



## Minutes of the ordinary meeting of Council held on 9 October 2024 when there were present:-

Mayor: Cllr L McCarthy-Calvert  
Deputy Mayor: Cllr B Campagna

Cllr S Ainsley	Cllr D Jones
Cllr N Benson	Cllr J Knott
Cllr D Blackwell	Cllr K Knott
Cllr K Bowker	Cllr R Lillis
Cllr S Brooke	Cllr D Macpherson
Cllr T Copsey	Cllr P May
Cllr M Cortes	Cllr S Mountford
Cllr M Dearson	Cllr N Pachy
Cllr L Dixon	Cllr B Palmer
Cllr A Edwards	Cllr C Sach
Cllr M Fuller	Cllr R Savage
Cllr T Gibson	Cllr D Silk
Cllr W Gibson	Cllr D Thomas
Cllr A Harbinson	Cllr G Watson
Cllr N Harvey	Cllr B Wimbledon
Cllr G Howlett	Cllr G Withers
Cllr J Huntman	

## APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr L Breading, Cllr P Greig, Cllr N Harvey and Cllr J Payne

## OFFICERS PRESENT

A Hutchings	- Chief Executive
C Adlem	- Director, Corporate & Customer
I Butt	- Director, Place & Communities
M Harwood-White	- Director, Commercial & Assets
A Law	- Assistant Director, Legal & Democratic Services (MO)
Lance Wosko	- Assistant Director, Finance & Procurement (S151)
Mykela Smith	- Assistant Director, People & Engagement
Stephen Garner	- Assistant Director, Development Services
S Worthington	- Democratic Services Manager

H Boyd - Democratic Services Officer

### 114 DECLARATIONS OF INTEREST

The Mayor noted that the Monitoring Officer had given dispensation to those Councillors who were members of Canvey Island Town Council to participate in the debate on item 12 of the agenda relating to the petition.

In the interest of openness and transparency Cllr C Sach declared a 'non registerable interest' in Item 12, by virtue of their spouse being Leader of Canvey Town Council.

### 115 MOTION

The Mayor moved a Motion, seconded by Cllr D Blackwell, to move item 5 to after item 14, and this was agreed unanimously.

### 116 MINUTES

The Minutes of the meeting held on 24 July 2024 were approved as a correct record and signed by the Mayor.

### 117 ANNOUNCEMENTS FROM THE MAYOR, LEADER AND THE CHIEF EXECUTIVE

The Mayor shared updates on her recent engagements:

#### **CISCA House Open Day**

The Mayor attended the CISCA House Open Day and visited the over-50s day centre in Canvey Town Centre. She expressed gratitude for the opportunity to explore the centre and its wonderful services available to the community. The Mayor highlighted the great atmosphere and the lovely lunch provided.

#### **Ironmongers Hall**

During her visit to Ironmongers Hall, the Mayor learned about the important work of environmental cleaners, particularly their contributions to the military.

#### **Macmillan Coffee Morning**

The Mayor congratulated Benfleet resident Naomi Pilkington for her dedication in organising a coffee morning to raise funds for Macmillan. This year, Naomi raised an impressive £4,800. The Mayor thanked her for her tireless efforts throughout the year.

#### **London Pearly Kings and Queens Event**

The Mayor attended the London Pearly Kings and Queens event at Guild Hall Yard, celebrating the pearly fundraising initiatives held throughout the year.

#### **Mayor's Interfaith Service at Runnymede Hall**

Last week, the Mayor hosted the Interfaith Service at Runnymede Hall, where

her Chaplain, Tania Menegatti, exemplified kindness. Notable readings were presented by:

- Mrs Jennifer Tolhurst, His Majesty's Lord-Lieutenant of Essex
- Mr David Hurst, High Sheriff of Essex
- Mrs Angela Hutchings, Castle Point Chief Executive

Additionally, Revd Dr Eduard-William Fartan provided a Catholic reflection, Dr Praneeth Dara shared a Hindu reflection and Ashley Sayed-Eigawad delivered an Islamic reflection which were all very moving.

