



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

CABINET AGENDA

Date: **Wednesday 19th November 2014**

Time: **7.00pm – N.B. TIME**

Venue: **Council Chamber**

This meeting will be webcast live on the internet.

Membership:

Councillor Riley	Chairman - Leader of the Council
Councillor Sharp	Responding to Challenge
Councillor Stanley	Resources and Performance
Councillor Skipp	Environment & Leisure
Councillor Mrs Egan	Homes and Customer Engagement
Councillor Dick	Health & Wellbeing
Councillor Howard	Canvey Island, Floods and Water Management
Councillor Isaacs	Neighbourhoods and Safer Communities
Councillor Smith	Waste & Business Liaison

Cabinet Enquiries:
Reference:
Publication Date:

Ann Horgan ext. 2413
5/2014/2015
Tuesday 11th November 2014

**AGENDA
PART I
(Business to be taken in public)**

1. Apologies

2. Members' Interests

3. Minutes

To approve the Minutes of the meeting held on 15th October 2014.

4. Forward Plan

To review the Forward Plan

5. Public Health and Wellbeing

5(a) Food Standards Agency Audit of Food Law Service Delivery and Food Business Compliance at Castle Point Borough Council

The Cabinet will be asked to consider a report

(Report of the Cabinet Member Health & Wellbeing)

6. Environment

6 (a) Notice of Motion Referred for Cabinet Consideration 1066 Bar

The Cabinet will be asked to consider a report.

(Report of the Cabinet Members Resources & Performance; Environment & Leisure)

6 (b) Notice of Motion Referred for Cabinet Consideration Canvey War Memorial

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Canvey Island, Flood and Water Management)

6(c) Off – Street Parking Review

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Environment & Leisure)

6(d) Action on Flooding – Update

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Canvey Island, Flood and Water Management)

7. Transforming Our Community

7 (a) Department of Communities and Local Government Consultation on the role of Planning in Preventing Major-Accident Hazards Involving Hazardous Substances.

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Waste & Business Liaison- Chairman of the New Local Plan Task & Finish Group)

7 (b) The Department of Communities and Local Government Consultation on Planning and Travellers

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Waste & Business Liaison- Chairman of the New Local Plan Task & Finish Group)

8. Efficient and Effective Customer Focused Services

8 (a) Housing Report

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Homes & Customer Engagement)

8 (b) Mess Room – Replacement at the Farm House Depot

The Cabinet will be asked to consider a report

(Report of the Cabinet Members Resources & Performance; Environment & Leisure)

8 (c) Policy for Awarding Reductions in Council Tax

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Resources & Performance)

8 (d) Local Council Tax Support (LCTS) – Update and Proposed Local Scheme 2015/16

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Resources & Performance)

8(e) Corporate Performance Score Card Quarter 2 2014/15

The Cabinet will be asked to consider a report.

(Report of the Cabinet Member Responding to Challenge)

9. Matters to be referred from /to Policy & Scrutiny Committees

10. Matters to be referred from /to the Statutory Committees

PART II

(Business to be taken in private)

(Item to be considered with the press and public excluded from the meeting)

There were no items known at the time of publication of this agenda



CABINET

15TH OCTOBER 2014

PRESENT:

Councillor Riley, Chairman	Leader of the Council
Councillor Sharp	Responding to Challenge
Councillor Stanley	Resources and Performance
Councillor Skipp	Environment & Leisure
Councillor Mrs Egan	Homes and Customer Engagement
Councillor Dick	Health and Wellbeing
Councillor Isaacs	Neighbour hoods and Safer Communities

APOLOGIES: Councillor Howard and Smith.

ALSO PRESENT: Councillors: Acott, Bayley, Barrett, Blackwell, Campagna, Mrs .Govier, Hart, Harvey, Hurrell, Ladzrie, May, Palmer, Tucker, Varker, Walter Mrs. G Watson and N.Watson.

44. MEMBERS' INTERESTS

There were none.

45. MINUTES

The Minutes of the Cabinet meeting held on 17.9.2014 were approved and signed by the Chairman as a correct record.

46. FORWARD PLAN

To comply with regulations under the Localism Act 2011, the Leader of the Council presented a revised Forward Plan to the meeting which outlined key decisions likely to be taken within the next quarter 2014. The plan was reviewed each month.

Under this item the Strategic Director Corporate Services informed the meeting that rebuilding of the War Memorial at The Paddock had been completed .The Memorial was to be dedicated on Sunday 9th November – Remembrance Sunday.

The contract to carry out the works was between the War Memorial Committee and the contractor. It was understood that funds were available to meet the cost of any financial liabilities. The Council's contribution as previously reported to the Cabinet was the costs of project management, drawings and specifications and ongoing site supervision and technical support.

Resolved – To note and approve the revised Forward Plan.

47. ACTION ON FLOODING – UPDATE

The Cabinet considered an update following the meeting of the multi agency meeting which took place on 6th October 2014 and the issue of the Section 19 Flood investigation report for Canvey Island by Essex County Council a Lead Flood Authority under Section 19 Flood and Water Management Act 2010. Councillors were briefed on the take up of the Council Tax Discount Scheme and the work being undertaken by the Scrutiny Committee to review flooding in the Borough.

A number of Councillors spoke to make observations on the report. The Leader responded to a question on the discount scheme.

Resolved: To note the report and endorse the action being taken.

48. LONDON INFRASTRUCTURE PLAN 2050 CONSULTATION

The Cabinet received a report advising of the proposals set out in the London Infrastructure Plan 2050 Consultation Document, and seeking approval for the proposed consultation response.

A number of Councillors spoke to make observations on the report.

Resolved:

1. The Cabinet agree to submit the response to the London Infrastructure Plan 2050 consultation as set out at Section 8 of this report subject to revision to the wording concerning the use of Green Belt land and
2. To support the views expressed by the GLA Strategic Spatial Planning Liaison Group London Infrastructure Plan 2050 Consultation

49. NEW LOCAL PLAN – EVIDENCE BASE UPDATE

Cabinet considered a comprehensive report on evidence base work undertaken since the beginning of 2014 to inform the preparation of the New Local Plan.

There were no questions or statements from Councillors.

Resolved: to include the following documents within the evidence base for the New Local Plan, and have regard to them in the plan-making process:

- Castle Point Strategic Housing Land Availability Assessment Update 2014;
- Castle Point Annual Monitoring Report 2013/14;
- Greater Essex Demographic Forecasts Phase 5 Report;
- Greater Essex Demographic Forecasts Phase 6 Report;

- Greater Essex Gypsy and Traveller Accommodation Needs Assessment 2014;
- Census 2011 Travel to Work Data for Castle Point Briefing Note;
- Second Review of the Sustainability Appraisal and Strategic Environmental Assessment of Potential Housing Sites.

50. GOVERNMENT CONSULTATION – DELIVERING SUSTAINABLE DRAINAGE SYSTEMS

The Cabinet received a report advising of a Government consultation document entitled “Delivering Sustainable Drainage Systems”. This consultation proposed an alternative approach to the delivery of sustainable drainage systems for new development. Cabinet was asked to approve the proposed consultation response from the Council opposing the proposal.

A number of Councillors spoke to make observations on the report to support the response.

Resolved:

To agree to submit a response to the Government Consultation Document “Delivering Sustainable Drainage Systems” based on the comments at section 5 of the report.

51. TREASURY MANAGEMENT ACTIVITY MID YEAR REPORT

The Cabinet considered a report setting out the Council’s treasury management activity for the first five months of the current financial year. Supporting information was provided within Annexes A and B. The mid-year treasury report was a requirement of the Council’s reporting procedures.

There were no questions or statements from Councillors.

Resolved:

Following scrutiny, to approve the Treasury Management Activity Mid-Year Report for 2014/15.

52. HOUSING REVENUE ACCOUNT (HRA) 2014 2015 UPDATED REVENUE BUDGET AND CAPITAL PLAN

The Cabinet considered a report containing an updated HRA Revenue budget for 2014/15 and an updated HRA Capital Plan for 2014/15.

The Cabinet Member for Resources and Performance responded to questions from Councillors on the report.

Resolved:

1. To approve the updated HRA revenue estimates for 2014/15, as set out in Annexes A and B.
2. To approve the updated HRA Capital Plan for 2014/15, as set out in Annexe C.

53. FINANCIAL UPDATE

The Cabinet received a report presenting the latest position in relation to the General Fund financial forecast for the period 2014/19.

The Cabinet Member for Resources and Performance responded to questions from Councillors on the report.

Resolved: - To note the report and approve the changes to the approved budget set out in section 5.

54. MATTERS TO BE REFERRED FROM/TO POLICY SCRUTINY COMMITTEES

There were no matters.

55. MATTERS TO BE REFERRED FROM /TO THE STATUTORY COMMITTEES

There were no matters.

Chairman



Castle Point Borough Council

Forward Plan

NOVEMBER 2014

CASTLE POINT BOROUGH COUNCIL

FORWARD PLAN

NOVEMBER 2014

This document gives details of the key decisions that are likely to be taken. A key decision is defined as a decision which is likely:-

- (a) Subject of course to compliance with the financial regulations, to result in the local authority incurring expenditure which is, or the savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates subject to a threshold of £100,000; or
- (b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

The Forward Plan is a working document which is updated continually.

Date	<u>Item</u>	Council Priority	Decision by Council/ Cabinet	Lead Member	Lead Officer(s)
November 2014	<u>Food Safety Enforcement Policy Review</u>	Public Health & Wellbeing	Cabinet	Health & Wellbeing	Head of Environment
November 2014	<u>Notice of Motion referred for Cabinet consideration - 1066 Bar</u>	Transforming Our Community	Cabinet	Environment & Leisure	Head of Environment
November 2014	<u>Notice of Motion referred for Cabinet consideration – contribution to Canvey War memorial</u>	Environment	Cabinet	Environment & Leisure	Strategic Director Corporate Services
November 2014	<u>Car Parking Charge Review</u>	Environment	Cabinet	Environment & Leisure; Resources & Performance	Head of Environment
December 2014/January 2015	<u>John H. Burrows</u> Report back on investigations from Place and Communities PSC	Environment	Cabinet	Environment & Leisure	Head of Environment
December 2014/March 2015	<u>Financial Update</u>	Efficient and Effective Customer Focussed Services	Cabinet	Resources & Performance	Head of Resources
December 2014	<u>Leisure and Recreation Strategy</u>	Public Health & Wellbeing	Cabinet	Environment & Leisure	Head of Environment

Date	<u>Item</u>	Council Priority	Decision by Council/ Cabinet	Lead Member	Lead Officer(s)
December 2014	<u>Draft Flood Management Plan Consultation</u>	Environment Transforming Our Community	Cabinet	Canvey Island, Floods and Water Management	Head of Neighbourhoods & Regeneration
February 2015	<u>Treasury Management Reports</u>	Efficient and Effective Customer Focussed Services	Cabinet	Resources & Performance	Head of Resources
February 2015	<u>Budget and Policy Framework</u> To consider and make recommendations to Council on the Council tax and budget setting	All	Cabinet/ Council	Resources & Performance	Head of Resources
February 2015	<u>Housing Revenue Account Rent Levels 2015/2016 etc</u>	Transforming Our Community Efficient and Effective Customer Focussed Services	Cabinet	Homes & Customer Engagement	Head of Housing & Communities Head of Resources
March 2015	<u>Review of Equality Scheme Objectives</u>	Efficient and Effective Customer Focussed Services	Cabinet	Homes & Customer Engagement	Head of Law

Date	<u>Item</u>	Council Priority	Decision by Council/ Cabinet	Lead Member	Lead Officer(s)
April 2015	<u>Resources Strategies :</u> <u>To note revisions</u>	All	Cabinet	Resources &Performance	Head of Resources

CABINET

19th November 2014

**Subject: Food Standards Agency Audit of Food Law Service
Delivery and Food Business Compliance at Castle Point
Borough Council.**

Cabinet Member: Councillor Dick – Health and Well Being

1. Purpose of Report

This report seeks to bring to the attention of Cabinet the recent Food Standards Agency Audit of Food Law Service Delivery for Castle Point Borough Council.

In addition this report seeks the formal approval of Cabinet for the Environmental Health Services Statement of Enforcement Policy and Additional Statement of Enforcement Policy for the Food Safety Service, in accordance with recommendation 3.4.4 of the Food Standards Agency Audit report.

2. Links to Council's Priorities and Objectives

The refreshed enforcement policies link directly to the Council's Public Health and Well Being objective.

3. Recommendations

That the Cabinet:

- (1) Notes the contents of the Food Standards Agency Audit report and seeks a progress report on the associated action plan in June 2015; and**
 - (2) Approves the refreshed Environmental Health Statement of Enforcement Policy and additional statement of Enforcement Policy for Food Safety in accordance with recommendation 3.4.4 of the Food Standards Agency Audit report.**
-

4. Background

The Food Standards Agency (FSA) routinely audits local authorities' food law enforcement services in accordance with Regulation (EC) 882/2004 on official controls and is performed to ensure the verification of compliance with food law, which includes a requirement for competent authorities to carry out audits to verify whether official controls relating to feed and food law are effectively implemented.

Castle Point Borough Council was selected for inclusion in the Food Standards Agency's programme of audits because it has not been audited in the past by the Agency and was representative of a geographical mix of 5 local authorities selected across England.

The audit examined the Council's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. This included a reality check at a food business to assess the effectiveness of official controls implemented by the authority at the food business premises and, more specifically the checks carried out by the Authorities officers to verify Food Business Operator (FBO) compliance with legislative requirements.

The on-site element of the audit took place over three days in June 2014.

The Environmental Health Service found the audit to be a positive experience and provided the opportunity to demonstrate to the Agency, the many aspects of good working practice operated within the service.

A number of recommendations designed to enhance and strengthen the service were made by the Agency, the paragraphs below detail the executive summary of the subsequent audit report:

- a) **Authorisation and training:** The Authority should review the procedure for the authorisation of officers and establish a link to the assessment of competency document that sets officer's enforcement to ensure that officers are effectively authorised across all current legislation.

Records of training should be effectively maintained for all officers, including contractors.

- b) **Database:** The Authority should continue the process of implementation of the new food premises database, and develop and implement associated procedures, to ensure its accuracy and to ensure that its data submissions to the FSA via LAEMS accurately reflect all the official controls carried out by the Service.

- c) **Interventions and inspections:** The Authority should ensure that serious contraventions detected on inspection, such as the risk of cross-contamination and the effective implementation of food safety management systems (FSMS) are dealt with in a timely manner, and that the escalation of formal enforcement is considered where necessary.

An appropriate premises specific aide-memoire should be used when carrying out inspections at approved establishments.

- d) Records:** The Authority should ensure that comprehensive, retrievable records were maintained of all food law enforcement activities. Reliable records are essential to inform future officer interventions and a graduated approach to enforcement and to enable effective internal monitoring.
- e) Internal monitoring:** Although there was clear evidence that extensive qualitative and quantitative internal monitoring had been carried out in regard to programmed inspections, this needed to be extended further to include risk-based and targeted monitoring of all aspects of the Service including complaints, sampling and enforcement. All internal monitoring should be routinely recorded and retained for two years.

These were transposed into an action plan for the service to address by mid 2015. Since the audit took place, many of the recommendations made, have already been addressed by the Environmental Health Service. These will be checked again by the Agency during their routine revisit to the Council next year. Those items not yet addressed are in-hand and will be completed by the time of their next visit.

Enforcement Policy recommendation

The Food Standards Agency examined the enforcement policies used by the Environmental Health Service and they found these to be in line with centrally issued guidance and with appropriate reference to the Regulators Compliance Code incorporating the principles of consistency and proportionality.

The Environmental Health Service has an overarching enforcement policy which covers all areas of Environmental Health Work. The additional statement of Enforcement Policy for Food Safety is complementary to the main document and operates using the same principles. However, it more clearly explains the topics from a food safety perspective, making the policy clearer for business customers and enforcement officers for this specialised area of work. It is written in accordance with the Food Law Code of Practice which states that such policies should cover all areas of food law that the local authority has a duty to enforce and include criteria for the use of all enforcement options that are available. Subsequent to the FSA audit, both the overarching policy and the food specific policy have been reviewed and refreshed.

The recommendation made by the Food Standards Agency, was that the policies should be formally approved by the relevant member forum. This report requests that Cabinet formally approve the refreshed two policies.

Copies of the Food Standards Agency audit report and the draft policies have been placed in each of the Members' Group Rooms.

5. Corporate Implications

(a) Financial Implications

There are no financial implications to this report.

(b) Legal Implications

The enforcement policies require formal approval in order to satisfy the requirements of The Framework Agreement on Official Feed and Food Controls by Local Authorities.

(c) Human Resources and Equality Implications

There are no human resources or equality implications associated with this report.

6. Timescale for implementation and Risk Factors

Subject to Cabinet approval, the policies will take immediate effect.

Background Papers:

- Report on the Audit of Local Authority Food Law Service Delivery and Food Business Compliance – Food Standards Agency (June 2014.)
- Environmental Health Services Statement of Enforcement Policy (rev. November 2014)
- Environmental Health Services Additional Statement of Enforcement Policy (rev. November 2014)

Report Author – Simon Llewellyn, Environmental Health Operational Manager

CABINET

19th November 2014

Subject: Notice of Motion Referred for Cabinet consideration - The Paddocks - 1066 Bar.

Cabinet Member: Councillor Skipp - Environment and Leisure

1. Purpose of Report

To consider the Motion put to Council on 24th September 2014 regarding the 1066 bar at The Paddocks.

2. Links to Council Priorities and Objectives

Efficient and Effective Customer Focused Services.

3. Recommendations

- **That the Cabinet note the information provided in the report; and**
- **That Cabinet decides if it wishes to report on the matter.**

4. Background

The Motion put to Council was that “We call upon Castle Point Council to do a complete independent survey on the 1066 at the Paddocks and to supply an estimate to put it into usable order”.

The 1066 bar is a self contained area which includes a function room and associated toilet facilities. It has been a non operational asset since circa 2002. It is in a poor state of repair and is in a dangerous condition with large areas of the floor being completely rotten. A total refurbishment of the facility is required.

A premises condition survey of the Paddocks was undertaken in 2009 but the 1066 bar was excluded from this survey. This was because at that time it was

envisaged that the whole site would be redeveloped within five years as part of the Canvey Regeneration Project. However this is no longer the case and there are currently no plans to redevelop the site and to relocate the existing facilities.

Whilst the Council has received some expressions of interest in the 1066 bar area, none to date have been supported by a robust business plan demonstrating a cost neutral position to the Council in the medium term.

The Council is in the process of refreshing the premises condition surveys for all its corporate buildings and as part of that programme a condition survey was undertaken of the Paddocks (including the 1066 bar) on 25 September 2014. These surveys are being undertaken by a company called Keegans and are independent of the Council. The survey report estimates that £143K of expenditure would be required to bring the 1066 bar area up to a usable condition. The works would include replacement of the rotten floor areas and damaged ceiling, repair of damp walls, a complete re-wire, provision of fire and intruder alarms, replacement boiler, refurbishment of the toilet facilities, replacement windows and doors, plus decoration of the entire facility.

Whilst Officers will continue to consider opportunities to bring the 1066 area back into use it should be noted that there is still spare capacity at the Paddocks to accommodate would be users of the facility.

Any future use of the facility would need to be compatible with the current use of the Paddocks as it is important that we retain existing users and associated income.

5. Corporate Implications

(a) Financial Implications

General Financial Statement:

The Medium Term Financial Forecast presented to Council in February 2014, indicates a significant funding gap in each financial year from 2015/16 which the Council must address in order to maintain existing service levels.

The Council is already effectively committed beyond its means in future years i.e. spending funds it does not have, and will need to identify reductions to existing services.

