



ORDINARY COUNCIL MINUTES

13th MARCH 2024

MINUTES of the Ordinary Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on Wednesday, 13th March 2024.

PRESENT:

Councillors, Ms L. McCarthy-Calvert (The Worshipful the Mayor), B. Campagna, (Deputy Mayor), A. Acott, Ms S.A. Ainsley, Ms H.L. Barton-Brown, Ms N. Benson, B. Bizzell, D. Blackwell, Mrs. J.A. Blissett, K. Bowker, M. Dearson, A. Edwards, Mrs. B. Egan, M. J. Fuller, T.Gibson, P.C. Greig, S. Hart, N. Harvey, G. Howlett, Ms D. Jones, J. Knott, R. Lillis, P. May, Mrs. S. Mumford, B.A. Palmer, Mrs. J. Payne, Mrs. C.J. Sach, R. Savage, T.F. Skipp, D.J. Thomas, A. Thornton, Mrs. J. Thornton, Walter, Mrs G. Watson and G.St.J. Withers

Apologies for absence were received from Councillors J. Anderson, W. Gibson, G.I. Isaacs, S. Mountford, and A. Taylor.

IN MEMORIAM

At the beginning of the meeting all present stood in silence in memory of former Councillor Brian Wilson who died recently. He represented the St Mary's Ward from May 1995 until 2003 and 2008 until 2010.

72. MEMBERS' INTERESTS

Councillor B Egan declared a registrable interest as a member of Essex County Council.

73. MINUTES

The Minutes of the meeting of the Ordinary Council held on 29th November 2023, the Special Council held on 20th December 2023, the Special Council held on 31st January 2024 and the Special Council held on 21st February 2024 were taken as read and agreed as a correct record. The Mayor signed the Minutes.

74. MAYOR'S ANNOUNCEMENTS

The Mayor:

Was pleased to announce as part of her legacy as Mayor work was being undertaken to revive the Castle Point Youth Council along with plans to establish a Youth Mayor for Castle Point.

Ordinary Council 13.3.2024

Took the opportunity to thank Reverend Tania Menegatti and all who took part in the Interfaith Civic Service which took place last month. The Mayor had received much praise for this community occasion.

Requested support for the Mayor's Charity Ball which was to take place on Saturday 23rd March 2024 to raise funds for the Mayor's chosen charities.

Reported that to date over £5,000 had been raised for charities during the Mayor's year in office. This included over £500 for Cancer Relief at the annual community carols held at the Salvation Army Temple.

Was pleased to present the Mayor's Annual Business Awards on Friday 1st March. The Mayor congratulated all the winners but especially Stibbards, the winner of the Business of the Year Award.

Finally, as this was the last Ordinary Council meeting before the Borough Elections for the new Council, the Mayor took the opportunity to thank all Councillors for their service to the Council and community. The Mayor wished good luck to all Councillors seeking and those not seeking election.

Under this item following requests the Mayor had given the opportunity to Councillor Tom Skipp and Councillor Beverly Egan to address the meeting.

Councillor Skipp announced that he would not be seeking election in May having represented the residents of Appleton Ward for 21 years since 2003. It had been an honour and a privilege to serve as a Councillor for this Borough and he took the opportunity to thank the Officers and Councillors, both past and present, for their support in carrying out his role.

As this was the last Council meeting before standing down from the Council, as one of the longest serving Councillors, Councillor Mrs Egan referred to the many changes that had taken place over the years and that the transformation process underway needed to continue along with the core values and behaviours especially respect to meet the continuing challenges facing the Council.

As a former Mayor Councillor Mrs Egan acknowledged the patience, understanding and humour required by the Mayor complimenting the Mayor on her success in fulfilling the office as Mayor and ambassador for the Borough and offered her best wishes to the Mayor for the remainder of her term of office.

The Mayor, on behalf of the Council, thanked Councillor Skipp and Councillor Mrs Egan.

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

- 1. Question to Council to the Cabinet Member Health Wellbeing and Housing from Miss Alison Millin:**

“How many issues are awaiting repair in council-owned properties and sheltered accommodation across Castle Point?”

The Cabinet Member for Health Wellbeing and Housing replied that substantial ongoing maintenance was needed to maintain a housing stock of 1,500 properties to an acceptable standard.

Since April 2023 around 3,900 responsive repairs jobs had been completed with 154 currently awaiting completion, of which only 10 were outside the agreed repair timescales.

During the year to date 124 properties had received external painting and major works had been undertaken to 350 properties resulting in 112 properties continuing to meet the decent homes standard.