The Mayor thanked all Members and residents who attended, as well as the Canvey Community Choir and Bradley Muggleton, BRAMU dancers for their delightful performances. A total of £120 was raised for Castle Point Voluntary Services (CAVS).

### **118 QUESTIONS FROM MEMBERS OF THE COUNCIL**

There were none.

### **119 BUSINESS FROM THE LAST COUNCIL MEETING**

There was none.

### **120 URGENT DECISIONS**

There was one urgent decision that was taken by the Deputy Leader on 20 September to respond to the consultation on reforms to the National Planning Policy Framework as detailed throughout the report.

This was an urgent decision due to the need to respond to the Central Government consultation by 24 September 2024 and the complexity and volume of questions contained within the consultation.

#### **Resolved**

To note the urgent decision.

### **121 REPORTS FROM THE CABINET AND COMMITTEES**

There was a report from the Audit & Governance Committee held on 26 September 2024. The Committee asked that the Council receive the first quarter treasury management report and the 2023/24 annual treasury management report.

#### **Resolved**

- (1) That the Council receive the first quarter treasury management report.

- (2) That the Council receive the 2023/24 annual treasury management report.

### **122 NEW CORPORATE LOGO FOR THE COUNCIL**

Council considered the report of the Director, Corporate & Customer asking Council to endorse the use and roll out of the new corporate logo for the Council.

As part of the Council's modernisation agenda, it was identified that the corporate logo required updating. The current logo, designed before the digital communication era, lacked the compatibility and accessibility required for modern platforms and, as such, did not meet accessibility requirements in terms of design, colourway, font and size.

A refreshed logo would not only enhance the Council's visual identity across various digital channels but would also improve accessibility for all users, including those with disabilities.

This update would demonstrate the Council's commitment to innovation and inclusivity, ultimately strengthening connections with the community and enhancing overall brand perception. As a champion of accessibility and accessible standards, the Council should lead and demonstrate the importance of accessible communications.

As communication methods evolve, the Council's communications assets need to develop to respond to and adhere to new standards. Further development work would follow over digital platforms and social media channels to ensure the Council complies with the latest accessible standards.

The new logo was an evolution of the existing corporate identity to meet required standards, not a re-branding exercise, and so the rollout would be gradual – digital and print roll out first and any new commissioned signage.

Other applications such as hard signage, vehicle livery and paper would only be considered if life-expired, or when paper stock has been depleted and required replacement.

Cllr Blackwell moved a motion, seconded by Cllr W Gibson, to approve the recommendation set out in paragraph 3.1 of the report, which was unanimously agreed by a show of hands.

#### **Resolved**

To endorse the use and roll out of the new corporate logo for the Council, as set out in Appendix 1.

### **123 RECRUITMENT OF INDEPENDENT PERSONS**

The Council considered the report of the Assistant Director, Legal & Democratic Services which sought Council's agreement to recruit

Independent Persons (IP) to the Audit and Governance Committee, Overview and Scrutiny Committee, Standards Committee and to the Independent Remuneration Panel.

Officers emphasised that all Members have a responsibility to ensure effective processes are in place for accountability, transparency, and good governance.

To support the Standards Committee, at least one independent person would be appointed and an Independent Remuneration Panel would also be established. While independent persons are not required by statute for Audit, and Overview and Scrutiny Committees, their involvement is considered good practice, as seen in other Councils, and will aid in reviews and scrutiny.

Independent persons strengthen local government audit committees by offering expertise, maintaining independence and ensuring continuity. Their presence contributes to effective governance and accountability.

The definition of the independent person is detailed in section 7.7 of the report. In response to Members' questions, it was confirmed that independent persons do not need to reside within the Borough.

Cllr D Blackwell moved a Motion, seconded by Cllr W Gibson, that the recommendations set out in paragraph 3.1 of the report be approved, and this was unanimously agreed by a show of hands.