The position with regard to Council reserves is also serious. Whilst at the current time reserves appear healthy, there are very real and significant financial risks which may or may not materialise in future years, particularly around planning appeals and associated legal costs. These risks, coupled with the projected budget gap, will result in a complete depletion of general reserves within the next four financial years.

A programme of work is currently underway which it is hoped will contribute towards closing the funding gap. However, until each financial year is

balanced, the Council should not enter into new and ongoing financial commitments, nor should it take any actions resulting in a significant ongoing reduction in any income streams.

Specific Cost Implications:

The provision of community halls is a discretionary service. The Council operates five halls and the net budgeted cost of the service in 2014/15 is £289,400.00. The Council's financial position is such that it cannot afford to incur additional costs in operating community halls and it must seek to reduce its operational costs and increase hall usage and associated income

In addition to the estimated £143K capital cost of bringing the facility back into a usable condition there would be additional revenue costs associated with the ongoing operation of the facility should it be brought back into operation. Any proposed future use of the facility would need to be supported by a robust business case which demonstrates a cost neutral position for the Council in the medium term and a solution that is sustainable in the longer term.

Whilst it may be possible to secure capital funding to offset some of the refurbishment costs, it is unlikely that funding will be available to support ongoing revenue costs.

(b) Legal Implications

The 1066 function area would need to be brought back into a usable condition and be fully compliant with all relevant legislation before it could be offered for future hire/use.

(c) Human Resources and Equality Implications

None associated with this report.

Report Author: Trudie Bragg, Head of Environment

Background Papers:

1066 Premises Condition Survey, September 2014

CABINET

19th November 2014

**Subject: Notice of Motion Referred for Cabinet Consideration –
Canvey War Memorial**
**Cabinet Member: Councillor Howard - Canvey Island, Flood and Water
Management**

1. Purpose of Report

This report deals with the action to be taken following the Motion presented to Full Council by Cllr John Anderson on 24th September 2014 in connection with the Canvey War Memorial.

2. Links to Council's Priorities and Objectives

Transforming Our Community.

3. Recommendations

That the Cabinet validates the approach taken by the Council to work together with the community to renew the War Memorial on Canvey Island and endorses the positive contribution made by the Council to enable the successful completion of the building works and the residual costs incurred by the Council in connection with the construction of the new monument.

4. Background

After a long and protracted history linked to the proposal to improve and upgrade the War Memorial on Canvey Island agreement was finally reached in early 2014 between the Council as the landowner and other respective parties, including the War Memorial Hall Committee (acting as the project sponsor), to erect a new monument in the vicinity of the Paddocks complex and a local contractor was appointed to carry out the necessary building works.

At the Council meeting on 24th September 2014 the Motion submitted by Cllr Anderson calling on the Council to fund a contribution of £8,000 towards the

cost of the War Memorial was referred to Cabinet to consider whether it wished to report on the matter in view of the budget implications of the Motion.

5. Proposals

The appointed contractor has completed the building phase to the satisfaction of all parties and a final inspection has taken place to approve the works.

The contract to carry out the works was made between the War Memorial Hall Committee and the appointed contractor and any liabilities to the contractor have now been discharged. The Council's support and contribution towards the costs of the building project was liaison with the various community stakeholders and the project implementation and initiation programme and ongoing site supervision and technical assistance as set out in the report made to the Cabinet on 16th April 2014.

6. Corporate Implications

(a) Financial Implications

The overall costs of the building project will exceed over £45,000. The tender price paid to the appointed contractor is £28,001 which was funded by donations and a financial contribution received from Canvey Island Town Council.

Any sizeable building project will be comprised of direct costs for labour and materials and indirect costs related to project management, professional and technical services and ancillary expenses. In this case the War Memorial Hall Committee funded the direct costs and the Borough Council was responsible for the costs of all other elements relating to the procurement and appointment of the contractor and the specification for the building works.

A breakdown of the full costs associated with the project is appended to this report.

(b) Legal Implications

There are none arising – the building project has been completed.

(c) Human Resources and Equality Implications

There are none arising – the building project has been completed.

(d) IT and Asset Management Implications

There are none – the new War Memorial has been built and was dedicated by the Rector of Hadleigh on 9th November 2014.

7. Timescale for implementation and Risk Factors

The project was completed in accordance with the timescale agreed with the War Memorial Hall Committee and the new War Memorial was available for the Annual Service of Remembrance held on Canvey Island on Sunday 9th November 2014.

The warm and genuine collaboration which took place between the community and the Council to construct the new monument needs to be recognised and the residents now have a War Memorial at the Paddocks complex on Canvey Island which is a proper and filling tribute to all those who have served their Country in conflict and in peace.

8. Background Papers

Table of Costs

Report to Cabinet – 16.04.14

Report to Cabinet – 15.06.14

Various design and technical specifications

Report Author:

Andrew Roby Smith – War Memorials Officer

Paddocks War Memorial Costs

	£	£	£
Contract Sum	28001.00	28001.00	
Liaison Meetings	943.54		943.54
Health and Safety Advice/Visits	452.60		452.60
Report writing - Council / Cabinet	435.48		435.48
Reconditioning Works	3455.00		3455.00
Stone Restorer	391.88		391.88
Land and Structural Surveys	160.00		160.00
Design and Drawings	226.30		226.30
Architectural	500.00		500.00
Structural Calculations/Selection of Materials	490.00		490.00
Planning Advice	195.00		195.00
Building Regulation Consent	195.00		195.00
JCT Minor Building Works Contract Preparation	452.60		452.60
Tendering and Procurement	565.75		565.75
Tender Evaluation	339.45		339.45
Appointment of Contractor	113.15		113.15
Project Management Costs	2036.70		2036.70
Technical Support	1959.66		1959.66
Member Services	725.80		725.80
Site Meetings/Visits	888.08		888.08
Final Inspection	476.05		476.05
Seating	999.00		999.00
Poppy Planters	1000.00		1000.00
Transport	150.00		150.00
Media Queries	725.80		725.80
General Expenses	362.90		362.90
	46240.74	28001.00	18239.74



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FOR ALL THOSE WHO
IN SERVICE OF THEIR COUNTRY
LEST WE FORGET



CABINET

19th November 2014

Subject: Off – Street Parking Review

Cabinet Member: Councillor Skipp – Environment and Leisure

1. Purpose of Report

The purpose of this report is to review the operation of the off street parking arrangements following the introduction of the revised parking charge structure which became effective from 1st February 2014.

2. Links to Council's Priorities and Objectives

This report links directly with the Council's "Environment" objective.

3. Recommendations

It is recommended that;

- (1) That Cabinet notes the content of this report: and that**
 - (2) A further review of the service is undertaken and reported to Cabinet in one year's time.**
-

4. Background

The Council owns and operates a number of car parks throughout the Borough. A comprehensive review of the service was undertaken with the involvement of both the Environment Policy Development Group and the Environment Policy and Scrutiny Committee; in addition, there was extensive public consultation which helped to inform the process. The review culminated in Cabinet (1) endorsing a revised Off Street Traffic Regulation Order which introduced a new charging regime/waiting restrictions across the borough and (2) committing to a £240k investment programme to upgrade Council owned car parks.

These decisions were consistent with the service objectives which had been agreed. Namely these were to:

- Ensure the provision of well maintained and safe off-street parking facilities through improved asset management arrangements;
- Ensure a consistent charging regime is in place which is affordable and fair;
- Support local businesses by ensuring that Council operated car parks are being used for their intended purpose;
- Ensure suitable conditions are in place to control usage of Council operated car parks;
- Realise maximum benefit from the Council's car parking assets and to recognise their potential for development as brown field sites;
- Ease traffic congestion by ensuring that off-street parking provision and controls align with on- street parking availability and controls;
- Provide effective and targeted parking enforcement; and
- Effectively promote Council operated car parking provision in the borough.

All Council owned car parks have been classified according to their primary purpose, i.e. Town Centre, Short Stay, Long Stay, Seasonal, Commuter or those associated with a Council run facility. Cabinet has endorsed the principle that there should be a consistent management approach to each of these car park types, as far as is practicable.

A post implementation review has been undertaken to review the changes that have been made and any issues arising from them.

5. Post Implementation Review

Car Park Improvement programme

The Oak Road, Richmond Hall and Essex Way car parks have all been completely resurfaced. The Essex Way car park was funded by way of a developer contribution. These three car parks have all now obtained Park Mark awards bringing the total number of Council operated car parks achieving this standard to six. The other car parks that already have achieved the award are School Lane, Rectory Road and Hart Road.

New signage has been installed in all Council operated car parks and officers are in the process of improving car park security through the provision, where necessary, of additional height barriers, etc.

It is proposed that the remainder of the funding set aside for improving the car parks will be used to mark out bays in the Lubbins car park and for surfacing works at the Labworth and School Lane car parks.

Displacement Parking

Whilst there were some concerns at the outset with regard to possible problems with displacement parking, these concerns have proven to be unfounded. The availability of free off street and on street parking close to chargeable car parks has proved sufficient to accommodate any displacement

parking that has occurred without any adverse effects on traffic congestion or road safety.

In response to requests for parking restrictions to be removed in roads that adjoin Eastern Esplanade (May Avenue to Seaview Road inclusive), the South Essex Parking Partnership commenced an informal public consultation following the ending of the seasonal charges that apply in this area. The consultation was held back until after the end of the summer charging period so that residents would be fully aware before they responded to the consultation, of any displacement parking that had occurred following the introduction of the seasonal charges at the Lubbins car park. Results of the consultation are currently being collated.

Waiting restrictions

The new Off Street Traffic Regulation Order restricted waiting in short stay town centre car park to three hours (with no return within two hours). Waiting restrictions in these short stay town centre car parks have subsequently been suspended between 6.00 p.m. and 7.00 a.m. each day because on review they were deemed to be unnecessarily restrictive.

School Lane Car Park

In response to comments about limited short stay car parking places in South Benfleet, provision was made for short stay parking bays at School Lane car park. There has been limited use of these short stay bays with on average only 17 cars using these bays each day. This may be due to the availability of these new short stay bays not being known and more promotion would be advantageous. Conversely however, the number of cars being parked in the long stay section of the car park has increased and on occasions the car park is close to full capacity. It will be essential to continue to monitor usage of the car park closely as it may be necessary unless usage of the short stay bays increases, to convert some of the short stay bays back to long stay parking spaces in order to accommodate more users and make best use of the asset.

Since the introduction of the Saturday daily charge, there has been a steady increase in the number of users, and on average 230 users now park there each Saturday.

Credit card payment is now available at this location as is the ability to purchase multiple tickets. The number of users purchasing weekly tickets is increasing over time. It is anticipated that this trend will continue.

Oak Road/Richmond Hall Car Park usage

The new charging regime has been successful in ensuring that town centre car parks are used for their intended purpose with spaces always available for shoppers to use throughout the day. On average 238 users pay to use the Richmond Hall car park during the chargeable periods each day, with on average 148 cars paying to use the Oak Road car park each weekday. Parking remains free on Saturdays at both these car parks and blue badge holders are entitled to park for free at any time. Parking is also available free of charge at Richmond Hall car park at school drop off and pick up times.

Seasonal Car Parks

Two of the machines in the Labworth car park were stolen during the summer and this impacted on income from seasonal car parks until the new replacement machines were installed.

The Lubbins car park is a newly chargeable car park. Following the implementation of the Order it has come to light that the car park is used by parents for school drop offs/pick-ups. Informal arrangements have been put in place to accommodate this usage but it would be beneficial to formalise this arrangement in the longer term.

Enforcement

Enforcement of parking restrictions at Council operated car parks is undertaken by Chelmsford City Council. Provision was made in the Service Level Agreement we have with them for an additional ten hours of enforcement activity to be undertaken each week following the implementation of the new car parking charges and the extension of charges to additional car parks. During the first six months of this financial year a total of 1269 Penalty Charge Notices were served on vehicles parking in contravention of the Off Street Parking Order. Of these, 319 were issued in car parks which have become chargeable since 1 February 2014.

Conclusion

The introduction of charges and relevant waiting restrictions has been successful in ensuring that car parks are being used for their intended purpose. Displacement parking as a consequence of the introduction of new charges has not been a significant issue and the provision of free long stay town centre car parking has helped to minimise issues associated with on street displacement parking. The car park improvement programme is progressing well and the improvements that have been made at Oak Road, Richmond Hall and Essex Way car parks have enabled them to achieve the nationally recognised Park Mark award.

5. Corporate Implications

(a) Financial Implications

General Financial Statement:

The Medium Term Financial Forecast presented to Council in February 2014, indicated a significant funding gap in each financial year from 2015/16 effectively meaning that the Council is committed beyond its means in future years. The Council is already progressing a programme of work which is intended to close the funding gap.

Whilst at the current time reserves appear healthy, there are very real and significant financial risks which may or may not materialise in future years, particularly around planning appeals and associated legal costs. These risks,

coupled with the projected budget gap, will result in a complete depletion of general reserves within the lifetime of the current forecast.

Until each financial year is balanced, the Council should not enter into new and ongoing financial commitments, nor should it take any actions resulting in a significant ongoing reduction in any income streams.

Specific Financial Implications:

Cabinet agreed that £240k of reserves would be used in order to avoid any delay in starting the much needed refurbishment programme. The long standing drainage issues at Oak Road car park have been resolved and both Oak Road and Richmond Hall car park have been resurfaced, at a cost of £143K. The Essex Way car park was resurfaced using a developer contribution. Phase 2 of the car parks improvement programme will commence shortly and prices are currently being sought for additional security measures where they are deemed necessary. The remaining budget will be used to improve the surface of the Labworth and School Lane car parks.

In general, income from car parking charges is broadly in line with budget predictions. Officers will continue to monitor this on an ongoing basis.

(b) Legal Implications

None associated with this report.

(c) Human Resources and Equality Implications

Human Resources

Chelmsford City Council is responsible through a Service Level Agreement for enforcing the Council's off street parking restrictions. The additional ten hours parking enforcement which was allowed for in the financial modelling has proved to be in line with the needs of the service, but this will be kept under review.

Equality Implications

Parking is available free of charge for blue badge holders at all the Council's car parks with the exception of the School Lane car park.

Alternative free long stay parking provision is available close to all town centre areas.

6. Timescale for implementation and Risk Factors

Not applicable.

Background Papers

Information packs and presentations to EPDG on 18 October 2011, 14 December 2011, 26 January 2012 and 20 March 2012.

Cabinet report - 21 March 2012.

Report and information pack to Environment Policy & Scrutiny Committee on 22 October 2012

Presentation and information pack provided to Environment Policy & Scrutiny Committee on 22 January 2013.

Cabinet report – 20 February 2013

Cabinet Report – October 2013

Report Author: Trudie Bragg, Head of Environment

CABINET

19th November 2014

Subject: Action on Flooding Update

Cabinet Member: Councillor Howard – Canvey Island, Floods and Water Management

1. Purpose of Report

To provide a further update on the report issued by the Government's Chief Scientific Adviser following the last Cabinet meeting where Cabinet received a report on the Section 19 Flood investigation report for Canvey Island issued by Essex County Council a Lead Flood Authority under Section 19 Flood and Water Management Act 2010.

2. Links to Council's Priorities and Objectives

This report is linked to the Council's aim for the delivery of the Council's priorities and objectives regarding the Environment.

3. Recommendations

To note the report and endorse the action being taken.

4. Background

Cabinet is well briefed of the impact on the Borough and its residents, both Canvey Island and mainland, of the flooding event of the 20th July 2014. The Environment Agency has confirmed that parts of Borough particularly Canvey Island received up to 100mm of rainfall during the storm, 75mm of which fell in one hour.

As reported to the Council on 23rd July 2014 the Council is working closely with the Environment Agency, Anglian Water and Essex County Council to ensure that action is taken to improve infrastructure, particularly on Canvey Island.

The Secretary of State for the Environment, Liz Truss, visited the area on Friday 25th July 2014 and met with representatives of the Environment Agency, Castle Point Borough Council and Rebecca Harris MP. During the visit the Secretary of State indicated that she would be reviewing what actions had been taken by the various agencies involved.

The Chief Scientific Advisor, Sir Mark Walport was been appointed to investigate the flooding event. His report is the subject of this report

On Monday 28th July 2014 the Chief Executive coordinated a multi agency meeting where all the stakeholders involved in flood risk management and operational matters gathered to discuss the major flood incident.

It was agreed that any evidence should be coordinated by the Borough Council and sent to Essex County Council in their lead flood risk management role providing important information to support the preparation of the Section 19 report.

At the Cabinet meeting on 20th August, approval was given to a Council Tax Discount Scheme to assist residents whose homes were flooded on 20th July 2014.

During September the Chief Executive has met with senior officers of all the agencies and with senior civil servants from DEFRA (Department for Environment Food & Rural Affairs) who are reviewing the flooding events on behalf of the Secretary of State.

On Monday 6th October a further multi agency meeting took place to review the Section 19 Flood Investigation Report.

On Tuesday 7th October the Section 19 Flood Investigation Report was published. The full Flood Investigation Report, containing a list of 13 recommendations and a full timeline of the flooding event, is available online at: www.essex.gov.uk/flooding . A report was made at the last Cabinet meeting on the report and the recommendations.

5. Report

The Government's Chief Scientific Adviser has now issued his report which reviews Essex County Council's Section 19 Investigation Report. The report covers the background and makes four immediate local recommendations and three longer term and strategic recommendations.

Immediate Local Recommendations

The report provides:

We have taken a 'systems engineering' approach to analysing the complex picture of the vulnerability of Canvey Island to flooding.

We are content that the review provides a reasonable assessment of the Canvey Island flooding incident in July 2014, and agree with the set of locally focussed recommendations outlined on p18.

The report highlights a significant problem with local flooding accountability, as a result of the fragmentation of the responsible organisations. Specifically,

while Essex County Council may have accountability for flooding, they do not have the authority to effectively manage and coordinate a response.

Recommendation 1 - A single person should have the authority and accountability to manage and coordinate effective flooding responses in vulnerable localities.

Despite the foreseeable if extreme nature of the event, insufficient account was taken of the likelihood that the various coincident events might occur. Specifically we were surprised that little account had been taken of

- i) the problems of gaining access to pumps due to the difficulties of anyone moving around the Island by vehicle during a flooding incident;*
- ii) the likelihood that the surge protection mechanism for the pumps would cause the pumps to fail during an electric storm;*
- iii) the likelihood of a more widespread power failure; or*
- iv) potential concurrency of all of the above.*

The report describes the extreme complexity of the drainage system in Canvey Island, and in particular highlights the non-integrated nature of the complex ownership and responsibilities for the different parts of the system, and thus the challenges that this has for its management. The pumps were only required to operate at maximum capacity for a short period of time, which suggests that the water was not flowing to the pumps sufficiently quickly to prevent flooding taking place. There may be a number of reasons for this, but we determine that there is insufficient data or knowledge of this lag between rainfall and water reaching the pumps to be able to recommend mitigating steps.

We support the steps taken by Essex County Council, Anglian Water, and the Environment Agency to commission the Canvey Island Urban Drainage (IUD) study as an important step to understand the complex infrastructure and their interactions and vulnerabilities, and the development of a suitable integrated model. If this is effectively concluded, a better understanding of water flow will lead to appropriate steps being taken.

Recommendation 2 - An action plan should be drawn up to provide access to pumps during flooding to help ensure continuous pumping when required.

Recommendation 3 - A peer review of the drainage and pumping infrastructure needs to take place.