Currently 98.5% of the housing stock met the decency standard, against a council target of 98%, this compared to national levels of decent homes within the social housing sector of 90%.

The Cabinet Member for Health Wellbeing and Housing was sure the questioner would agree that tenants view of the council’s performance as landlord in dealing with repairs and maintenance was paramount.

The Cabinet Member drew attention to the latest figures for overall tenant satisfaction with repairs and maintenance published in the Cabinet agenda. At the end of Quarter 3 tenants’ overall satisfaction with repairs and maintenance was 100%.

Regular tenant satisfaction surveys were to be undertaken over the coming years that would gauge this along with other areas of housing service delivery.

The Cabinet Member thanked the questioner Miss Millin for the question.

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

1. Questions to the Cabinet Member for People – Health, Wellbeing & Housing - From Councillor Mumford:

‘Physical inactivity is a global public health priority. There are known health and well-being consequences of being inactive and the benefits of being physically active are well documented.

Would the Cabinet Member for People, Health, Well-Being and Housing agree that a whole system approach, to transform community provision for disabled people and people with long term conditions, should be an aspiration Castle Point Borough Council encourages in our parks and open spaces?’

If so would you agree that free outdoor sports facilities would assist with this aspiration particularly in times of economic challenges?’

The Cabinet Member for Health Wellbeing and Housing replied agreeing that encouraging a whole system approach to enhance community provision for disabled people, people on low incomes and those with long-term conditions should be a key aspiration for Castle Point Borough Council. The Council's community assets had a vital role to play in improving health and wellbeing.

In her reply the Cabinet Member for Health Wellbeing and Housing advised that Sport England has selected Castle Point, particularly Canvey Island, for place expansion and funding to boost physical activity levels and health and wellbeing throughout the Borough. This would allow the Council to work with partners to improve health outcomes, especially for the most vulnerable residents, and help reduce health inequalities within the Borough.

Also, the Council's award-winning leisure team would evolve its focus to deliver health and wellbeing activities, not just within leisure centres, but directly to people's doorsteps and in the borough's open spaces, including at the renovated Paddocks Community Centre. These activities, supported by Sport England, would be co-designed with the community to ensure local needs were met.

The Cabinet Member for Health Wellbeing and Housing advised that a funding application had been made through the Public Health Accelerator Bid with Essex County Council which, if successful, would further shape and expand the leisure offer across Castle Point.

The Cabinet Member for Health Wellbeing and Housing concluded that free outdoor physical activities in outdoor spaces were a key part of this aspiration, particularly in these economically challenging times. The Sport England Place Expansion and wider funding grants would support this aspiration.

The Cabinet Member thanked Councillor Mumford for her question.

2. Question to the Leader of the Council

From Councillor Andrew Thornton:

'Can the Leader confirm that when the new Castle Point Local Plan is completed and finally comes to full council, it will not contain any land currently designated as green belt included in its residential allocations?'

The Leader of the Council replied with a reminder that when setting out to prepare a new local plan – the Castle Point Plan – we said that we wanted to meet our locally defined need (with the help of residents), prioritise brownfield sites and protect the green belt. That is what we are working towards.

We have already identified that our need is 100 dwellings per year less than the government targets, and we are working on maximising the use of appropriate brownfield and urban sites.

At the Council on 29th November, the Deputy Leader of the Council presented - and indeed read out in full – a report on progress on the plan. he said: ‘Once we fully understand the urban capacity, then we look at whether we need land elsewhere. Our objective remains to protect the green belt. So, over the coming months we will look at how our need can be met in full and in a way that is sound and delivers the right homes for the right people in the right places, with infrastructure and builds quality places. It is only through these robust assessments will the Council be able to protect the green belt.’

In the summer we intend to engage with our residents on where development should go. Because we must ensure that we have considered all options, we will be asking whether to meet local need if there is not the capacity in the urban areas where should development go. This is the proper approach and will help strengthen the soundness of the plan.

The Leader thanked the Councillor for his question.

77. TO DEAL WITH BUSINESS FROM THE LAST COUNCIL MEETING

At the Council meeting held on 29.11.2023 consideration of the following Motion was deferred without debate for a report to Cabinet Council Procedure Rule 13 applied.

"We call on this Council to begin work on its own Parking Standards Supplementary Planning Document for adoption by the Council to provide the material planning considerations needed to adequately address parking concerns raised during the planning process."

Cabinet considered a report on the budget implications which was before Council for consideration. Council approved the recommendation.

Resolved:

That the creation of a Castle Point bespoke parking standards Supplementary Planning Document (SPD) is not a good use of the Council's resources because the law requires that the provision of parking standards is undertaken as part of the local plan making process. The Council's resources should remain focused on the preparation of the Castle Point Plan and not be diverted into the creation of an unnecessary SPD.

