented regarding progress in implementing CIL within Essex and across the country. Members received a comprehensive presentation on CIL. Additional explanation would be provided regarding the viability assessment conclusion that different rates should be charged for

Canvey Island and the mainland and information as to why care homes were not assessed to be viable to attract CIL.

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

The Committee decided unanimously following scrutiny to endorse the Cabinet recommendation. The Cabinet recommends to Council that it:

- a. Approves the submission of the Community Infrastructure Levy Charging Schedule attached as Appendix 2 to the Planning Inspectorate for the purposes of examination in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and the Planning Act 2008.

## **5. Proposal**

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

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

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

## **5. Corporate Implications**

The corporate implications are as set out in the report to Cabinet on 26th January 2022.

## **6. Conclusions**

Council should consider the recommendations set out in this report in order that a Community Infrastructure Levy can be implemented in Castle Point as soon as possible to benefit the community. The recommendations ask the Council to approve the examination of the CIL Charging Schedule. They are also asked to approve it for implementation, if the examiner does not propose

modifications to the rates set out. If the examiner of the proposed CIL rates concludes that there is a need to modify those rates, this will be reported back to Council for a further decision in relation to the implementation of CIL.

**Report Author:** Amanda Parrott – Planning Policy Manager

# Castle Point Borough Council Community Infrastructure Levy Draft Charging Schedule January 2022

## Appendix 2

### Proposed Community Infrastructure Levy rates

Community Infrastructure Levy (CIL) liable development, as defined within the Community Infrastructure Levy Regulations (as amended) 2010 and the Planning Practice Guidance, will be required to pay the following levy rates.

Development type	CIL rate per sqm
Residential housing within the Mainland (including Benfleet, Thundersley and Hadleigh)	£250
Residential housing within Canvey Island	£120
Residential flat within the Mainland (including Benfleet, Thundersley and Hadleigh)	£90
Residential flat within Canvey Island	£30
Sheltered / Retirement and extra care housing	£0
Convenience <sup>1</sup> retail for the first 800 sqm gross internal area	£200
Convenience retail for each square metre over 800 sqm gross internal area	£50
Comparison <sup>2</sup> retail outside of the town centre boundaries	£200
All other development	£0

### Proposed Instalments Policy

The above levy rates are required to be paid to the Council through the following instalments following the provision of a CIL Demand Notice issued by the Council.

Overall CIL liability	Payment instalments
£20,000 or less	Payment in full within 240 days
£20,000 - £50,000	50% paid within 360 days Further 50% paid within 540 days
£100,000 - £500,000	10% paid within 270 days Further 15% paid within 540 days Further 25% paid within 720 days Remaining 50% paid within 900 days
£500,000 or more	Agreement of project specific payment schedule

<sup>1</sup> Convenience retail provides lower value good purchased regularly to meet day to day needs such as food, newspapers, petrol etc.

<sup>2</sup> Comparison retail provides higher value goods purchased less often, such as household items, electrical goods, clothes, shoes etc.

## CIL Variable Rates Map

The CIL Charging Schedule includes variable rates for residential sites on the Mainland and on Canvey Island, and variable rates for comparison retail within and outside town centre boundaries. The map below presents the Mainland areas of the Borough, Canvey Island, and the relevant town centre boundaries which will be subject to the variable CIL rates.