This should have two components:

- 1. A peer review of the model being produced and the data being collected as part of the Canvey Island Urban Drainage study. This is to ensure that:*

- *it effectively represents the whole drainage environment (both natural and man-made),*
 - *it is sufficient in providing appropriate evidence for determining how to upgrade, where necessary, the drainage and pumping required to manage likely future rainfall in the context of climate change.*
2. *A peer review of the drainage and pumping assets and equipment with respect to: maintaining and ensuring clear channels, culverts, sewers and drains, appropriate specifications for the pumping equipment with respect to power failures, electromagnetic compatibility to cope with electric storms, and the ability to pump continuously without overheating.*

Recommendation 4 - An assessment should be made of the resilience of the local population to flooding.

This will ensure that there are effective local area public alerts to potential incidents, and the local population understands how to respond in the immediate event of flooding before emergency response arrives. This should include which other local interventions could assist in providing public confidence, such as training local flood wardens.

Longer term and Strategic Recommendations

We noticed language throughout the report in the form of return periods (such as “one in thirty year” events). It is commonly used in risk related documentation generally but is not a form that is generally understood by the public. This approach takes account of the historic record of previous similar events, rather than capturing how that likelihood changes over time; specifically it does not capture how the future effects of climate change will impact on severe weather events.

Recommendation 5 - The Met Office and the Centre for Ecology and Hydrology should review the likelihood and impact of extreme weather events looking into the future, and provide a clear approach to understanding the probabilities of specific types of events taking place and communicating that to the public.

It is clear that Canvey Island is not the only part of the country that is likely to be susceptible to flooding of this kind, specifically after a short but very intense period of rain. Lessons can be learned not only for local implementation, but potentially applied where necessary around the country.

Recommendation 6 - The Environment Agency along with relevant agencies should provide an overview of areas where extreme rainfall events may result in significant local impact, in order to review safeguards in those places.

Recommendation 7 -The Natural Hazards Partnership should use the Canvey Island event as a case study in the surface water Hazard Impact Modelling initiative to enhance the development of more effective future alerting.

Other Matters

Joint working is continuing to take place between Essex County Council Highways and Anglian Water on the highways and surface water systems on Canvey Island. Castle Point Borough Council are providing information and assistance concerning the ownership of assets.

Joint working is also taking place with Anglian Water, the Environment Agency, Essex County Council and this Council to improve communications and inform the community of the work being undertaken by the various agencies to identify and remedy drainage and surface water issues on Canvey Island. A regular newsletter is to be produced and circulated on Canvey Island and a web site is being created where residents can see where work has been undertaken or is planned.

Scrutiny Committee

The Scrutiny Committee is undertaking a review of flooding in the Borough – a meeting of the Committee took place on 26.8.2014 and received background information on the events of 20.7.2014 and the drainage infrastructure.

At the meeting of the Scrutiny Committee held on 15.9.2014, the Committee received evidence from residents directly affected by the flooding both in August last year and on 20th July.

The Scrutiny Committee heard evidence from Essex County Council as the Lead Flood Authority and Highways Authority on 21st October 2014 and evidence from the Environment Agency and Anglian Water was taken on 3rd November.

It is intended that the final report from the Scrutiny Committee will be used to support the request for investment in the drainage infrastructure.

Council Tax Discount Scheme

The deadline for the submission of claims under the scheme was set originally at 31st October 2014. The Leader of the Council was very concerned that all those entitled to receive the discount had the opportunity to claim. Mindful that the Scrutiny Committee was still undertaking a review of flooding in the Borough with the various responsible agencies and the Committee was continuing to receive evidence from residents affected by severe flooding in July. At the request of the Leader of the Council, the deadline was extended to 30th November 2014.

Since the scheme was approved a total of 281 applications have been processed for £85,499.89 at the time of publication of this agenda.

6. Corporate Implications

(a) Financial Implications

An update on the Council Tax Discount scheme is included in the report.

(b) Legal Implications

The Borough Council does have powers under the Land Drainage Act and the Council may be required to utilise these permissive powers following publication of the report by Essex County Council. At this stage the extent and consequences are yet to be assessed.

(c) Human Resources and Equality Implications

The resources and knowledge of CPBC staff will be available to all the agencies to resolve questions of ownership of assets should it arise.

7. Timescale for implementation and Risk Factors

This is dealt with in the report.

8. Background Papers

Report to Council 23.7.2014

Report to Cabinet 20.8.2014

Section 19 Flood Investigation report for Canvey Island by Essex County Council a Lead Flood Authority under Section 19 Flood and Water Management Act 2010

Report to Cabinet 15.10.2014

Report Author:

Ann Horgan Head of Civic Governance

CABINET

19th November 2014

Subject: Department of Communities and Local Government
Consultation on the role of planning in preventing major-
accident hazards involving hazardous substances

Cabinet Member: Councillor Smith - Waste & Business Liaison
Chairman of the Draft New Local Plan Task & Finish
Group

1. Purpose of Report

To advise the Cabinet of the proposals set out in the Department of Communities and Local Government (CLG) Technical Consultation on *“The Role of Planning in Preventing Major Accident Hazards Involving Hazardous Substances”*, and seek approval for the proposed consultation response.

2. Links to Council’s Priorities and Objectives

The proposals set out in the CLG Consultation will have implications for plan-making and decision taking on planning applications within Castle Point. This will impact on the ability of the Council to achieve the objectives set out under the priority of *Transforming our Community*.

3. Recommendations

It is recommended that the Cabinet agree to submit those responses set out in *underlined italics* within sections 5 to 9 of this report to the Consultation on the role of planning in preventing major accident hazards involving hazardous substances.

4. Background

- 4.1 A number of accidents across Europe involving hazardous substances, notably at Seveso in Italy in 1976, prompted the European Union (EU) to develop legislation with the aim of preventing major accidents. This European legislation has been in place since 1992, and when it was updated in 1996, Seveso II introduced expectations in relation to land use planning. The most recent update (Seveso III) to this legislation was agreed in 2012 and has to be transposed into UK law by 31st May 2015.

4.2 The main aim of the consultation on “*The Role of Planning in Preventing Major Accident Hazards Involving Hazardous Substances*”, is to set out how the land use planning requirements of Seveso III will be transposed into UK law and policy.

4.3 The main changes arising from Seveso III in relation to land use planning are as follows:

Scope – the directive changes the list of hazardous substances it controls;

Public consultation about decisions – the directive includes specific requirements on public consultation relating to decisions on where hazardous substances are to be located and on development around those locations.

4.4 The UK already has a robust system in place for preventing major accident hazards through land use planning. It is therefore proposed that the land use planning requirements of Seveso III are transposed using the existing hazardous substances consent regime and the wider planning system where appropriate. It will be necessary to amend the Planning (Hazardous Substances)(England) Regulations to achieve this. It is proposed that the opportunity is taken at this time to consolidate previous amendments made to these regulations into a single, coherent set of regulations.

4.5 Additionally, it is also the intention of the Government to reduce the burden on UK business arising from EU Directives in to ensure that businesses in the UK are not at a competitive disadvantage compared to those in other EU states. Currently, there are parts of UK legislation related to hazardous substances which are more onerous than the requirements of Seveso III. It is proposed that changes are made to UK legislation in order to bring it in line with the requirements of Seveso III and avoid ‘gold plating’ EU directives.

5. Delivering Seveso III Objectives through land-use planning policies

5.1 The Seveso III Directive requires the objectives of preventing major accidents and limiting the consequences of such accidents to be taken into account in planning and other relevant policies. This includes the separation of hazardous establishments and other land uses.

5.2 It is proposed that the requirements of Seveso III are not only transposed into the Planning (Hazardous Substances)(England) Regulations, but also into policy issued by the Secretary of State i.e. the National Planning Policy Framework (NPPF).

5.3 The CLG pose the following question in relation to this proposal:

Question 1 – Do you agree with the proposed approach to deliver Seveso III objectives through land-use planning policies?

5.4 It is recommended that the following response is provided in respect of question 1:

It is agreed that changes should be made to national planning policy in order to achieve the Seveso III objectives. Major accident hazards are currently given little consideration within the NPPF. Whilst paragraph 172 requires local planning authorities to base planning policies on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents, there is no policy directing local planning authorities on the use of this information in the plan-making and decision-taking process. It is considered that additional policy within section 11 of the NPPF on how to address the risks arising from major accident hazards would be useful, particularly if it were consistent with the approach taken by the Health and Safety Executive (HSE) when advising on land-use planning around major accident hazards.

6. Planning controls on hazardous substances

- 6.1 Seveso III lists both named and generic categories of hazardous substances and sets quantities above which a hazardous substance should be controlled. The list in Seveso III is different to that in Seveso II, and is intended to better reflect international standards.
- 6.2 There are a limited number of substances where current UK legislation imposes stricter controls than the requirements of Seveso III. This increases costs to operators which would not apply in other EU countries affecting economic competitiveness. It is considered by the Government that aligning UK requirements with the directive's requirements would improve business competitiveness. However, in developing these proposals, consideration has been given to public safety. The Health and Safety Executive has advised that whilst most substances should be brought into line with the Seveso III list, existing levels of control should remain for liquefied petroleum gas (LPG), natural gas and hydrogen to maintain public safety.
- 6.3 The CLG poses the following questions in relation to this matter:

Question 2a: Do you agree with the principle of aligning the list of controlled hazardous substances which require hazardous substances consent with the Seveso III directive?

- 6.3 It is recommended that the following response is provided in respect of question 2a:

Whilst it is considered important that the UK economy is competitive, public safety must be paramount when determining the hazardous substances to be controlled. The UK is relatively smaller, and relatively more densely populated than many other EU countries. It is therefore reasonable to expect that some substances may need to be more strictly controlled in the UK than in other countries. If the Government does align the hazardous substances list in the Planning (Hazardous Substances)(England) Regulations with the list in Seveso III it must be fully satisfied that there will be no greater risk to public safety of doing so.

- 6.4 **Question 2b – Do you have any comments on the proposed approach to controlling liquefied petroleum gas (LPG), natural gas and hydrogen?**

- 6.5 It is recommended that the following response is provided in respect of question 2b:

The approach to these hazardous substances is welcomed as it recognises the hazard posed by such substances in the UK, which is relatively smaller and relatively more densely populated than many other EU countries.

- 6.6 In relation to new hazardous establishments, it is proposed that the present system continues to apply whereby the operator is required to apply for consent for the presence of hazardous substances on a site, when these would be above the quantities set out in legislation. The hazardous substances authority (the local planning authority) will consider the suitability of the location in consultation with the HSE, the Environment Agency and as appropriate, Natural England. Additionally, a separate planning consent for the new establishment is also required. Going forward, the proposed changes to the list of substances would apply to new hazardous establishments, as would proposed changes to exemptions set out in Seveso III. This may mean that some establishments which did not previously require hazardous substances consent may now do so.
- 6.7 Where an existing establishment comes under the scope of hazardous substance control for the first time, as a result of the changes to the list of hazardous substances, it will not be treated as a new hazardous establishment, and will not be required to apply for consent.

- 6.8 The CLG poses the following question in relation to this matter:

Question 3a – Do you agree with how we propose to implement control on new establishments?

There does not appear to be any significant change in the way that new establishments are controlled. The Council is satisfied with the way in which the current system operates and welcomes proposals which retain this.

- 6.9 Seveso III requires controls on modifications to establishments. Modifications are defined as either a change between tiers (upper and lower tier based on the quantity of substances present), and the extent to which they could 'have significant consequences for major accident hazards. Current UK legislation is stricter, requiring consent for all modifications to be sought, even where the modification would reduce the level of hazard. It is therefore proposed that the regulations are amended to reflect the requirements of Seveso III.
- 6.10 Operators would be required to confirm with the HSE that there would be extension to the consultation zones associated with the existing hazardous substances consent. Operators would also be expected to inform the hazardous substances authority of their proposed modification.
- 6.11 The CLG poses the following question in relation to this matter:

Question 3b – Do you agree with our proposed amendments for modifications to establishments?

- 6.12 It is recommended that the following response is provided in respect of question 3b:

The Council supports the proposed amendment in relation to the modification of hazardous establishments, as it allows the hazardous substances authority to concentrate its efforts on those applications for consent that will increase the level of hazard to public safety. For the purposes of ongoing control, it would however be appropriate for the operator to also notify the hazardous substances authority when they implement the modification. Given that such a notice could be in the form of a simple letter or email it is not considered that this would place an excessive burden on business.

- 6.13 Seveso III requires information submitted to fulfil other requirements to be accepted for the purposes of a hazardous substance consent application. In the UK this means that information submitted for a planning application can also be referred to for the associated hazardous substance consent. Legislation will be amended to allow for this.
- 6.14 It is also proposed that the prescribed form for making a hazardous substance consent application is replaced. Initially, it is proposed that this will be replaced with an information checklist detailing the essential information required. This list will be informed by the requirements of the Health and Safety Executive (HSE) and the Environment Agency, who currently find that essential information is missing resulting in delays to the application process. In the longer term it is proposed that operators are encouraged to apply for hazardous substance consent using an online 'smart form' being developed by the HSE and industry representatives. The aim of this form is to ensure essential information is not omitted. The HSE and the Environment Agency will also be offering pre-application advice.
- 6.15 In relation to this matter, the CLG poses the following question:

Question 3c – Do you agree with our proposal relating to how an application for consent is made?

- 6.16 It is recommended that the following response is provided in respect of question 3c:

In principle the Council supports the proposed changes to the way in which an application for consent is made. However, there are some practical issues that will need to be considered if these changes are to work effectively. The proposed online 'smart form' for example could be a useful tool for ensuring all necessary information is collected, however consideration needs to be given as to how this will work with application management systems used by local authorities. If there is expected to be information shared between planning applications and associated hazardous substance consent applications, it may also be necessary to consider how the 'smart form' works with the planning portal. Failure to integrate the 'smart form' with existing systems will result in the need for additional processes that may potentially impact on the efficiency of local planning services.

- 6.17 Seveso III includes a requirement to take into account the need for additional technical measures so as not to increase the risks to human health and the environment. This broadens the requirement in Seveso II which only required the risk to persons to be considered.

6.18 Such technical measures include limits to the size of storage vessels and the fitting of technical infrastructure which reduces the risk of an accident occurring. As both the Health and Safety Executive and the Environment Agency can require conditions on consents for hazardous substances, no additional changes are proposed in relation to technical measures to protect the environment.

6.19 In relation to this matter, the CLG poses the following question:

Question 3d – Do you agree with how we propose to address obligation in additional technical measures in relation to the environment?

6.20 It is recommended that the following response is provided in respect of question 3d:

It appears that the conditions already exist for technical measures in relation to the environment to be required as a condition of hazardous substances consent. The Government's approach which retains the existing conditions is therefore appropriate.

7. Protecting areas around hazardous establishments

7.1 Seveso III requires controls on certain new developments in the vicinity of establishments which hold controlled amounts of hazardous substances. This is similar to the previous requirements set out in Seveso II. However, it is now necessary to expand the consultation arrangements for such development to include 'developments that may be the source of a major accident'.

7.2 It is also required that account is taken of the need, in the long term, to protect areas of particular natural sensitivity or interest in the vicinity of establishments. Existing legislation already requires consultation with Natural England where an area of particular natural sensitivity or interest may be affected. No change is therefore proposed in respect of this requirement.

7.3 The CLG pose the following question in relation to this proposal:

Question 4 – Do you have any comments on the proposals for controlling development around establishments, and the use of current arrangements to deliver protection to areas of natural sensitivity?

7.4 The following response is recommended in respect of question 4:

The HSE Planning Advice for Developments near Hazardous Installations (PADHI) methodology is currently applied in relation to new developments within the vicinity of a hazardous establishment to determine when the HSE should be consulted, and what the response of the HSE should be in relation to different types of development and their proximity to the hazardous establishment. The expansion of this method to include developments that may be the source of a major accident is appropriate given that two or more hazardous installations in close proximity may increase the risk of an accident, or give rise to cumulative adverse effects. Such risks and potential effects should be the subject of scrutiny, and should be considered when applications

for such development are determined. The Council is therefore strongly supportive of this amendment.

In terms of areas of natural sensitivity and interest, the current arrangements which require consultation with Natural England are sufficient to ensure that any harm or risk of harm is identified and taken into account in the decision-taking process.

8. Public participation and access to justice

8.1 Seveso III introduces new consultation and participation requirements for hazardous sites, which are similar to those required for an Environmental Impact Assessment. It is proposed that these new requirements are integrated into the hazardous substances consent regime.

8.2 The CLG pose the following question in relation to this proposal:

Question 5 – Do you agree with how we propose to deliver Seveso III requirements on public participation on specific individual projects and on plans and programmes?

8.3 The following response is proposed in respect of question 5:

Local authorities are familiar with the requirements for participation in relation to the proposals requiring an Environmental Impact Assessment. The inclusion of similar requirements within the Planning (Hazardous Substances) (England) Regulations will not therefore cause any excessive difficulties for local authorities, particularly as it is proposed that the regulations will be consolidated.

9. Scope for further reform

9.1 The consultation also sets out proposals in relation to unimplemented consents and redundant consents. With regard to unimplemented consents, it is proposed that the hazardous substances regime is brought into line with the rest of planning system, and requires the consent to be implemented within a given timescale or otherwise lapse.

9.2 With regard to redundant consents it is proposed that these are revoked in order to remove restrictions on development nearby. At this time, views are being sought as to whether revocation should be immediate, or whether there should be a period of time within which the operator could contest intended revocation. Views are also being sought on whether the compensation arrangements should be changed so that consents can be revoked on abandoned sites without compensation.

9.3 The CLG pose the following questions in relation to these proposals:

Question 6a – Do you have any information about unimplemented hazardous consents, and any views on or evidence of their effects?

Question 6b – Do you have any views on dealing with redundant consents?

- 9.4 The following response is proposed in respect of questions 6a and 6b:

In terms of unimplemented consents, the Council supports the introduction of a timescale for the implementation of hazardous substances consents. For a considerable period of time, the extent of the proposals for expansion of the Coryton Oil Refinery in Thurrock affected West Canvey. This refinery has now closed without these proposals for expansion ever having occurred.

In terms of redundant hazardous substance consents, it is agreed that these should be revoked when a hazardous establishment is decommissioned, permanently closed or abandoned. Consideration should also be given to the revocation of consents where the consented substance (specific or general) has not been present at the site for a period of time, as this is equally limiting on development within the surrounding area.

Where a site is decommissioned, closed, abandoned, or where a consented substance is no longer present on a site, the revocation of consent arises as a consequence of the actions of the operator. As such it is agreed that the revocation of hazardous substance consent should not be subject to compensation.

- 9.5 It is also proposed that consideration be given to the way in which hazardous substance applications are handled by the organisations involved. Only 70 to 100 hazardous substance consent applications are made in England each year, and most local authorities only receive one application or less per year. Most local authorities rely on the HSE and the Environment Agency to provide relevant advice to assist in the determination of an application.
- 9.6 It is therefore proposed that hazardous substance applications are directed first to the HSE for technical assessment before being passed to the local planning authority to consider the land-use implications. The technical assessment, including the consultation zones, is necessary for the land-use implications to be assessed. This separation and sequencing would potentially speed up the process.
- 9.7 The CLG pose the following questions in relation to these proposals:

Question 7a – Do you have any views on how a better alignment between the planning controls and control of major accident hazards regime could be achieved?

Question 7b – What further improvements would you like to see to how planning controls are delivered, whilst still meeting the objectives of Seveso III?

- 9.8 The following response is proposed in respect of questions 7a and 7b:

Given the proposals for the creation of a ‘smart form’, and subject to the development of this form in a way which integrates with development management systems, it would potentially be possible for the HSE, the Environment Agency and the local planning authority to receive an application for hazardous substance consent simultaneously.

However the disadvantage of this approach would be the potential for delay to the issue of a consent by the hazardous substance authority whilst non-planning technical details are discussed and resolved between an applicant, the HSE and the Environment Agency Further complications could arise if amendments are considered necessary which may then alter the nature of the application before the hazardous substances authority.