The Motion was withdrawn.

78. ANY EXPLANATIONS FOR URGENT DECISIONS TAKEN BY CABINET

There were none.

79. CONSIDERATION OF RECOMMENDATIONS FROM CABINET

There were none.

80. ANY REFERENCES FROM THE SCRUTINY/POLICY AND SCRUTINY OR REGULATORY COMMITTEES – RECOMMENDATION FROM THE STAFF APPOINTMENTS AND REVIEW PANEL - NEXT STEPS ARISING FROM AN INTERNAL AUDIT REPORT INTO SENIOR MANAGER PAY AND CONDITIONS

Council received a report of the Staff Appointments and Review Panel (SARP) which took place on 27 February 2024 to consider the next steps to be taken following an Internal Audit reporting senior managers pay and conditions.

Council considered the same three options presented to the committee.

- Option 1: To ratify the remuneration decisions made by and in respect of the late chief executive and by and in respect of the former s151 officer.
- Option 2: To note the view as to the unlawful decisions, and potentially unlawful payments made at that time, and to obtain further legal and other professional advice and analysis with a view to issuing a claim or claims for restitution.
- Option 3: To note the view as to the unlawful decisions, and potentially unlawful payments made at that time, and to write down these monies as not to be recovered or irrecoverable.

In presenting the report to Council the Chief Executive reminded Council that this report concluded a long process of investigation and review of a historical set of arrangements which were no longer in place. The Transformation Programme now in train provided for a root and branch reform of the whole work force and had corrected the defects and anomalies which were identified in the audit report and put in place a new operating model based on the principles and advice of the Local Government's Association (LGA) Decision Making Accountability review.

Internal audit had been reviewing the work being undertaken which would be reported to the Audit Committee. The Council's external Auditors had been informed throughout to provide assurance that these changes were being implemented in line with good governance and best practice to address the failure of process in past decision making. It was a failure of process which gave rise to the findings of potential unlawfulness set out in the report.

The statutory officers, the Monitoring Officer and the Section 151 Officer were obliged by law to report unlawfulness to Council and this was addressed in the report.

The Chief Executive addressed the issue of confidentiality. Information set out in the report and background papers met the public interest test. The remaining redactions were necessary for the Council to meet its legal duties relating to confidential information and personal data.

The Chief Executive concluded informing Council that the legal advisers who had provided the advice to Council were present and if questions were raised on the advice or on the confidential information before the meeting, it would be necessary to deal with this with the press and public excluded from the meeting.

The SARP committee had resolved to recommend to Council:

“To note the view as to the unlawful decisions, and potentially unlawful payments made at that time, and to obtain further legal and other professional advice and analysis with a view to issuing a claim or claims for restitution.”

SARP decided to adopt Option 2 because of the Council’s fiduciary duty to its residents it should seek further advice and if possible, seek to claim back the monies. Further legal and other professional advice was needed because of the complexity of the law around restitution and the need to employ tracing agents to identify sums which might be capable of being recovered.

If the Council supported the recommendation of the SARP a further report would be presented to Council in the new municipal year with that specialist legal and professional advice. Members would then be asked to make the decision as to whether a claim for the monies should be issued.

While it would be prudent of the Council to explore Option 2 given the sums of money paid, but it should be noted that this option would incur additional costs in obtaining the specialist professional advice, and that there was no guarantee as to the recovery of any money. This was an extremely complex area of law and whilst the Council might have been deficient in its governance around decision making, it did not follow that the sums paid were recoverable.

The question of lawfulness related to the governance process which was followed. The subject matter of the payments was something which a reasonable Council, acting reasonably might have otherwise agreed.

The Leader of the Council moved that Option 2 be approved which was seconded.

Resolved:

1. To note the unlawful decisions and potentially unlawful payments made at that time and obtain further legal and other professional advice and analysis with a view to issuing a claim or claims for restitution.
2. That the s151 Officer is given delegated authority in consultation with either the Leader of the Council or the Cabinet Member for Resources to withdraw from the General Reserve sums above £50,000 to a maximum of £100,000 to meet the cost of the further legal and other professional advice and analysis.

81. REPORT OF THE RETURNING OFFICER - ELECTIONS FEES AND EXPENSES 2024/25

Council was received a report presented by the Returning Officer to Council to note the Returning Officer's scale of fees and associated expenses for Elections taking place during 2024/25. These were shown in Appendix 1.