### **Resolved**

- (1) That the Monitoring Officer undertakes the recruitment of two Independent Persons for the Standards Committee and Overview and Scrutiny Committee.
- (2) To appoint an Independent Person to the Audit and Governance Committee jointly with Southend City Council.
- (3) To authorise the Monitoring Officer to convene an Independent Remuneration Panel to review Councillor allowances, as per the terms of reference set out in appendix 1, with a report back to Full Council later in the year.
- (4) To agree the following remuneration for the Independent Persons:
  - Standards Committee: Each IP will receive an annual remuneration of £582.
  - Overview and Scrutiny Committee: Each IP will receive an annual remuneration of £582.
  - Audit & Governance Committee: The IP will receive an annual remuneration of £582.

- Independent Remuneration Panel: Each IP will receive an annual remuneration of £582.

### 124 PETITION SUBMITTED BY MEMBERS OF THE PUBLIC

Council considered the report of the Chief Executive which had been prepared in response to a petition submitted by members of the public.

Attention was drawn to the wording of the petition, as it determined whether the call to action was something the Council could legally pursue. Despite the commentary on social media, it was clarified that the petition was not specifically about Canvey Lake, although that may have motivated its organisers.

The report detailed specific criteria that a petition must meet to be considered a Community Governance Petition. A correction was noted in paragraph 6, where it had incorrectly referred to 10% instead of the correct figure of 7.5%. This discrepancy stemmed from a conflict with statutory guidance and statutory instruments, but appropriate advice had been sought. The correct threshold of 7.5% would amount to 2,210 signatories rather than 10% which was 2,947. While the petition had the potential to reach the required number of signatories, it fell short in other areas, as it did not specifically call for a community governance review nor did it outline recommendations for such a review.

It was noted that the Town Council was an autonomous council within the statutory framework of local government, having been formally constituted by Government on 2 December 2006. The Council is not responsible for the Town Council. If the Council endorsed the subscribers' "vote of no confidence" in the Town Council, it would not have any legal impact on the Town Council's status and would be of reputational impact only.

While the Council lacked the inherent power to abolish the Town Council, it did possess statutory authority to make decisions regarding the creation of parishes and their electoral arrangements. Under the 2007 Act, the Council exercised this authority through community governance reviews, rather than referendums.

The conclusion drawn was that this petition did not amount to a valid Community Governance Petition and the Council was not required to commence a community governance review as result. However, it remained an option under the 2007 Act for the Council to commence a community governance review independently, especially since no such review had occurred since the Town Council was inaugurated in 2006. It was suggested that the Council consider conducting a review ahead of the next Town Council elections in 2027, with the Monitoring Officer tasked with preparing a report for future consideration.

Members observed that those collecting signatures for the petition were heard shouting “Save Canvey lake” rather than advocating for the dissolution of the Town Council, which raised questions about the petition’s validity. Concerns were expressed about the potential misinformation spread locally, noting that, while some individuals had legitimate concerns, the petition appeared to be leveraged for political purposes. It was also noted that the Town Council had garnered widespread support, including that of the Freeman of the Borough, and gained recognition with a Gold standard quality award.

It was further noted that there were instances within the petition of multiple entries signed by a single individual; with some entries missing signatures or addresses.

Cllr J Huntman moved a motion, seconded by Cllr K Bowker, recommending that no further action be taken, which was agreed unanimously on a show of hands.

### **Resolved**

To take no further action in respect of the petition.

## **125 PAY POLICY STATEMENT AMENDMENT AND JOB EVALUATION PROJECT UPDATE**

Council considered the report of the Assistant Director, People & Engagement which provided an update on the Job Evaluation (JE) project and sought approval of an amended Pay Policy Statement.

The JE was essential for establishing a fair and equal pay structure within the Council and was a critical step toward achieving a single status agreement with Trade Unions. Single status had been introduced nationally in 1997, requiring local councils to implement this agreement, with local variations negotiated with Trade Unions. It was noted that Castle Point Borough Council was believed to be the only council in the country without a single status in place.