In the circumstances therefore the Government's suggested approach is considered reasonable and in fact reflects the experience of this authority in its previous determination of such cases

10. Next Steps

- 10.1 Subject to the agreement of the Cabinet, those responses proposed in underlined italics within sections 5 to 9 of this report are issued as the Council's response to the Consultation on the role of planning in preventing major accident hazards involving hazardous substances before the consultation deadline of the 1st December 2014.

10. Corporate Implications

(a) Financial Implications

There are no financial implications for Castle Point Borough Council arising from the recommendations of this report.

(b) Legal Implications

There are no legal implications for Castle Point Borough Council arising from the recommendations of this report.

(c) Human Resources and Equality Implications

Human Resources

The recommendations of this report can be actions within existing human resources.

Equality Implications

There are no equality implications arising from either the proposals set out in the consultation document itself, or the recommendations arising from this report.

(d) IT and Asset Management Implications

There are no IT or asset management implications arising from this report.

11. Timescale for implementation and Risk Factors

A response to the Consultation on the role of planning in preventing major accident hazards involving hazardous substances must be submitted to the Department of Communities and Local Government by the 1st December 2014.

12. Background Papers

Technical Consultation: The role of planning in preventing major accident hazards involving hazardous substances (2014)

Report Author: Amanda Raffaelli

CABINET

19th November 2014

**Subject: The Department of Communities and Local Government
Consultation on Planning and Travellers**

**Cabinet Member: Councillor Smith - Waste & Business Liaison
Chairman of the Draft New Local Plan Task & Finish
Group**

1. Purpose of Report

To advise the Cabinet of the proposals set out in the Department of Communities and Local Government (CLG) Consultation on Planning and Travellers, and seek approval for the proposed consultation response.

2. Links to Council's Priorities and Objectives

The proposals set out in the CLG Consultation on Planning and Travellers will have implications for plan-making within Castle Point. This will impact on the ability of the Council to achieve the objectives set out under the priority of *Transforming our Community*.

3. Recommendations

It is recommended that the Cabinet agree to submit those responses set out in *underlined italics* within sections 5 to 8 of this report to the Consultation on Planning and Travellers.

4. Background

4.1 The National Planning Policy Framework (NPPF) and the Planning Policy for Traveller Sites (PPTS) were published in March 2012. The two documents were designed to be read together.

4.2 The Department for Communities and Local Government (CLG) published a consultation on planning and travellers on the 14th September 2014. The consultation lasts for ten weeks and ends on 23rd November. The consultation document set out a number of proposals, followed by thirteen questions. The proposals seek views on proposed changes to the planning policy and

guidance to ensure fairness in the planning system and to strengthening protection for sensitive areas and Green Belt. The proposals also aim to address the negative impact of unauthorised occupation.

- 4.3 The consultation document indicates that the Government are committed to a number of changes to the PPTS, which may involve some changes to the wider NPPF. The Government states that it remains committed to increasing the level of authorised traveller site provision in appropriate locations to address historic undersupply. However, it believes that further measures are need to ensure planning rules apply fairly and equally. These measures include:

- a. A change to the definition of 'traveller' so that where they have ceased to travel then they should be treated no differently to members of the settled community;
- b. Ensuring sufficient protection for sensitive areas and the Green Belt;
- c. Assisting Councils in dealing with unauthorised occupation of land through resolving problems caused by a minority of travellers who ignore planning rules and occupy sites without planning permission; and
- d. Consulting on streamlined draft planning guidance which aims to support Council's in robustly assessing their traveller need.

5. The Proposal to Change the Definition of a Traveller

- 5.1 Current policy requires that those who have ceased travelling permanently for reasons of health, education or old age are for the purposes of planning treated in the same way as those who continue to travel. The Government feels that where a member of the travelling community has given up travelling permanently, for whatever reason, and applies for a permanent site then they should have no preferential treatment over that afforded to the settled population. The Government are proposing that for planning purposes, a traveller is someone who travels and the current definition to both "gypsies and travellers" and "travelling showpeople" are amended through the removal of the words "or permanently".

- 5.2 The definition if amended would be:

"Persons of nomadic habit of life whatever their race origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

- 5.3 The CLG pose the following question in relation to this proposal:

Question 1 – Do you agree that the planning definition of travellers should be amended to remove the words or permanently to limit it to those who have nomadic habit of life? If not, why not?

- 5.4 It is recommended that the following response is provided in respect of question 1:

Whilst the Council agrees in principle that any permanent pitch provision should be considered through the plan-making process on a similar basis to the provision of traditional housing, the change to the definition does not aid in this. Pitches for travellers, whether permanent or temporary, are a substantially different form of development to traditional housing, and as such require separate consideration. The inclusion of travellers who have stopped travelling within the definition allows for this separate consideration to occur, with the specific location requirements and impacts of permanent pitch provision taken into account.

- 5.5 The Government also wishes to seek views on further measures to support those travellers which fall under the proposed new definition above, such as, using conditions to ensure that transit sites are available at certain times of the year for travellers to occupy on a temporary basis.

- 5.6 The CLG pose the following question in relation to this matter:

Question 2 – Are there any additional measures which would support those travellers who maintain a nomadic habit of life to have their needs met? If so, what are they?

- 5.7 It is recommended that the following response is provided in respect of question 2:

In order to ensure that those maintaining a nomadic habit of life have access to appropriate sites, it is essential that sufficient transit sites are provided in appropriate locations throughout England. These sites should be fully supported financially through Government grants.

- 5.8 Section 225 of the Housing Act 2004 requires each local housing authority to carry out an assessment of the accommodation needs of gypsies and travellers residing or resorting to their district. The definition for this purpose in the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 is:

“Persons with a cultural tradition of nomadism or of living in a caravan; and All other persons of a nomadic habit of life, whatever their race or origin, including – Such persons who, on grounds only of their own or their family’s or dependant’s educational or health needs or old age have ceased to travel temporarily or permanently”.

- 5.9 The CLG pose the following question in relation the different definitions in the Housing Act and in planning policy:

Question 3 – Do you consider that a) we should amend the 2006 regulations to bring the definition of “gypsies and travellers” into line with proposed definition of “travellers” for planning purposes, and b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?

- 5.10 It is recommended that the following response is provided in respect of question 3:

The Council supports a single definition for both housing and planning. However, as set out in the Council's response to question 1, that definition should continue to include those members of the travelling community who have stopped travelling.

6. Proposals to ensure sufficient protection for sensitive areas and the Green Belt

6.1 The Government proposes amending the PPTS to include sections replicating the relevant parts of the NPPF, to provide clarification to those parts of the NPPF that apply to the provision of traveller sites.

6.2 The CLG poses the following question in relation to this matter:

Question 4 – Do you agree that Planning Policy for Travellers Sites be amended to reflect the provisions in the National Planning Policy Framework that provide protection to these sensitive sites? If not, why not?

6.3 It is recommended that the following response is provided in respect of question 4:

The Council supports the principle of applying the same policy constraints to the provision of traveller sites as to other forms of development. However, the Council believe that it would be appropriate if both the National Planning Policy Framework and the Planning Policy for Traveller Sites were combined

The Council would suggest that if the National Planning Policy Framework and Planning Policy for Traveller Sites are not combined immediately, that in the interim, the Planning Policy for Traveller Sites should include the same directive and provisions as set out in the National Planning Policy Framework to avoid confusion and provide equality.

6.4 Paragraph 23 of Planning Policy for Traveller Sites requires local planning authorities to strictly limit new traveller site development in open countryside. The Government proposes to amend paragraph 23 to say “Local planning authorities should very strictly limit new traveller site development in open countryside.”

6.5 The CLG poses the following question in relation to this matter:

Question 5 – Do you agree that paragraph 23 of Planning Policy for Traveller Sites should be amended to “local authorities should very strictly limit new traveller sites in the open countryside”? If not, why not?

6.6 It is recommended that the following response is provided in respect of question 5:

It is considered that the insertion of the word ‘very’ does not add anything to paragraph 23 as ‘strictly’ implies the highest threshold in the first instance. Additionally, it is not clear how ‘very strictly limit’ would be assessed in relation to planning applications, and may give rise to a series of legal proceedings that debate the weight to be applied to the three different terms.

Given that there are proposals to bring the PPTS in line with the NPPF, a cross reference to those considerations in section 11 of the NPPF (Conserving and enhancing the natural environment) may be more useful to local authorities when considering the impacts of Traveller Sites on the open countryside.

- 6.7 The NPPF states that development within the Green Belt is inappropriate and should only be permitted where very special circumstances exist. This is repeated in relation to traveller sites within the PPTS. However, whilst the NPPF is clear at paragraph 14 that the presumption in favour of sustainable development does not apply to sites in the Green Belt, paragraph 25 of PPTS states that where a local authority cannot demonstrate an up-to date five year supply of deliverable sites then this should be a significant material consideration when determining proposals for temporary planning permission. There are no limits to paragraph 25, which means it is inconsistent with paragraph 14 of the NPPF. The Government proposes to amend paragraph 25 to bring it in line with paragraph 14, and make it clear that this does not apply to land designated as Green Belt or other sensitive areas.

- 6.8 The CLG poses the following question in relation to this matter:

Question 6 – Do you agree that the absence of an up-to- date five year supply of deliverable sites should be removed from Planning Policy for Traveller Sites as a significant material consideration in the grant of temporary permission for traveller sites in the areas mentioned above? If not, why not?

- 6.9 It is recommended that the following response is provided in respect of question 6:

The Council support this proposal. At present, paragraph 25 of the Planning Policy for Traveller Sites is in conflict with the National Planning Policy Framework and the Planning Practice Guidance which states a five year land supply does not constitute an exceptional circumstance to allow development to occur in the Green Belt. This policy and guidance should also be reflected in the provision for traveller accommodation to ensure equality and to avoid conflict in the planning system.

- 6.10 Current practice in relation to traveller site provision sees greater weight being attached to the unmet need and personal circumstances of the occupants than the harm to the Green Belt. In addition, case law has established that no consideration is inherently more important than the best interests of a child.

- 6.11 In relation to this matter, the CLG poses the following question:

Question 7 – Do you agree with the policy proposal that, subject to the best interests of the child, unmet need and the personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances? If not, why not?

- 6.12 It is recommended that the following response is provided in respect of question 7:

In principle the Council supports this proposal as it ensures that the planning system supports the interests of the wider community and not simply the needs of individuals. However, it is not clear as to whether this is intended to apply to decision-taking only or to plan-making also. If it is intended to apply to plan-making also then there is a need for additional clarity as to how such policy should be evidenced for soundness.

7. Proposals to Assist Councils in dealing with unauthorised occupation of land

7.1 The Government are concerned about those who intentionally ignore planning rules and occupy land without planning permission. Intentional unauthorised occupation reduces the effectiveness of the planning and limits the ability to impose conditions on a planning permission to mitigate any negative impacts.

7.2 Intentional unauthorised occupation of land is highly contentious at the local level and a financial cost to the public purse. Therefore, the Government believes that further steps are needed to uphold confidence in the planning system and save enforcement costs, including the ability to protect sensitive areas. The Government does not wish to remove retrospective applications being submitted. However, it believes that where planning rules have been intentionally ignored this should be a material consideration that weighs against the grant of permission.

7.3 The CLG pose the following question in relation to this proposal:

Question 8 – Do you agree that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of permission? If not, why not?

7.4 The following response is recommended in respect of question 8:

The Council supports the principle of this proposal, as it should be able to provide a robust defence against unauthorised development. However, further clarity and definition of the term 'intentional' is required in order to avoid lengthy debate regarding intentions..

7.5 The CLG also poses the following question in relation to the matter of unauthorised occupation of land:

Question 9 – Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?

7.6 The following response is recommended in respect of this question:

The Council agrees that unauthorised occupation of land causes harm to both the planning system and community relations. Anyone who does not follow planning law, and is able to continue with their occupation, diminishes public confidence in the planning process and creates resentment from those who abide by the law.

7.7 In support of their proposals, the CLG pose the following question regarding evidence of the harm caused by unauthorised occupation of land:

Question 10 – Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit them with your response.)

- 7.8 It is recommended that the following response is submitted in relation to this question:

The unauthorised occupation of land within Castle Point is clearly harmful to the purposes of including land within the Metropolitan Green Belt. Virtually all of the undeveloped land that surrounds the urban areas of Castle Point is protected by the Metropolitan Green Belt. However, a large swathe of this land to the north of the borough has historically been the subject of plotland sub-division resulting in sporadic development interspersed by vacant plots of land of little economic value or use to its owners.

Within this area there has been a long history of unauthorised occupation of land, unauthorised use of land and unauthorised development. This is partially a consequence of the low value of this land arising from the Green Belt constraint, and partially a consequence of the nature of the plotlands development.

- 7.9 Large-scale unauthorised sites can distort the level of need in an area and encourage other travellers to locate to the area. The areas where large unauthorised sites reside make it difficult for those local authorities to plan to meet their traveller needs, particularly where they are subject to strict or special planning constraints. These areas can also incur significant costs associated with enforcement action and then have to plan to meet the increased need which arises from the unauthorised occupation.
- 7.10 Paragraph 4.16 of the consultation document states that the Government could amend the PPTS to set out in exceptional cases, where a local authority is burdened by a large-scale unauthorised sites which has significantly increased their need, and their area is subject to strict and special planning constraints then there is no assumption that the local authority is required to plan to meet their traveller site needs in full.
- 7.11 The CLG poses the following question in relation to this proposal:

Question 11 – Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 4.16 above help that small number of local authorities in these exceptional circumstances? If not, why not? What other measures can Government take to help local authorities in this situation?

- 7.12 It is recommended that the following response is issued in respect of question 11:

Basildon Borough, located to the west of Castle Point Borough, has a substantial existing population of gypsies and travellers. This has impacted on the outcomes of the most recent Gypsy and Traveller Accommodation Needs Assessment showing a substantial requirement for additional pitches. It is agreed that unauthorised encampments such as those at Dale Farm have acted to exacerbate future need in Basildon Borough, and that it is unlikely

that Basildon will be able to meet this need in its entirety. The proposed exception is therefore supported, having regard to Basildon Borough as an example.

However, the removal of the requirement for Basildon, as an example, to meet its full needs does not diminish that need, and potentially increases the risk of further unauthorised encampments within Basildon and in neighbouring districts.

There is therefore a need for traveller site provision to be treated as a strategic issue through the Duty to Cooperate at a sub-regional level

- 7.13 The CLG poses the following closing question in relation to the unauthorised occupation of land:

Question 12 – Are there any other points that you wish to make in response to this consultation, in particular to inform the Government’s consideration of the potential impacts that the proposals in this paper may have on either the traveller community or the settled community?

The Council acted promptly in relation to an unauthorised occupation of a private site in the Green Belt by travellers in August 2012. Consistent with the NPPF and the PPTS the Council refused that application, served an enforcement notice, and an appeal into the matter was heard in May 2013. The decision in relation to this matter was ‘called in’ by the Secretary of State.

At the 3rd November 2014, some 18 months after the appeal hearing occurred, the outcome of this appeal has not yet been issued. This represents a significant delay in the decision-making process and has allowed for an unauthorised encampment to remain in place without planning consent for an unacceptable period of time. Such delays have the potential to increase abuse of the planning system, and also diminish public confidence in the effectiveness of the planning system.

Therefore, any changes to planning policy in relation to traveller sites must be accompanied by actions which see those policies applied effectively and efficiently. Otherwise, the planning system will continue to be unfair in the eyes of law abiding citizens.

8. Proposed streamlined draft planning guidance which aims to support Council’s in robustly assessing their traveller need

- 8.1 In line with the Planning Policy Guidance, the Government have set out in Annex A of the consultation document, a draft planning guidance for travellers. The updated guidance has been designed to support council in objectively and accurately assessing their own traveller needs.

- 8.2 The CLG poses the following question in relation to the draft planning guidance:

Question 13 – Do you have any comments on the draft planning guidance for travellers (see Annex A)?

The draft planning guidance appears to run contrary to other planning guidance in relation to the assessment of need, insofar as it is focused on local assessments of need, when in all other respects assessments are expected to cover a wider area.

Additionally, the methodology proposed appears to rely on sources of data such as caravan counts and waiting lists which can become out of date quite quickly, and may result in double counting, particularly if both are used together without interrogation.

It is considered that guidance which is more consistent with that provided in relation to other forms of development could be prepared, if the PPTS was integrated into the NPPF, and any guidance on traveller needs and traveller site provision was included within the Planning Practice Guidance.

9. Next Steps

- 9.1 Subject to the agreement of the Cabinet, those responses proposed in underlined italics within sections 5 to 8 of this report are issued as the Council's response to the Consultation on Planning and Travellers before the consultation deadline of the 23rd November 2014.

10. Corporate Implications

(a) Financial Implications

There are no financial implications for Castle Point Borough Council arising from the recommendations of this report.

(b) Legal Implications

There are no legal implications for Castle Point Borough Council arising from the recommendations of this report. It should however be noted that some of the proposals within the consultation document do not include sufficient definition. If implemented as currently written, this may result in legal challenge of Council decisions, and costs associated with an appropriate defence of such challenges.

(c) Human Resources and Equality Implications

Human Resources

The recommendations of this report can be actions within existing human resources.

Equality Implications

The consultation document is subject to an Equalities Assessment. As this report is recommending a response to the consultation document and does not propose policies in itself there is no require a separate Equality Impact Assessment.

(d) IT and Asset Management Implications

There are no IT or asset management implications arising from this report.

11. Timescale for implementation and Risk Factors

A response to the Consultation on Planning and Travellers must be submitted to the Department of Communities and Local Government by the 23rd November 2014.

12. Background Papers

Consultation: Planning and Travellers DCLG September 2014

Report Author: Amanda Raffaelli

CABINET

19th November 2014

Subject: Housing Report

Cabinet Member: Councillor Mrs B Egan – Homes & Customer Engagement

1. Purpose of Report

To provide a progress report on the Housing Service.

2. Links to Council's priorities and objectives

The Housing service is linked to the priorities of Public Health Wellbeing, Transforming our Community and Efficient and Effective Customer Focused Services.

3. Recommendations

That Cabinet notes the progress and achievements of the Housing Service.

4. Background

4.1 Since 2011 the Housing Service has made a significant number of changes to the operational processes and undertaken a number of projects which have been reported to Cabinet on a regular basis.

4.2 The last progress report to Cabinet was in April 2014 and advised on a number of projects which would be taking place during this year.

4.2 In April 2014 the Housing Service commenced two new Contracts for Responsive Repairs and Void Works, and also for Gas Servicing and Maintenance. An update on the progress of these Contracts is included below.

5. Summary of Projects

5.1 Sheltered Scheme Refurbishment Programme

5.1.1 The refurbishment of Gowan Court commenced in September 2013 has continued to make good progress and is due for completion by January 2015.

5.1.2 The refurbishment has been completed in one wing including the provision of the lift and the redecoration. The second wing is making good progress with just two

bedsits waiting for the refurbishment and the installation of the second lift being undertaken.