Resolved:

1. To note the fees to be paid to the Returning Officer as identified as Appendix 1, Table A.
2. To note the Election Staff Fees to be paid as set out in Appendix 1, Table B for financial year 2024/25.
3. To note the fees for the Clerical Allowance as identified at Appendix 1, Table C.

82. TIMETABLE OF MEETINGS 2024/25

To assist with scheduling meetings in the next municipal year Council was asked to approve a timetable of meetings appended to the report for Council, Cabinet and Committees; the Council meetings would be endorsed at the Annual Meeting.

Resolved:

To approve the Timetable of Meetings.

83. REPORT FROM THE LEADER OF THE COUNCIL/CABINET MEMBERS

The Leader of the Council:

Acknowledged the success of the joint administration in its second year.

Wished to share a number of good news items commencing with the Chancellor of the Exchequer's announcement in the budget resulting in Canvey Island being one of the twenty towns to receive £20 million each over the next ten years through the Long-Term Plans for Towns funding.

The announcement was unexpected but very welcome the focus would now be on how the money should be spent for the benefit of residents, businesses, voluntary sector and stake holders in the Borough.

The Council had been exploring every opportunity to bring investment to Castle Point. The Leader took the opportunity to thank officers who had been working with Essex County Council and government officials to prepare proposals for investment with Canvey Island identified as a priority area. A report would be made to Cabinet to put in place the arrangements for the Town Fund.

The Borough has been identified by the Arts Council as a priority place and was to be a main base for the Thames Estuary Festival 2025. Access to a £250 million fund through the Sport England Place Partnership had also been awarded.

Through the UK Shared Prosperity Fund £55k had been awarded for various community projects across the Borough.

A positive response had been received to the Council's response to the Minister of State for Housing's warning of designation. The Minister was to review the position in June 2024 expecting improvements to be sustained in performance on determining major planning applications.

The Leader thanked the officers led by Stephen Garner, Assistant Director for Development Services and the Development Management Committee in making such a marked improvement in the past nine months. The aim was to be on track to surpass the Government's target by the end of June.

The Leader referred to his earlier reply to Councillor Andrew Thornton informing of the good progress being made with the Castle Point Plan.

The Leader reported that work had commenced on several projects including The Paddocks. A groundbreaking ceremony was to take place to mark the start of the works on the Thorney Bay Pavilion.

A successful meeting of the flood resilience forum had taken place to explore what had been delivered through the multi-agency approach initiated by the late Chief Executive since the 2014 floods on Canvey and the work to be done to deliver flood management improvements and flood resilience across the Borough.

Good progress had been made in taking forward the Council's transformation programme. The Leader thanked the Chief Executive and the Officer Team for their continuing hard work and took the opportunity to welcome those newly appointed to the meeting.

Finally, the Leader of the Council took the opportunity to thank all Councillors for their service to the Council and wish good luck to those seeking re-election.

Resolved:

To note the report.

85. NOTICES OF MOTION

1. Councillor Lillis had given notice of the following:

Castle Point Borough Council wish to express our deep dissatisfaction with Essex County Council's Highways Department and do hereby formally request ECC Cabinet Member - Councillor Tom Cunningham and a

representative from the Highways contractor to attend a meeting in this chamber, in order that Members can hold them both to account for failing in their legal duty under the Highways Act to maintain our highways (roads, pavements and streetlights) adequately.

The Motion was moved and seconded.

The following amendment was moved and seconded to add after Highways Contractor (at line 4), *and the Chairman and Vice Chairman of the Committee responsible for scrutinising highways performance at ECC, namely Cllr Alan Goggin and Cllr Dave Blackwell*

Debate took place following which a vote was taken which was LOST.

Debate resumed on the original motion at the conclusion a vote was taken. The Motion was CARRIED.

Resolved:

Castle Point Borough Council wishes to express deep dissatisfaction with Essex County Council's Highways Department and does hereby formally request ECC Cabinet Member - Councillor Tom Cunningham and a representative from the Highways contractor to attend a meeting in this Chamber, in order that Members can hold them both to account for failing in their legal duty under the Highways Act to maintain the Borough's highways (roads, pavements and streetlights) adequately.

2. Councillor Mrs Thornton had given notice of the following Motion:

1. *That £30,000 be taken out of the Joint Strategic Plan Reserve (currently standing at £110,000) and used to establish a Discretionary Fund aimed at any council tenant experiencing hardship after the 7.1% increase in social and affordable rents, who are not eligible for benefits or existing hardship funding in already place.*
2. *That a report be taken to Cabinet with recommendations as to the best way to organise and administer the fund at its next meeting.*

The Motion was moved and seconded.

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

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

No Notice had been received.

Mayor