- 5.1.3 The refurbishment has included provision of a new laundry room and a refresh of the communal kitchen. These works are continuing with the two communal bathrooms and the balcony repairs to be completed and the final element will be the provision of the new corridor flooring.
- 5.1.4 Residents remain extremely supportive of the works that have taken place and are highly satisfied with their new properties. The scheme is now operating at 100% occupancy.
- 5.1.5 The refurbishment of Amelia Blackwell has encountered some challenges which have delayed the progress of works
- 5.1.6 It was identified that there was a significant amount of asbestos that needed to be removed and in order to minimise disruption for residents this took longer than originally anticipated. However, this has enabled us to provide improved insulation obtained with grant funding to improve the comfort of residents.
- 5.1.7 The refurbishment works were commenced in August 2014 but suffered from a further delay when a water pipe was fractured causing internal flooding and damage to communal areas and electrical elements. This has been fully covered by the Contractors insurance. The resulting actions required the involvement of the various electrical suppliers who serve the residents at the scheme and during this time the Contractor has provided generator cover for the scheme and supported the residents with additional heaters and help were required.
- 5.1.8 Four Flats have now been completed and the next six are making good progress. Residents are highly satisfied with the changes that have been made. Whilst the project is taking longer than originally anticipated we are working closely with residents to keep them informed of the progress being made through weekly meetings. The programme of works has been accelerated to ensure that residents have full facilities over the Christmas period.
- 5.1.9 These contracts are being closely monitored by South Essex Homes through their Disability Specialist Project Manager.

5.2 Responsive Repairs and Gas Servicing Contracts

- 5.2.1 The contracts for these works commenced on 1 April 2014.
- 5.2.2 The provider of the Responsive Repairs and Voids works is Keir Services and the provider of the Gas Servicing and Gas Maintenance work is Aaron Services.
- 5.2.3 The mobilisation of these contracts was extremely smooth and both companies advised that they felt fully supported by our staff and the South Essex Homes staff through that process.
- 5.2.4 In the first six months of these contracts we have undertaken a number of post inspections to check on the works being completed. We have also undertaken telephone surveys with residents to obtain their views of the Contractors. On average we post inspect 10% of all works undertaken in accordance with the

Service Level Agreement with South Essex Homes. On average we make a telephone call to 15% of residents who have had works completed and where possible we try to make sure that these residents are different from those who receive a post inspection. The current level of satisfaction with Kier Services is 96.2% and the level of satisfaction with Aaron Services is 93.3%.

5.3 Capital Programme

5.3.1 Capital works undertaken during 2014/15:

- Roofing – 21 properties received a new roof
- Electrical Works – 4 properties rewired with a further 8 due for rewiring and 750 properties for periodic electrical inspection
- Communal area works – New entrance doors to the sheltered housing schemes, New paving, ramps and parking area at Beatrice Littlewood to meet DDA requirements.

5.3.2 These contracts are closely monitored by South Essex Homes.

6. Drapers Court, Long Road, Canvey Island

6.1 Further to the report submitted to Cabinet in April 2014 and a follow up Housing Revenue Account Report to Cabinet in October 2014 I can confirm that the purchase of this property was completed on 10 November 2014.

6.2 This property provides us with 25 new Housing properties made up of 14 1-bedroom flats and 11 2-bedroom flats.

6.3 The properties were advertised to those on the Housing Register via the HomeChoice system in the same way that all properties are advertised allowing those who met the room size criteria to bid.

6.4 Viewings for those who were on the shortlist were being arranged as this report was being prepared.

6.5 Allocations took account of the location of the property in relation to amenities making the ground floor properties suitable for those with a level access need, Account was also taken to ensure that access was available to those wishing to transfer to a smaller property and those where there was a need to move to a larger property due to overcrowding. Transfers of this nature will free up family homes to continue the cycle of moving people to the most suitable property and also free up small bedsit properties all of which are in high demand.

7. Housing Service Performance

7.1 In June/July 2014 the Housing Service commissioned South Essex Homes to undertake the annual Survey of Tenants and Residents (STAR). This is a formal survey set and validated by Housemark.

7.2 The survey was by telephone and contact was made with 300 general needs residents and 170 sheltered housing residents. Housemark have confirmed that these numbers are statistically reliable for the size of our housing stock.

- 7.3 The survey did include leaseholders and we obtained 60 responses but this did not meet the validation criteria. Housemark confirmed that only 3 organisations met the validation criteria last year. Although for Castle Point 60 responses represents a significant proportion of our leaseholders.
- 7.4 Housemark will not complete the benchmarking exercise until early 2015 but for information purposes we have taken our headline figures and compared to those reported by other housing organisations for last year.
- 7.5 Headline performance information is as follows:
- 7.5.1 General satisfaction with the landlord in general needs housing was 83% against a target of 74% and in sheltered housing was 89.4% against a target of 84%. Leaseholders satisfaction with the landlord was 75% against a target of 50%. Against last years information this would be middle quartile.
- 7.5.2 Overall satisfaction that rent provides value for money was 87.7% in general needs housing against a target of 83% and in sheltered housing was 97.1% against a target of 84%. Against last years information this would be top quartile and the sheltered housing figure would be the highest in the country.
- 7.5.3 Overall satisfaction with the neighbourhood as a place to live for those in general needs housing was 86% against a target of 82% and for those in sheltered housing 96.5% against a target of 86%.

8. Corporate Implications

a. Financial Implications

The works noted above have been, and continue to be, undertaken within current Housing Budgets.

b. Legal implications

As the Landlord for 1,504 properties the Council has an obligation to ensure that tenant's homes meet the standard set out in the Government's Decent Homes Guidance and to maintain their homes to at least this standard.

The Council should ensure a prudent, planned approach to repairs and maintenance of its homes and communal areas demonstrating an appropriate balance of planned and responsive repairs and value for money.

c. Human resources and equality

The actions outlined in this report will be undertaken within available operational resources.

There are no direct equality implications at this stage from the information provided in this report. However, each individual project is subject to an Equality Impact Assessment as appropriate.

d. Timescale for implementation and risk factors

Monitoring of progress will be undertaken by Cabinet on a quarterly basis.

8. Background Papers:

Cabinet Report April 2014 – Housing Progress Report

Cabinet Report October 2014 – Financial Update Report

Report Author: Wendy Buck, Head of Housing & Communities

CABINET

19th November 2014

Subject: Mess Room Replacement at the Farmhouse Depot

Cabinet Member: Councillor Stanley, Resources and Performance

Councillor Smith, Waste and Business Liaison

1. Purpose of Report

To consider the replacement of the mess room facility at the Farmhouse depot.

2. Links to Council's Priorities and Objectives

- **Efficient and Effective Customer Focused Services**

3. Recommendations

It is recommended that a draw-down of £66k is made from the ear marked reserve detailed below to fully fund the cost of the mess room replacement.

4. Background

- 4.1** The current mess room facility located at the Farmhouse Depot is a modular/portacabin type building that has been in situ for approximately 30 years. This facility houses the refuse and recycling staff lockers, a drying area for wet gear and a small kitchen area. It is used daily by refuse/ recycling staff and Pinnacle staff. It provides the only room at the depot big enough to accommodate all depot staff and it is used on a regular basis for meetings and staff training, etc. It consists of two portacabins that have been placed side by side with an interconnecting doorway into the locker room and drying area.
- 4.2** The mess room building has been repaired many times over the years but is now in an extremely poor condition and is beyond economic repair. It has however outlived the usual life expectancy of such a building by some considerable time. It is no longer weatherproof and is suffering from water

ingress which is accelerating the rot and dampness the building is already suffering from.

- 4.3 Having regard to the age of the facility and having established that it is beyond economic repair, it is considered that replacement of the building is the only viable option. There is a greater choice of modular buildings now to those which would have been available when the original building was placed on site. The procurement process that has been undertaken sought to encourage suppliers to suggest a range of options so that we could determine which option best suited our future needs and provided best value for the Council.

The remit was to provide a replacement facility which:

1. Provides a building that takes best advantage of the restricted and sloping space;
2. Provides a building that has sufficient space for meetings and training of depot staff;
3. Provides a building that is as environmentally friendly as possible, being highly insulated and made from environmentally friendly materials; and
4. Provides a drying room and kitchenette area in addition to the meeting space.

Quotations were sought which included the demolition and removal of the existing building as well as the installation of the new building, all connection costs, etc including heating, lighting and provision of white goods for the kitchenette area.

- 4.4 The specification was sent out to seven specialist modular building design companies to quote for. Two companies replied and both submitted quotations which met the specified criteria. The cheapest quotation came in at £66,074.20.
- 4.5 Prior to demolition of the existing building taking place an asbestos survey will be required. It is envisaged at this stage that any additional costs associated with the survey and asbestos removal will be insignificant and can be funded from within existing budgets.

5. Corporate Implications

(a) Financial Implications

The Council has not made specific budget provision for the necessary replacement of the facility. However, the Council received a VAT refund in 2011/12 in respect of VAT originally charged on trade waste income between 1973 and 1996. This receipt is currently held in an earmarked reserve, pending its application towards suitable projects. The Council has previously applied other VAT refunds towards projects in the associated service area in

which the refund related to. Therefore it is recommended that a draw-down of £66k is made from this reserve to fully fund the cost of the mess-room replacement.

(b) Legal Implications

The Planning Department has been consulted and has confirmed that planning consent is not required for the replacement building.

(c) Human Resources and Equality Implications

(d) Human Resources

None associated with this report.

(e) Equality Implications

None associated with this report.

6. Timescale for implementation and Risk Factors

The most competitive quotation will be held until the end of 2014, with demolition and erection of the new building starting within approx 8 weeks of order being placed.

Background Papers: None

Report Author: Ryan Lynch, Operational Services Manager

CABINET

19th November 2014

Subject: Policy for Awarding Reductions in Council Tax

Cabinet Member: Councillor Stanley – Resources and Performance

1. Purpose of Report

The purpose of this report is to update the existing Policy whereby applications for a reduction in the amount of council tax payable by an individual under s13A (1)(c) of the Local Government Finance Act 1992 (inserted by the Local Government Act 2003) will be considered.

Cabinet previously agreed to the introduction of a policy in October 2010 but legislative changes and a recent Valuation Tribunal decision have prompted a review.

2. Links to Council's priorities and objectives

Efficient and Effective Customer Focused Services.

3. Recommendation:

That Cabinet agree to the revision of the existing policy.

4. Background

Under Section 13a (1)(c) of the Local Government Finance Act 1992 (as amended by Section 76 of the Local Government Act 2003), the Council has a discretionary power to create its own discounts and exemptions from the payment of council tax including power to grant relief on a case by case basis in relation to individual cases or class(es) of cases that it may determine and where national discounts and exemptions cannot be applied. Section 13a (1)(c) states:

.....in any case, may be reduced to such extent or, if the amount has been reduced under S13a 1 a (Council Tax Reduction Scheme) such further extent as the billing authority for the area in which the dwelling is situated thinks fit....

- I. The power under subsection (1)(c) above includes the power to reduce an amount to nil.
- II. The power under subsection (1)(c) may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by the determination.

The cost of any reduction awarded under Section 13A (1)(c) will fall solely on the Council.

5 Policy for determining applications for Council Tax reduction under Section 13A (1)(c) Local Government Finance Act 1992.

- 5.1 The Council will treat all applications on their individual merits in accordance with the detailed procedural policy (Annex A) which is attached to this report. The key criteria are however highlighted below.
- 5.2 There must be evidence of financial hardship and personal circumstances that justifies a reduction in Council Tax liability.
- 5.3 The tax payer must satisfy the Council that all reasonable steps have been taken to resolve their situation prior to application.
- 5.4 All other possible eligible statutory discounts/exemptions have been considered and awarded where applicable.
- 5.5 The tax payer does not have access to other assets that could be used to pay Council Tax.
- 5.6 Any decision made will be without reference to any budgetary considerations notwithstanding the fact that any awards must be balanced against the needs of local taxpayers who will ultimately pay for a reduction in Council Tax income

6 Procedure for determination of a class/category of reduction

- 6.1 The Council Tax and Billing Manager or other senior Revenues Officer will determine individual applications. However, if appropriate, a report shall be submitted to Cabinet requesting that consideration should be given to creating a specific class/category of reduction.
- 6.2 Such a power may be required in circumstances where a number of properties have been affected by a specific situation e.g. major flooding, fire etc. This power has been used by some authorities to award reduction to pensioners, special constables etc.

7 Review of Decision

- 7.1 Appeals against the Council's decision may be made in accordance with S16 of the Local Government Finance Act 1992. The taxpayer must write to the Council in the first instance outlining the reason for their appeal in accordance with the normal statutory processes, which also provide for a further appeal to the Valuation Tribunal.

8. Corporate Implications

a. Financial implications

There are financial implications to awarding discounts other than those currently available under the statutory legislation as the financial burden of Section 13A(1)(c) discounts has to be met by the council. It is difficult to

predict the annual expenditure because of the unusual nature of the cases that would be considered. However, any reduction would only apply after all other forms of reduction have been exhausted. The financial impact is not likely therefore to be significant. However, as there is no specific budget provision the cost will have to be closely monitored.

b. Legal implications

The Power under Section 13A(1)(c) of the Local Government Finance Act 1992 (as inserted by Section 76 of the Local Government Act 2003) gives the Council a discretionary power to agree discounts but it is not obliged to do so.

Whilst Section 13A (1)(c) is expressed in very wide terms with nothing that suggests particular limits upon the way in which the power is exercised, the power to make reductions must be one that is exercised in a manner that is rational, fair, open and transparent, for a proper purpose and having regard to all legally relevant and not legally irrelevant considerations.

Potentially conferring a financial benefit on a class or individual taxpayer but not on others must be justified and in circumstances where the consequences may be that services are reduced from what they might otherwise have been or others pay more.

As a consequence the Council should only consider using the power in exceptional circumstances and on individual merits and upon some or all of the criteria set out in 5 above for each case.

c. Human resources and equality

Section 13A (1)(c) can be applied to any individual. Equality issues will only be relevant if the Council awards reduction to a class or category of person. An Equalities Impact Assessment has been completed.

d. Timescale for implementation and risk factors

The policy will take immediate effect.

Background Papers: None

Report Author: Gary Burns, Revenues Manager

Council Tax Discretionary Reduction in Liability Policy

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DRAFT

1 Introduction

- 1.1 Section 13A 1c of the Local Government Finance Act 1992, provides the Council with additional discretionary powers to enable it to reduce the council tax liability where statutory discounts, exemptions and reductions do not apply.
- 1.2 These discretionary awards can be given to:
- Individual Council Taxpayers;
 - Groups of Council Taxpayers defined by a common set of circumstances;
 - Council Taxpayers within a defined area: or
 - To all Council Taxpayers within the Council's area.
- 1.3 The legislation states the following:
.....in any case, may be reduced to such extent or, if the amount has been reduced under S13a 1 a (Council Tax Reduction Scheme) such further extent as the billing authority for the area in which the dwelling is situated thinks fit.....
- 1.4 The provision allows the Council the discretion to provide assistance to taxpayers where either the existing legislation does not provide a discount, exemption or reduction or in such circumstances where the Council feels that the level of discount; exemption or reduction is insufficient given the circumstances.
- 1.5 When deciding on whether to grant a discretionary award, the Council will consider each application on its merits. Principles of reasonableness will apply in all cases with the authority deciding each case on relevant merits.
- 1.6 Any decision made will be without reference to any budgetary considerations notwithstanding the fact that any awards must be balanced against the needs of local taxpayers who will ultimately pay for an reduction in Council Tax income.
- 1.7 Likewise the period of any reduced liability will be considered in conjunction with the circumstances of the Council Taxpayer.
- 1.8 For the purposes of administration, the decision to grant any reduction in liability shall be considered within the following categories:

2 Exceptional Financial Hardship

- 2.1 In accordance with Section 13A 1a of the Local Government Finance Act 1992, the Council has a Council Tax Reduction Scheme which provides support, through a discount, to those deemed to be within financial need. The Scheme has been designed to take into account the financial and specific circumstances of individuals through the use of applicable amounts, premiums and income disregards.
- 2.2 Applications will be accepted under this part of the policy for people who have qualified for support under the Council Tax Reduction Scheme but who are still experiencing severe financial hardship. Other taxpayers may also apply, however the Council would normally expect the taxpayer to apply for Council Tax Reduction in any case.

2.3 As part of the process of applying for additional support, all applicants must be willing to undertake **all** of the following:

- a. Make a separate application for assistance;
- b. Provide full details of their income and expenditure;
- c. The taxpayer is able to satisfy the Council that they are not able to meet their full Council Tax liability or part of their liability;
- d. Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non essential expenditure;
- e. Identify potential changes in payment methods and arrangements to assist the applicant;
- f. Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted;
- g. The taxpayer is able to demonstrate that all reasonable steps have been taken to meet their full Council Tax liability including applications for employment or additional employment, alternative lines of credit;
- h. The taxpayer has no access to assets that could be realised and used to pay the Council Tax
- i. and benefits, Council Tax Support, discounts and exemptions
- j. Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.

2.4 The Council will be responsible for assessing applications against this policy and an officer will consider the following factors when applying this policy:

- a. Current household composition and specific circumstances including disability or caring responsibilities;
- b. Current financial circumstances;
- c. Determine what action(s) the applicant has taken to alleviate the situation;
- d. Consider alternative means of support that may be available to the applicant by:
 - i. re-profiling council tax debts or other debts;
 - ii. applying for a Discretionary Housing Payment for Housing Benefit (where applicable);
 - iii. maximising other benefits;
 - iv. determining whether in the opinion of the decision maker the spending priorities of the applicant should be re-arranged.

3 Crisis – Flood, Fire etc.

3.1 The Council will consider requests for assistance from Council Taxpayers who, through no fault of their own, have experienced a crisis or event that has made their property uninhabitable e.g. due to fire or flooding, where they remain liable to pay council tax and for which they have no recourse for compensation nor have recourse to any statutory exemptions or discounts.

3.2 All such requests must be made in writing detailing the **exact** circumstances of why reduction in the liability is required and specifying when the situation is expected to be resolved.

- 3.3 The Council will consider applications on a case-by-case basis in consultation with other organisations as appropriate. Any reduction will be applied where they remain liable to pay council tax and for which they have no recourse for compensation nor to any statutory exemptions or discounts or where the crisis or event is not covered by any insurance policy. The Council will not consider requests from taxpayers where government guidance or policy provides for a reduction in liability in specific circumstances for example, flood relief schemes.

4 Other Circumstances

- 4.1 The Council will consider requests from Council Taxpayers for a reduction in their liability based on other circumstances, not specifically mentioned within this document. However the Council must be of the opinion that the circumstances relating to the application warrant further reduction in their liability for Council Tax having regard to the effect on other Council Taxpayers.
- 4.2 No reduction in liability will be granted where any statutory exemption or discount could be granted.
- 4.3 No reduction in liability will be granted where it would conflict with any resolution, core priority or objective of the Council.

5 Changes in circumstances

- 5.1 The Council may revise any discretionary reduction in liability where the applicant's circumstances or situation has changed.
- 5.2 The taxpayer agrees that he/she must inform the Council immediately either by phone or in writing about any changes in their circumstances which might affect the claim for under this policy. Failure to do so may result in the withdrawal of the reduction granted for the year and the requirement to repay any outstanding amount to the Council. All changes in circumstances should be notified within 21 days in accordance with the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 as amended.

6 Duties of the applicant and the applicant's household

- 6.1 A person claiming any discretionary reduction in liability must:
- Provide the Council with such information as it may require to make a decision;
 - Tell the Council of any changes in circumstances that may be relevant to their ongoing claim; and
 - Provide the Council with such other information as it may require in connection with their claim.

7 The award and duration of a reduction in liability

- 7.1 Both the amount and the duration of the award are determined at the discretion of the Council, and will be done so on the basis of the evidence supplied and the circumstances

of the claim.

- 7.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

8 Payment

- 8.1 In line with legislation, any award shall be granted as a reduction in the liability of the Council Tax Payer thereby reducing the amount of Council Tax payable

9 Reductions in Council Tax liability granted in error or incorrectly

- 9.1 Where a reduction in liability has been granted incorrectly or in error either due to a failure to provide the correct or accurate information to the Council or some other circumstances, the Council Taxpayers account in the normal way.

10 Notification of an reduction in liability

- 10.1 The Council will notify the outcome of each application in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

11 Appeals

- 11.1 Appeals against the Council's decision may be made in accordance with Section 16 of the Local Government Finance Act 1992.
- 11.2 The Council Taxpayer must in the first instance write to the Council outlining the reason for their appeal. Once received the Council will reconsider its decision and notify the Council Taxpayer accordingly.
- 11.3 Where the Council Taxpayer remains aggrieved, a further appeal can then be made to the Valuation Tribunal. This further appeal should be made within 2 months of the decision of the Council not to grant any reductions. Full details can be obtained from the Councils website or from the Valuation Tribunal <http://www.valuationtribunal.gov.uk/Home.aspx>

12 Fraud

- 12.1 The Council is committed to protecting public funds and ensuring funds are awarded to the people who are rightfully eligible to them.
- 12.2 An applicant who tries to fraudulently claim a reduction in liability by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 12.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

13 Complaints

- 13.1 The Council's 'Compliments and Complaints Procedure' (available on the Councils website) will be applied in the event of any complaint received about this policy.

14 Policy Review

- 14.1 This policy will be reviewed on a regular basis and updated as appropriate to ensure it remains fit for purpose. However, a review may take place sooner should there be any significant changes in legislation.

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CABINET

19th November 2014

Subject: Local Council Tax Support (LCTS) – Update and Proposed Local Scheme 2015/16

Cabinet Member: Councillor Stanley – Resources and Performance

1. Purpose of Report

To provide an update to Cabinet in respect of:

- The results of consultation on proposed changes for the 2015/16 scheme.
- Recommended changes to the Local Council Tax Support scheme for 2015/16.

2. Links to Council's priorities and objectives

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

3. Recommendations

1. That Cabinet note the summary of responses to the consultation.
2. That Cabinet recommend to Council that there are no changes to the Local Council Tax Support scheme or allocated funding for 2015/2016.

4. Background Information

- 4.1 This report follows earlier reports to Cabinet which set out the requirement for the Council to approve future year's Local Council Tax Support schemes before January 31st each year, even if no changes are made.
- 4.2 At its meeting in July, Cabinet noted proposed arrangements for consulting with residents on a range of possible changes to the existing scheme. The consultation has now concluded and a summary of responses is provided at Appendix A of this report.

5. Consultation responses

- 5.1 The consultation period ran from 5th September to 16th October 2014. During this period 2,000 flyers were distributed with all outgoing Council Tax Bills and Benefit Notifications, publicity material and consultation forms were prominently displayed at all four local libraries, Twitter alerts were posted, and information was prominently displayed on the Council's website and at the benefit enquiry counter to raise awareness and encourage participation in the consultation.
- 5.2 Partners via the Benefit Information Network were also advised and encouraged to take part in the consultation and raise awareness amongst their customers.
- 5.3 189 'hits' were registered on the Council's consultation information page with 84 customers proceeding to the consultation form. Of these 84, 48 proceeded to fully complete the survey form. In comparison to last year, 'hits' to the web page and survey form were generally lower (359 and 109 respectively), however the number of fully completed responses was unchanged, at 48 in both years. The decline in interest in the scheme appears to be in line with the picture seen generally across Essex.
- 5.4 The consultation questions proposed a range of changes to existing elements of the scheme which would reduce support. The consultation also asked whether certain groups should be protected from these changes.
- 5.5 In general respondents did not agree with any of the changes and supported the view that certain groups (i.e. those unable to work due to sickness or disability, or providing care to a sick/disabled relative) should be protected if such changes were adopted.
- 5.6 A summary of the consultation results is set out at Appendix A of this report.
- 5.7 ECC, Essex Police and Fire have been consulted via the Pan Essex Group and have raised no objections.

6. Proposed Changes to the Local Council Tax Support Scheme for 2015/16

- 6.1 The following aspects are incorporated into the 2014/15 scheme for Castle Point:
 - 1 The scheme is cost neutral, meaning that the cost to the Council and each pre-cepting authority does not exceed the funding notified by central government for the year 2013/14 (see also financial implications below).
 - 2 As directed by central government, all pensioners are protected, meaning that the financial impact of the scheme falls solely on working age households.
 - 3 The scheme is means tested and contains weightings in the form of Premiums, Disregards, and Applicable Amounts to enable protection

for working age vulnerable groups and households with children and/or disabilities.

- 4 The scheme incentivises work by disregarding £25 per week of earned income.
 - 5 Child benefit is regarded in full as income.
 - 6 The scheme does not contain any mechanism for backdating support for working age households.
 - 7 The scheme, as far as possible, allows for expected growth in demand and is easy to claim and administer.
 - 8 There is no entitlement to Second Adult Rebate within the scheme for working age claimants (Second Adult Rebate was benefit which could be awarded where a single Council Tax payer has an adult friend or relative who lives with them and that second adult has a low income).
 - 9 The savings limit is £6,000, meaning that claimants with capital to a value exceeding £6,000 are not entitled to Local Council Tax Support.
 - 10 There are no Non-Dependant deductions for working age claimants (Non Dependant deductions were made from Council Tax Benefit where the claimant had another adult, who was not their partner, living in their household).
 - 11 The Council's 'Local War Pensioner' provisions have been retained, meaning incomes received in respect of War Pensions for disablement or bereavement are fully disregarded when calculating support.
 - 12 Support is capped at 70% of Council Tax liability, meaning all working age households are required to pay a minimum of 30% of their weekly council tax bill.
 - 13 Support is capped at Council Tax Band D, meaning all working age households living in properties banded E to H have their entitlement assessed as though they were living in a Band D property.
 - 14 There is no requirement to calculate and award 'underlying entitlement' when support is overpaid.
 - 15 A small sum is available to provide additional assistance in accordance with the Council's Exceptional Hardship Policy.
- 6.2 It is recommended that the scheme should not be changed for 2015/16.
- 6.3 Some illustrative case studies, demonstrating the potential impact of the recommended scheme on different household types, are shown in Appendix C of this report.

7. Corporate Implications

a. Financial Implications

Funding

- 7.1 The Council and its preceptors, receive funding towards the local scheme through the revenue support grant (RSG) and redistributed business rates formula. The funding is not ring-fenced, meaning that it may be applied for any general fund purpose.
- 7.2 The budgeted cost of the local scheme for 2013/14 was **£6.6m** of which **£1.031m** falls to this Council and is funded **£619k** from RSG and **£412k** from business rates. The final scheme cost in 2013/14 was **£5.8m**. The Borough Council's unspent element of grant was preserved in an earmarked reserve.
- 7.3 In 2014/15, RSG reduced by **£700k (24%)**, but it was not possible to identify how much of the remaining allocation (**£2.3m**) related to the local scheme. The Council therefore took the decision to maintain the level of funding for 2014/15 at the same level as for 2013/14, as expressed above. The majority of councils did likewise.
- 7.4 As government continue to reduce the level of RSG awarded to the council, protection of local scheme will not be sustainable indefinitely. It is therefore likely that the council will need to annually review the amount of funding which it chooses to allocate to the scheme.

Scheme performance

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

Collection

- 7.6 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.

b. Legal Implications

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

7.8 Before making a scheme the Council must:

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

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

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

- 7.9 Since the Council has undertaken consultation on the proposed 2015/2016 scheme a decision of the Supreme Court has been handed down in the case of R (on the application of Moseley (in substitution of Stirling Deceased)) v London Borough of Haringey (2014) which determined that Haringey's consultation exercise that it undertook in relation to its proposed Council tax Reduction Scheme for the year 2013-2014 was unlawful. The Court however declined to order Haringey Council to undertake a fresh consultation exercise because to do so would be disproportionate in the circumstances. Haringey had failed as part of the consultation process to inform consultees not just of its proposals but the reasons for the proposals and other options which would give consultees sufficient information to enable them critically to examine Haringey's thinking that led to its proposals.
- 7.10 The consultation process undertaken by the Council referred to above would not now conform with the decision handed down by the Court in the Haringey case as a result of which before any changes are proposed to the Council's LCTS from that contained in the 2014/2015 LCTS a further consultation process should be undertaken that complies with the above decision.
- 7.11 It is therefore proposed that no changes are made to the LCTS from the 2014/2015 scheme.
- 7.12 Adoption of a local scheme is a statutory requirement and failure to do so will lead to a default scheme being imposed by the government for which there is insufficient funding.
- 7.13 The Council Tax (Administration and Enforcement) Regulations 1992 (the Regulations) make provisions as to the billing, collection and enforcement of council tax. These Regulations were amended to take into account penalties under the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013. The Regulations enable HM Revenue & Customs to supply information to billing authorities relating to council tax.
- 7.14 Dept for Work and Pensions have plans to establish a Single Fraud Investigation Service which it is understood would investigate all benefit and

tax credit fraud. This would have an impact on the Council's benefit fraud team.

c. Human resources/equality/human rights

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

d. Timescale for implementation and risk factors

The local scheme needs to be finalised by 31st January 2015. The new scheme must be operational from 1st April 2015.

Key project milestones are as follows:

Milestone	Timeframe	Purpose
Formal Public/Stakeholder Consultation	Sept 14 – Oct 14	Pre-cepting organisations & Residents
Grant Published	Nov 14 – Dec 14	
Cabinet Report	19.11.2014	Consultation outcome
Report to Council	10.12.2014	Proposed scheme to be recommended to Council Final scheme approval
2015/16 Scheme in place	31.01.2015	Adoption and Implementation
2015/16 Scheme in operation	01.04.2015	Operation

Appendix A Consultation Summary Report

Appendix B Stage 2 Equality Impact Assessment

Appendix C Illustrative Case Studies

8. Background Papers:

Local Council Tax Support Scheme 2014/15 update – report to Cabinet 23rd July 2014

Report Author:

Eddie Mosuro – Community Support Manager

Castle Point Borough Council
2015/16 Proposed Local Council Tax Support Scheme
Consultation Summary Report

General comments and observations about the data

In total there were 189 'hits' registered on the council's consultation webpage and 84 'hit's' to the actual consultation form.

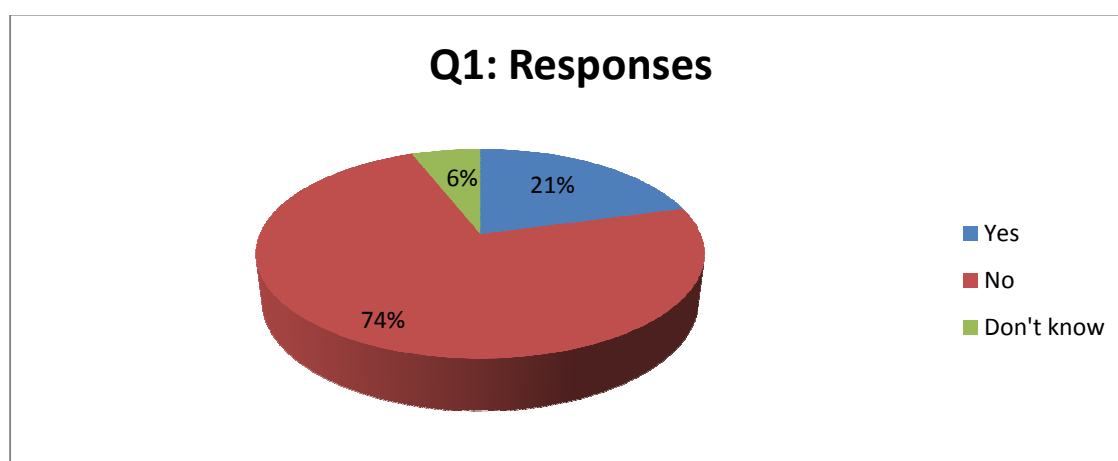
Of the 84 people who accessed the survey, 48 respondents answered all the main questions, 5 answered only Q1, and 31 skipped through all the questions without leaving any responses.

The form contained a diversity data section, however this was optional and not all respondents answered this section of the survey.

Consultation Responses

Q1: Working age Council Tax payers can currently receive support with up to 70% of their Council Tax liability. If the Council has to make changes to the scheme, should this % be reduced so that they receive less support and are required to pay more themselves?

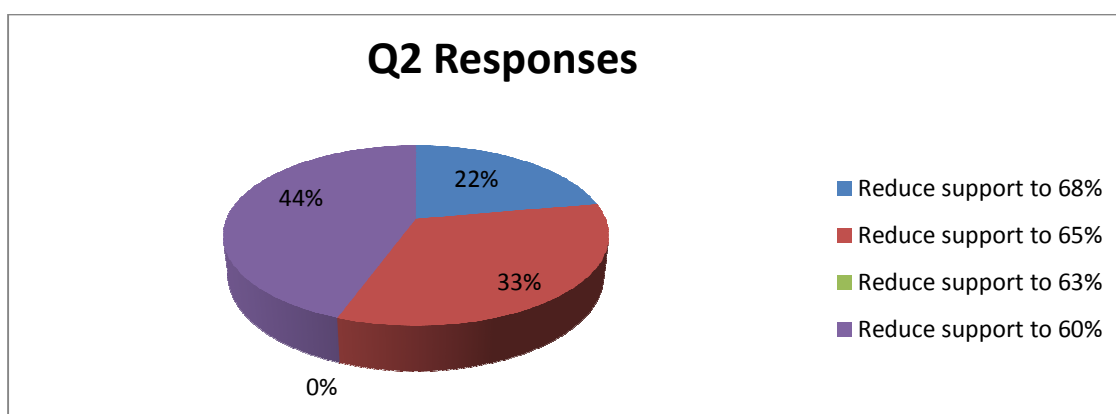
There were 53 responses to this question. Results below indicate that most responders (74%) did not agree that the level of support should be reduced further.



Q2: *You have indicated in question 1 that the maximum amount of Local Council Tax Support which can be paid to working age Council Tax payers should be reduced from 70% of their Council Tax liability. How much should the maximum % of support be reduced to?*

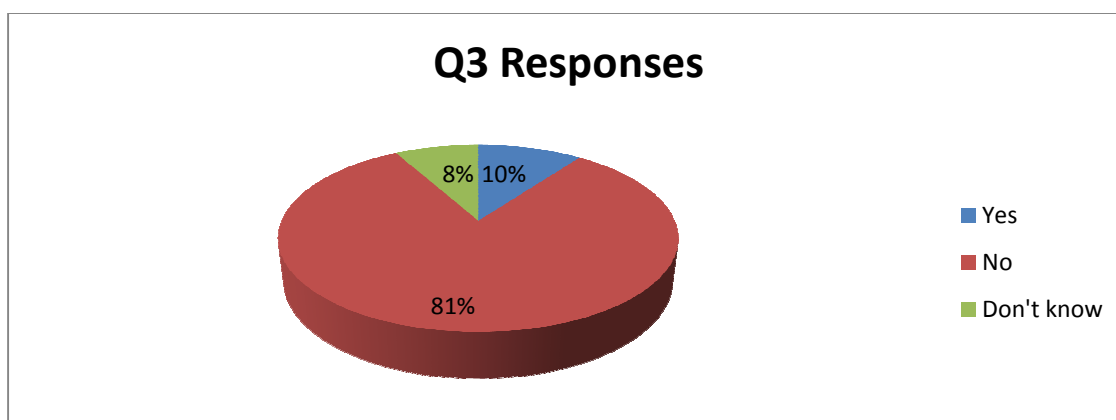
This question was only asked to responders who had answered 'Yes' to reducing the scheme in Question 1.

There were 9 responses to this question in total. The results indicate that, where people were in support of a reduction to the scheme, most people favoured a reduction to 60% (i.e. the largest reduction from 70%).



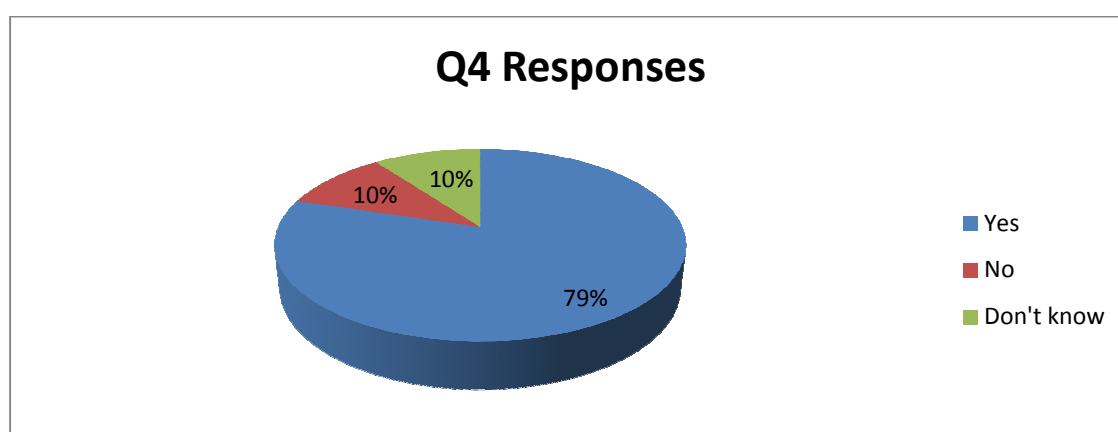
Q3: *Support is currently calculated on Band D for any working age Tax Payers who live in a property in Council Tax Band E, F, G or H. If the Council has to make changes, should this be reduced so that those who live in a property Council Tax Band D, E, F, G, or H would have their support calculated on Council Tax Band C?*

There were 48 responses to this question. Results below indicated that most people (81%) did not want to see support reduced by capping the calculation of awards to Council Tax Band C.



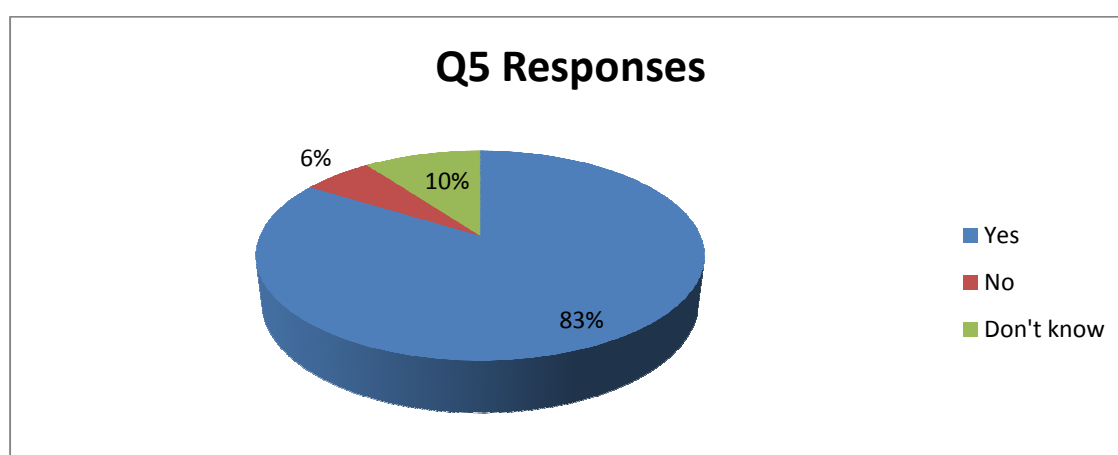
Q4: *Should people who can't work due to sickness or disability be protected from all of these proposed changes to the scheme?*

There were 48 responses to this question. Results below indicate that most people (79%) would like to see those who can't work due to sickness or disability being protected from all of these proposed changes to the scheme.



Q5: *Should people who can't work because they provide care for a sick or disabled relative be protected from all of these proposed changes to the scheme?*

There were 48 responses to this question. Results below indicate that most people would like to see those who can't work because they provide care for a sick or disabled relative being protected from all of these proposed changes to the scheme.



Summary of 'free text' comments collected from the survey:

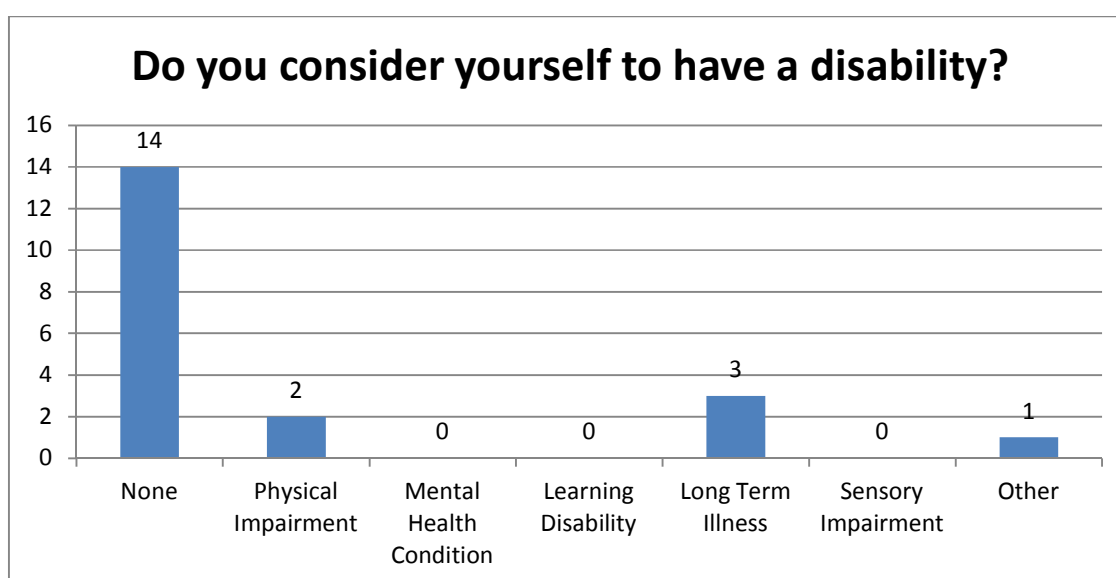
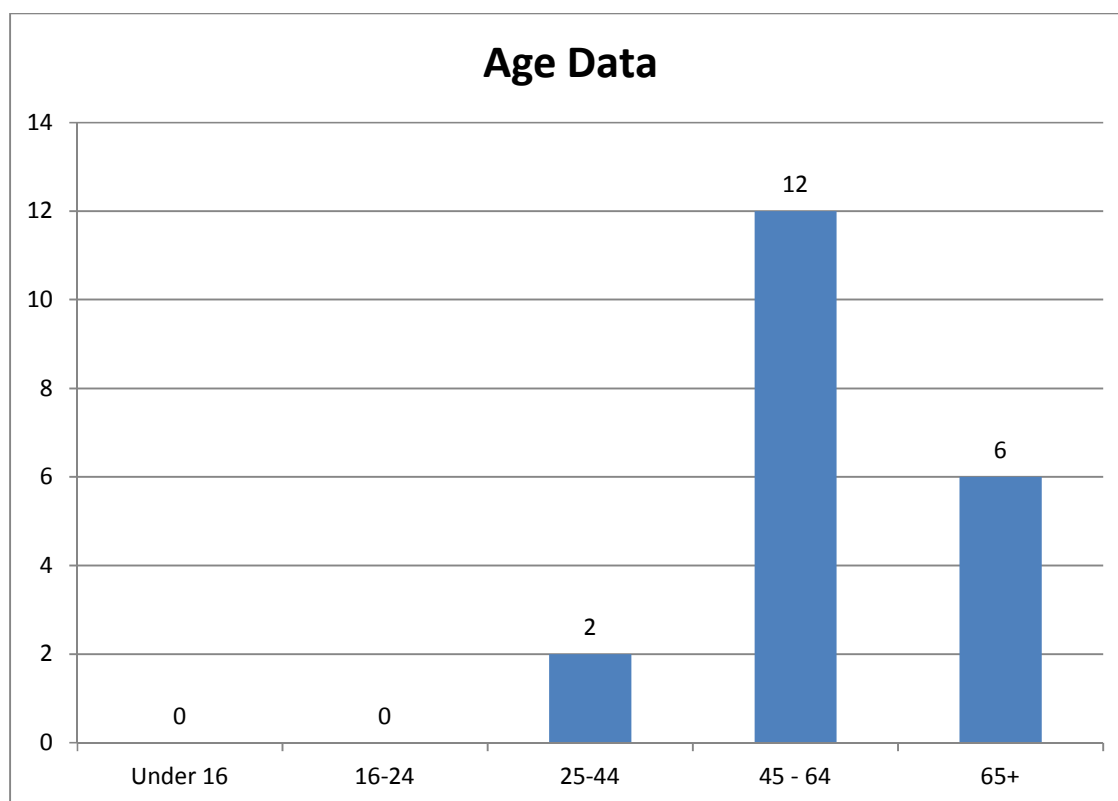
Q6 invited responders to leave any 'free text' comments they wished to make about the proposed changes to the scheme.

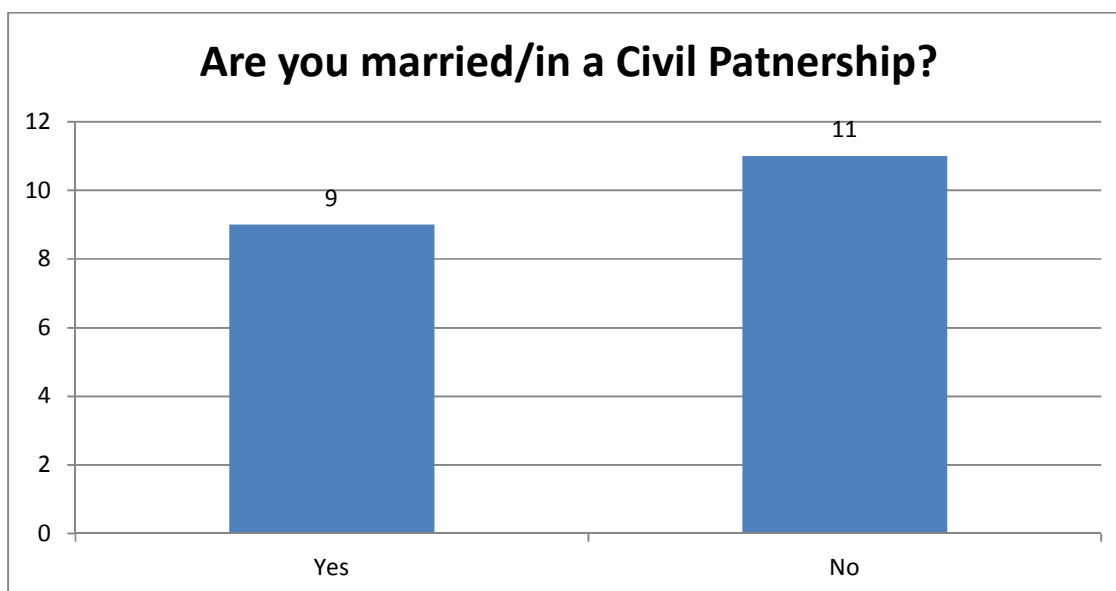
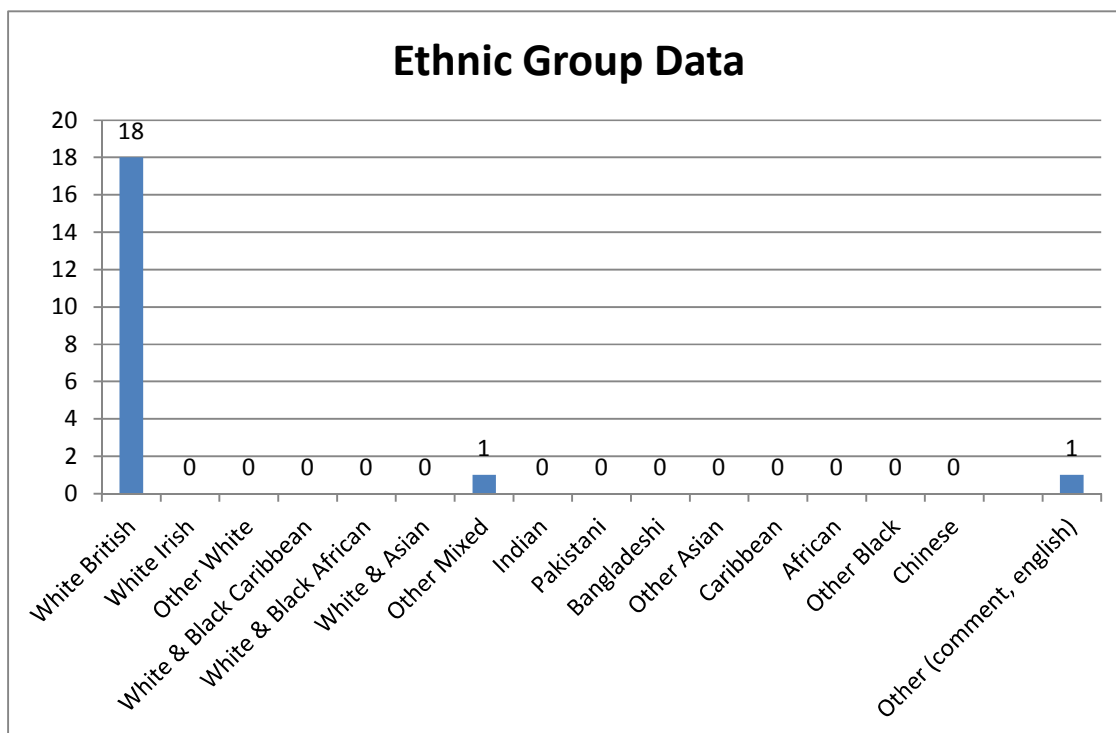
6 comments were received as follows;

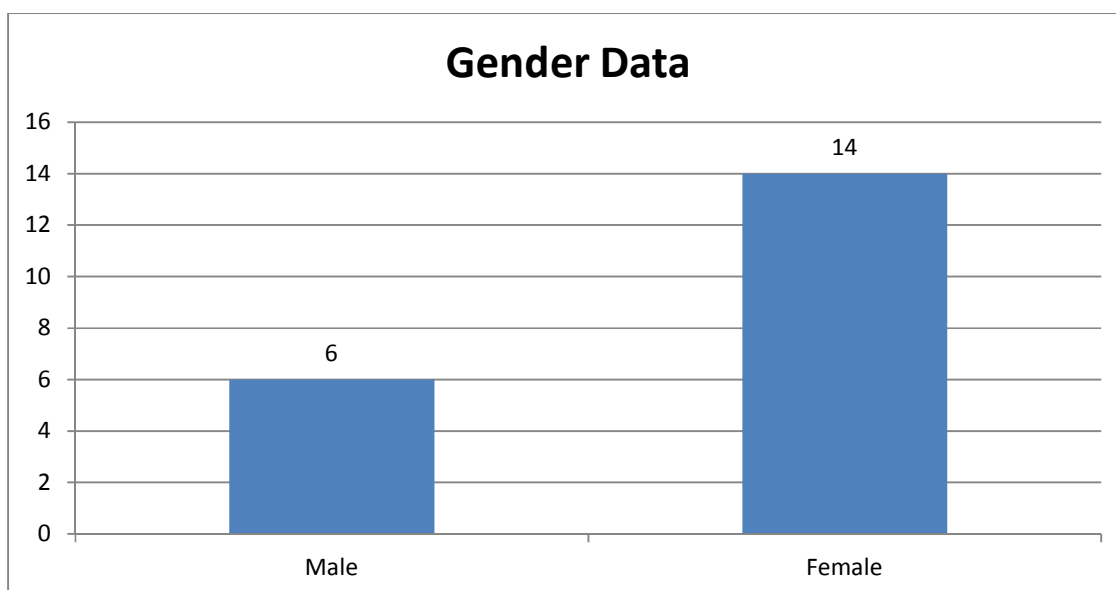
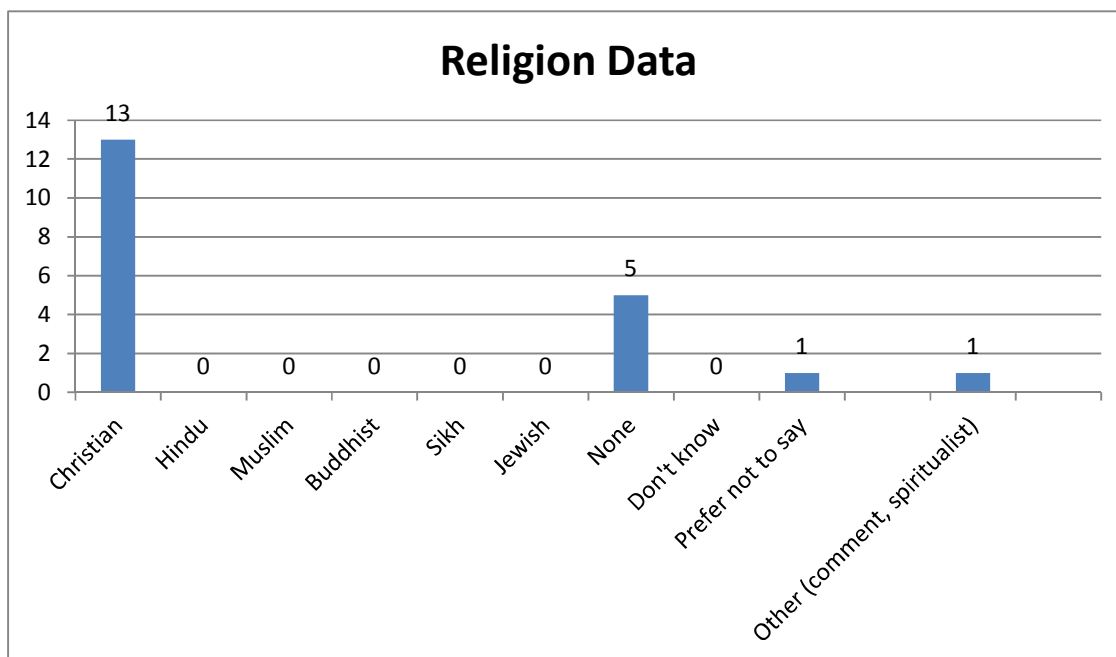
1. *"By not backdating claims Council has incentive not to staff processing. Backdating of claims should be allowed."*
2. *"With regards to the protection of changes for sick, disabled and carers – this is a very difficult category as one has to be careful, depending on severity of condition. I.E terminal conditions, long term illness. It is a decision which requires in depth consideration perhaps according to individual conditions and ability to pay. Long term dependency on benefits should always be discouraged but a very difficult situation when applying to sick and genuinely disadvantaged. I do not think it should be available to new immigrants and I am NOT racist."*
3. *"Q4 Depends on income etc means testing disabled is a problem."*
4. *"You could have a disabled person or couple living in a council flat with a car for mobility (plus the dwelling has to be maintained) also caring allowances vary enormously!"*
5. *"We don't all qualify for full benefits yet you still penalise us. If I could win the lottery then I'd willingly pay full council tax."*
6. *"The most vulnerable in society were not responsible for the deficit situation the country finds itself in today. Neither can they be blamed for the financial crisis/banking collapse of 2007-2008. Why should they be punished for the greed and recklessness of others?"*

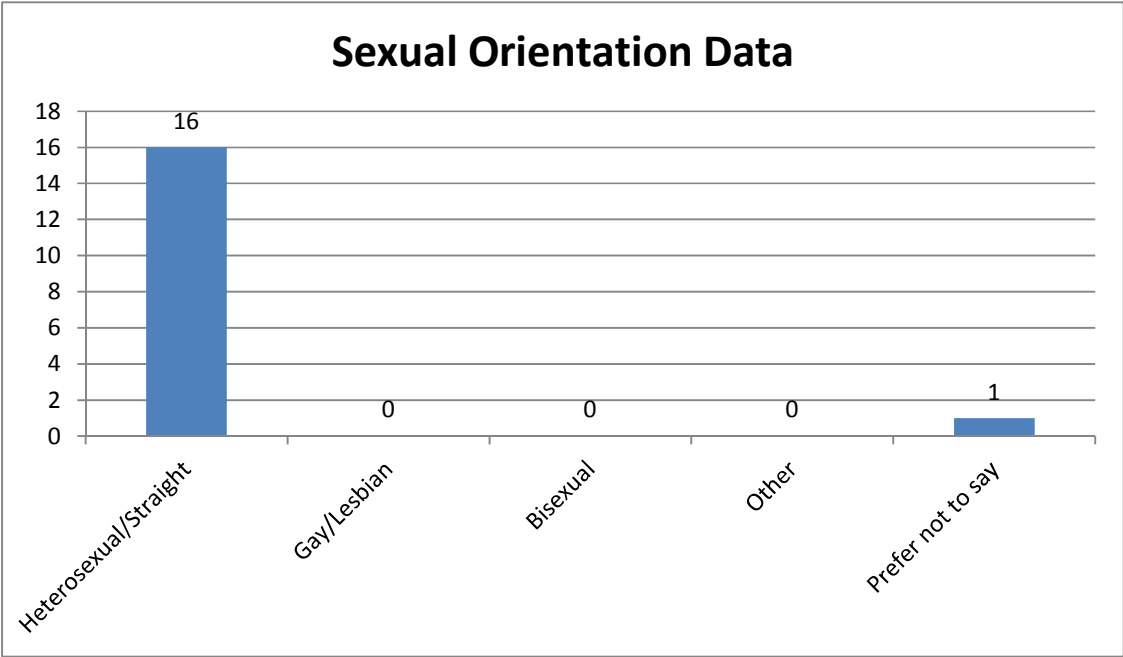
Diversity & Equality Data

Figures shown on the following tables represent the number of actual responses, not percentages. Not all responders answered all the questions so the response total varies from question to question.











Local Council Tax Support Scheme 2015-16

Equality Impact Assessment (EqIA)

Oct 2014

Strategy and Policy EqIA

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

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

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

Title of strategy or policy:	Local Council Tax Support Scheme
Person undertaking EqIA:	Eddie Mosuro
Head of Service:	Wendy Buck
Department:	Housing & Communities
Date EqIA completed:	23.10.14

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 1.4.15
What are the summary aims and objectives of the strategy or policy?	To implement a scheme which is cost neutral to the Council whilst achieving the savings required under the reduced Grant provisions and implement a scheme in accordance with prescribed legislation.
Who will benefit from implementing the strategy or policy?	The scheme benefits those on low incomes by providing them with support to pay their Council Tax. In particular it provides full protection to Pensioners (as prescribed within the requirements of the Localism Act) and includes locally determined protections for vulnerable groups and incentives to encourage people into work.
What are the links to the Council's corporate priorities?	This Policy supports the Council's corporate priority for 2015-16 of 'Efficient & Effective Customer Focussed Services' by ensuring the Council is 'fit for purpose by meeting national and local requirements to agreed timescales and to optimum performance standards'.
What are the links to other Council strategies and policies?	Corporate Debt Recovery Policy Exceptional Hardship Policy Homelessness Review and Strategy Action Plan

What are the links to other community strategies and policies?	National Strategy for tackling child poverty under the Coalition Government: https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208061
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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 EqlA

If any of the answers to the 6 screening questions is “yes”, then a full EqlA 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.

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

Full assessment

Information gathering	
What quantitative and qualitative information is there?	Based on Live caseload data extracted in July 2014 we know that 6,537 people are in receipt of Local Council Tax Support (LCTS) and 2,788 of these are working age households (43%).
What additional information is required?	<p>Analysis of the Working Age caseload has shown that lone parents account for the largest portion of people receiving LCTS (40%), whilst single people account for 38%, and couples with children account for 14% of the caseload.</p> <p>At a total of 54%, households with children (whether lone parents or families) therefore make up the largest portion of the caseload.</p> <p>4 potential scheme options were presented to Council in July 2014 to help inform decisions on the public consultation.</p> <p>The consultation exercise was conducted during Sept-Oct 2014. The results have now been compiled and case studies have been prepared to illustrate the impact of the proposed 2015/16 scheme on different household types, including those containing people with protected characteristics and those containing children.</p> <p>These case studies have been included in the Cabinet/Council reports on which the Final 2015/16 scheme will be decided.</p>
What are the outcomes of any internal and/or external consultation with stakeholders?	Consultation was undertaken between 5.9.14 and 16.10.14.

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<p>What further consultation is required?</p>	<p>189 people made 'hits' to the council's consultation webpage and 84 of these went on to access the actual consultation form. Of these 84, 48 respondents answered all the questions, 5 answered only Q1, and 31 skipped through all the questions without leaving any responses. The form contained a diversity data section, however this was optional and only 16 people answered this section fully. Based on these 16 responses the mix of respondents is believed to be generally representative of the wider local community.</p> <p>Consultation questions proposed a range of changes to existing elements of the scheme which would reduce support. The consultation also asked whether certain groups should be protected from these changes.</p> <p>Generally the majority of respondents did not agree with any of the changes that would lead to a reduction in support. The majority also generally supported the view that certain groups (i.e. those unable to work due to sickness or disability, or providing care to a sick/disabled relative) should be protected if such changes were adopted.</p> <p>6 'free text' responses were recorded and generally these commented on the difficulties of determining a fair scheme for protecting certain groups.</p> <p>There is no requirement to conduct further consultation.</p> <p>Members will be required to consider the Consultation results when deciding on the final scheme for 2014/15.</p>
<p>What examples are there of existing good practice?</p>	<p>Some elements of the proposed working age scheme design (i.e. Band restriction, % liability reduction, removal of Second Adult Rebate) have been agreed as part of the overarching Pan Essex scheme – other elements have been designed to meet specific needs within Castle Point.</p>

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	<p>Guidance provided by DCLG, outlining good practice with regards to treatment of vulnerable groups http://www.communities.gov.uk/publications/localgovernment/lscvtvulnerablepeople) and incentives to work http://www.communities.gov.uk/publications/localgovernment/lscvworkincentives), has been considered in designing the scheme.</p> <p>The Local Government Finance Bill: Localizing Support for Council Tax – Updated Impact Assessment is also available here: http://www.communities.gov.uk/publications/localgovernment/lgfblocalisingcounciltax</p> <p>Each Local Authority is required to adopt their 2015/16 scheme by 31.1.15.</p>
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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. People with disabilities will continue to receive additional premiums as part of the calculation of their award and also may receive additional financial support through the Exceptional Hardship Fund. Without these elements the policy could potentially be discriminatory to those who fall within the 'disability' characteristic group.</p> <p>No other impacts on protected groups have been identified.</p>

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<p>How will the strategy or policy advance equality of opportunity?</p>	<p>The Policy is compliant with prescribed Regulations that protect Pension Age people. This advances equality of opportunity for those who fall within the 'age' characteristic group (specifically those of Pension age) who would otherwise be disadvantaged by the schemes fundamental incentives to work.</p> <p>Parents will continue to receive a child allowance and family premium, and working parents will continue to receive an earnings disregard, as part of the calculation of their award. This is consistent with the Council's duty to safeguard and promote the welfare of children and advances equality of opportunity for those who fall within the 'age' characteristic group (specifically those aged 0 to 17, families and lone parents with children, and pregnant women) who would otherwise be disadvantaged.</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions. People with disabilities will continue to receive additional premiums as part of the calculation of their award and may also receive additional financial support through the Exceptional Hardship Fund. This advances equality of opportunity for those who fall within the 'disability' characteristic group who would otherwise be disadvantaged and may have less opportunity to improve their financial circumstances through work.</p> <p>No other impacts on protected groups have been identified.</p>
<p>How will the strategy or policy foster good community relations?</p>	<p>No impacts on protected groups identified – not applicable</p>

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Making a judgement (continued)	
<p>Does the strategy or policy have the potential to make a negative contribution to equality?</p> <p>If so, which groups with “protected characteristics” will be affected and what are the reasons?</p>	<p>17 year olds may be disadvantaged indirectly if their parents have to pay more as a result of this policy.</p> <p>People aged over 18 and of working age will be required to pay more.</p> <p>People with disabilities who are below pensionable age will need to pay more than those above pension age. This is due to the Prescribed Regulations which automatically protect people of Pension Age.</p> <p>Careful consideration has been given to the overall impact of the inclusion of Child Benefit as an income on protected groups. The restricted grant funding means it is not financially viable to completely protect all protected characteristic groups from the full effects of this scheme. The proposed design of the scheme, however, does afford these groups some level of protection and advances the equality of opportunity for those with protected characteristics.</p>
What can be done to address any contribution to inequality	17 year olds may be disadvantaged indirectly if their

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<p>caused by the strategy or policy?</p>	<p>parents have to pay more as a result of this policy:</p> <p>Parents will continue to receive additional allowances, which is consistent with the Council's duty to safeguard and promote the welfare of children.</p> <p>People over 18 of working age will be required to pay more:</p> <p>The Council actively supports customers with information and advice on income maximisation, financial capability, and debt management. Incentives to work have been included in the scheme design.</p> <p>People with disabilities who are below pensionable age will need to pay more:</p> <p>Higher Rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>A discretionary Exceptional Hardship Fund is available to provide additional financial assistance to those who are particularly vulnerable and suffering exceptional financial hardship.</p>
<p>What can be done to assist understanding of the strategy or policy?</p>	<p>Details of the existing (2014/15) scheme were widely publicised both before and during Annual Billing in 2014. Information on the current scheme is available online and in hard copy format (on request). This information will be refreshed again once a decision on the 2015/16 scheme is made.</p> <p>An on-line 'Calculator' is available to assist those who want to find out if they would be entitled to LCTS and First Contact</p>

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	customer service staff are available to explain the scheme to any individuals or organisational groups who require assistance. Members of the Benefit Information Network group are notified annually of the consultation process and are briefed annually on the scheme adopted each year.
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The real value of completing an EqlA comes from the actions that will take place and the positive changes that will emerge through conducting the EqlA.

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

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

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 2015/16 Final Scheme formally adopted.	First Contact (Communities) Manager	Staff time & printing costs.	Jan – Mar 2015	All affected groups fully aware of the Policy and how it will affect them.
Assist understanding of the Policy	Engage with local advice and support groups through the	Community Support Manager	Staff time.	Jan – Mar 2015	All local advice and support groups fully aware of the policy

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	Benefit Information Network Group.				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 2014/15.	Revenues Manager	Staff time, provision of discretionary funding pot	Jan 2015 – Mar 2016	Reduce impact of the scheme on those suffering exceptional financial hardship.
Advancing equality of opportunity.	Maintain and develop a range of support services and referral arrangements to provide assistance with financial capability, budgeting, and/or debt management advice.	Revenues Manager/First Contact Manager	Staff time, funding pot for services, additional staff resource.	Jan 2015 – Mar 2016	Customers adequately supported and equipped with skills to manage financial impact.

Finally....

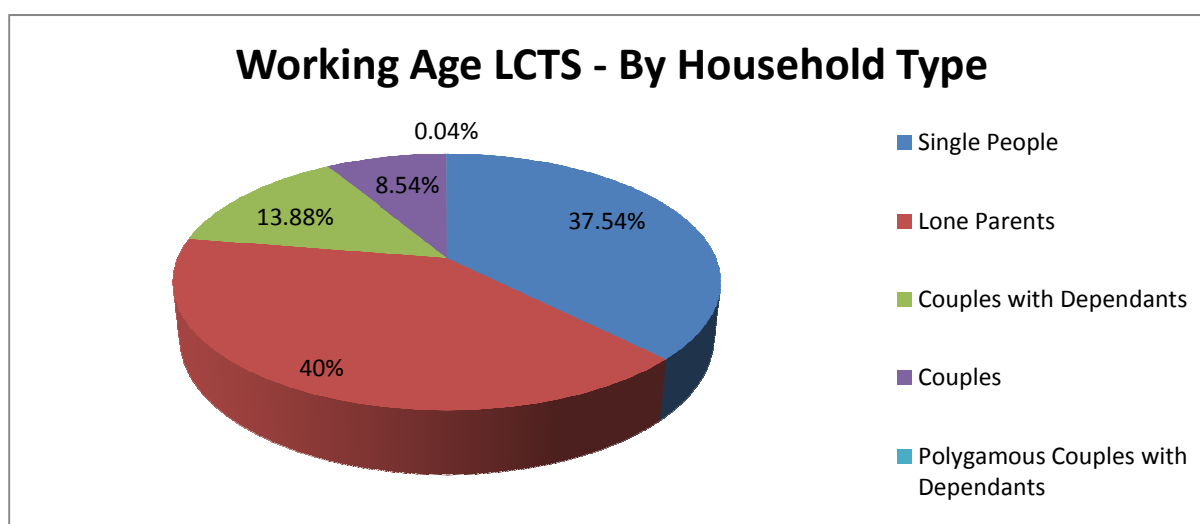
- Sign the EqIA
- Ask your Head of Service to sign the EqIA
- Save a copy of the EqIA in the “N” drive folder for strategy and policy EqIAs:
<N:\Diversity\Diversity records from September 2009\EqIAs - strategies and policies>
- Publication
 - Council website

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- Make copies available for e-mail distribution, in hard copy format and by other means as appropriate (e.g. large print, Braille, CD, other languages, etc.)
- Internal communication to appropriate colleagues
- Agree arrangements for monitoring, exception reporting and review/refresh

WORKED CASE STUDIES

The following chart shows the current working age Local Council Tax Support caseload broken down by household type:



The following case studies illustrate the potential financial impact that the proposed Local Council Tax Support Scheme for 2015/16 (i.e. no change from 2014/15) will have on different types of households.

The case studies are based on the current scheme with an assumed 2% Council Tax increase for 2015/16.

CASE STUDY 1

A working age single person with a total assumed weekly income of £72.40 Income Support.

Case Study 1	
Council Tax Band D (including 2% increase)	£1583
Council Tax Due after Single Person Discount awarded	£1187
Annual LCTS Award	£831
Council Tax to Pay for the full year	£356 (£6.85 p/w)

CASE STUDY 2

A working age couple with a total assumed weekly income of £114.00 Income Support.

Case Study 2

Council Tax Band D (including 2% increase)	£1583	
Annual LCTS Award	£1108	
Council Tax to Pay for the full year	£475	(£9.13p/w)

CASE STUDY 3

A working age lone parent with two children of school age and an assumed total weekly income of £372.00 (consisting of Earnings, Child Benefit, Working Tax Credit and Child Tax Credit).

Case Study 3

Council Tax Band D (including 2% increase)	£1583	
Council Tax Due after Single Person Discount awarded	£1187	
Annual LCTS Award	£0	
Council Tax to Pay for the full year	£1187	(£22.82 p/w)

CASE STUDY 4

A pensionable age couple with a total assumed weekly income of £300.00 (consisting of State Pension for claimant and partner and a Private Pension).

Case Study 5

Council Tax Band D (including 2% increase)	£1583	
Council Tax Due	£1583	
Annual LCTS Award	£1031	
Council Tax to Pay for the full year	£552	(£10.61pw)

CABINET

19th November 2014

Subject: Corporate Performance Scorecard Quarter 2 2014/15

Cabinet Member: Councillor Sharp - Responding to Challenge

1. Purpose of Report

To set out the performance figures for the Corporate Performance Scorecard for quarter 2, 1st July 2014 to 30th September 2014.

2. Links to Council's priorities and objectives

The Scorecard is explicitly linked to all the Council's priorities.

3. Recommendations

That Cabinet notes the reported performance in Appendix 1.

4. Background

4.1 The Corporate Scorecard reports on performance indicators for important service outcomes that are relevant to the Council's priorities.

4.2 The indicators for the Corporate Performance Scorecard for 2014/15 were discussed and approved by Cabinet in August, and include consideration of Council aims and objectives as well as indicators that are important in areas such as customer service and contractor performance.

5. Report

5.1 Summary of performance

5.1.1 The performance summary in Appendix 1 sets out the performance achieved by the Council against the measures in the scorecard. Overall performance is good. Of the 15 indicators reported, 11 are at or above target, a further 2 are near target and 2 have not met target, although action has been or is being undertaken in both of these indicators.

Performance is set out against the priorities as follows:

Public Health and Wellbeing

The refurbished facilities at Waterside Farm have been well received by the community and the number of memberships remains high.

Performance for households in temporary accommodation at any one time during the second quarter of 2014/15 dipped due to an increase in homelessness applications and the lack of suitable accommodation resulting from flood related issues in July 2014. It is expected that new accommodation in Draper Court will help alleviate issues later in the year.

Environment

The overall percentage of Household waste recycled or composted was 57.8%, and continues to be above the target of 56%.

The performance information for street cleanliness, fly tipping and grass verge cutting Indicators generally demonstrates strong performance and that the contractual arrangements are proving effective.

Transforming our Community

Tenant satisfaction with repairs and maintenance at 96.2% continues to be strong. The rate for voids completion is also strong at 21.4 days and demonstrates that the new contractual arrangements continue to be effective.

The Appendix also includes reporting of an annual indicator, the percentage overall satisfaction with Landlord Housing Services (General Needs) which significantly exceeded target at 83%. This helps to demonstrate that the sustained improvement work in recent years is having an impact on the service outcomes.

The percentage of planning applications processed within target times did not meet target but is improving as the backlog of planning applications is now reported to be substantially reduced and performance is expected to continue to improve.

The building control service ensured all applications were processed within statutory timescales.

Efficient and Effective Customer Services

The Council's First Contact team continue to be very successful in limiting the number of calls that they have to transfer to the back office to be dealt with; just 6% of the calls received transferred.

Whilst the sickness absence rate for staff did not meet the target, this continues to be affected by several staff on long term sickness absence which is currently being managed.

5.1.2 Further commentary on performance is set out in the table in Appendix 1.

6. Corporate Implications

a. Financial implications

Good performance on some indicators can lead to reduced costs (e.g. higher recycling leads to a reduction in payments for sending waste to landfill)

b. Legal implications

There are no direct legal implications at this stage.

c. Human resources and equality

There are no direct human resource or equality implications at this stage.




d. Timescale for implementation and risk factors

Monitoring of the Corporate Performance Scorecard is ongoing throughout the year.

7. Background Papers:

None

Report Author: Craig Watts ext. 2419 crwatts@castlepoint.gov.uk

Key	
	More than relative 10% below target
	Less than relative 10% below target
	On or above target



Appendix 1

Corporate Scorecard 2014/15 (Public Health & Wellbeing)

Quarter 2: 1st July 2014 to 30th September 2014



Note: All performance values are cumulative (i.e. from 1st April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q1 Value	Q2 Value	Target	Status	Comments
L3 Number of Leisure Memberships Service Manager: Leisure Services Manager	2,669	2,584	2,000		The refurbished facilities at Waterside Farm have been well received by the community and the number of memberships remains high. Work continues to ensure membership levels are maintained and a 'Bring a Buddy' promotion will be commencing in November followed by a 'No Joining Fee' promotion before Christmas.
HLess 3 Number of Households in Temporary Accommodation Service Manager: Community Support Manager	59	65	60		Performance was detrimentally impacted this quarter due to an increase in homelessness applications and the lack of accommodation resulting from flood related issues in July 2014.



Corporate Scorecard 2014/15 (Environment)



Quarter 2: 1st July 2014 to 30th September 2014



Note: All performance values are cumulative (i.e. from 1st April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q1 Value	Q2 Value	Target Q2	Status	Comments
OPS4 Percentage of Household Waste Recycled Service Manager: Operational Services Manager	29.22%	29.27%	Annual Target 30%		The combined recycling and composting rate is 57.84% which is above the target of 56%.
OPS 5 Percentage of Household Waste Composted (including food waste) Service Manager: Operational Services Manager	33.81%	28.57%	Annual Target 26%		The composting rate will be affected by weather conditions but performance in this quarter period remains strong.

PI Code & Short Name	Q1 Value	Q2 Value	Target Q2	Status	Comments
SS2 Percentage of streets inspected which are deemed to be unsatisfactory using Code of Practice for Litter and Refuse methodology. Service Manager: Contracts Manager	6.95%	6.7%	Less than 10%		Areas identified as unsatisfactory remain below the 10% limit for the second quarter. To put that into context only 296 of the 4381 areas inspected in the quarter were found to be unsatisfactory using grading set out in national guidance
SS3 Flytips removed within one working day Service Manager: Contracts Manager	100%	100%	90%		A total of 256 fly tips were removed in quarter 2.

PI Code & Short Name	Q1 Value	Q2 Value	Target Q2	Status	Comments
SS4 Number of Rectification Notices served in relation to Highway Grass Verge cutting. Service Manager: Contracts Manager	4	9	Under 50		There has been a small increase in the number of rectification notices when compared to the last quarter where we have found grass above the specified height. However these were well below the 50mm maximum.
SS5 Percentage of Rectification Notices served in relation to Highway Grass Verge cutting rectified within 72 hours. Service Manager: Contracts Manager	0	9	90%		All Rectification Notices served were rectified within 72 hours.



Corporate Scorecard 2014/15 (Transforming our Community)


Quarter 2: 1st July 2014 to 30th September 2014



Note: All performance values are cumulative (i.e. from 1st April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q1 Value	Q2 Value	Target Q2	Status	Comments
HOS1 Overall tenant satisfaction with repairs and maintenance. Service Manager: Tenancy Services Manager	96.6%	96.2%	95%		Performance continues to exceed the previous contractor's performance by over 10% each month.
HOS6 Average Void Turnaround Time. Service Manager: Tenancy Services Manager	23.7 Days	21.4 Days	25 Days		The new contract and associated working practices have been successfully implemented and performance continues to be strong.

PI Code & Short Name	Q1 Value	Q2 Value	Target Q2	Status	Comments
HOS2 Percentage overall satisfaction with Landlord Housing Services (General Needs) Service Manager: Tenancy Services Manager	83%		74%		This is an annual indicator with a survey process undertaken during the summer. The result is significantly above target and represents very good performance for the Housing Service, which has been subject to significant improvement work over recent years with capital works and improvements to operational services.
DC2 to DC4: Percentage of planning applications processed within target time limits for major, minor and other applications Service Manager: Development Control Manager	66.6% 14.3% 30.8%	100% 32% 60%	Major 60% Minor 65% Other 80%		The backlog of cases has substantially reduced and performance is now demonstrating sustained improvement and is expected to continue to improve.

BC1 Percentage of Building Control applications processed within statutory time limits. Service Manager: Building Control Manager	100%	100%	100%		The service continues to ensure all applications are processed within statutory timescales.
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Corporate Scorecard 2014/15 (Efficient & Effective Customer Services)



Quarter 2: 1st July 2014 to 30th September 2014

Note: All performance values are cumulative (i.e. from 1st April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q1 Value	Q2 Value	Target Q2	Status	Comments
FC1 Percentage of calls taken from customers by First Contact that are dealt with without the need to transfer to the back office. Service Manager: Community Support Manager	94%	94%	Annual Target 90%		The First Contact service continues to maintain strong performance in this area.

PI Code & Short Name	Q1 Value	Q2 Value	Target Q2	Status	Comments
Average number of days Sickness absence per FTE staff for all Council Services (rolling year)	7.7 Days	8.5 Days	7 Days		Several staff have been affected by long term illness which has had a significant impact on the overall sickness absence figure. However, effective processes are being applied and performance is expected to improve.