The JE work resulted in a significant investment in the pay structure, with an additional cost of £244,000 required for implementing salary changes in 2024/25. This initiative was seen as a positive development for the Council, with over 60% of the workforce expected to receive an immediate pay increase in September 2024, while just under a third of staff would see no immediate change to their pay. However, it was acknowledged, that as with any JE scheme, 9% of staff would experience a pay decrease because of the changes and that pay protection arrangements were in place for the next 12 months to mitigate any immediate impact.

The Council also utilised the JE process to ensure that allowances were being applied fairly across all departments. This mainly addressed historical arrangements and payments in the waste service, which were amended to

align with the terms and conditions applicable to other staff across the Council and in accordance with policy.

Following negotiations with the Council's recognised unions, UNISON and GMB, an agreement was reached with their members to accept the JE proposals, which were implemented with effect from 1 September 2024.

Under section 38 of the Localism Act 2011, it was required that the Council publish a Pay Policy Statement for each financial year. The statement for 2024/25 had been presented to the February Council for agreement, and it was acknowledged that it needed updating to reflect the outcomes of the JE. The updated Pay Policy Statement was included as Appendix 1, taking into account the impact of the JE and providing further clarity on remuneration arrangements across all tiers of staff in the Council.

The Council was therefore asked to note the conclusion of the JE project and to approve the recommendations regarding the financial investment needed for the JE and the amended Pay Policy Statement at Appendix 1. Members queried when the last job evaluation had taken place in Castle Point and it was confirmed that job evaluations had never been completed previously, making this the first time.

Cllr D Blackwell Moved a motion, seconded by Cllr W Gibson, that the recommendations set out in paragraphs 3.1 and 3.2 be approved, which was agreed unanimously on a show of hands.

### **Resolved**

- (1) To agree an appropriation from the General Fund General Reserve for £102,000 to fund the impact of Job Evaluation in the General Fund.
- (2) To agree a virement, as shown in paragraph 7.4 of the report, to realign staffing budgets across the policy lines within the General Fund.
- (3) To agree an appropriation of £42,000 from the HRA Main Reserve into the Supervision and Management policy line within the HRA.
- (4) To agree the amended Pay Policy statement 2024/25 (Appendix 1).

## **126 SENIOR MANAGER PAY AND CONDITIONS – CLAIM FOR RESTITUTION**

Council considered the report of the Assistant Director, Legal & Democratic Services asking Council to determine the next steps in whether to pursue a legal claim for restitution, the details of which were set out in the report.

The Chief Executive provided context regarding issues previously reported to Extraordinary Audit Committee meetings held on 24 July 2023 and 29 September 2023, Staff Appointments and Review Panel on 27 February 2024, Full Council on 13 March 2024 and the Audit and Governance Committee on 25 July 2024.



During the Full Council meeting on 13 March 2024, the Council resolved to acknowledge the unlawful decisions and potentially unlawful payments, and to seek further legal and professional advice to consider issuing claims for restitution.

External legal advice had been commissioned regarding the Council's position on pursuing claims for recovery of funds. This legal advice was confidential and could not be discussed in public sessions. However, the Chief Executive confirmed that all publicly shareable information had been shared and the decisions to be made at this meeting would be conducted publicly.

The Chief Executive emphasised the Council's duty to act promptly in writing off debts deemed unrecoverable. Payments believed to be non-recoverable should be written off as part of prudent financial management, and this should not be viewed as capitulation but as a standard practice to protect public funds. For recoverable payments, the Council must take steps to recover them, understanding that litigation carries inherent risks and costs.

The Council's approach to recovery was that litigation was a last resort; pre-action correspondence and alternative dispute resolution would be considered first. The risks of litigation would be constantly reviewed through a cost/benefit analysis.

The Chief Executive presented two critical questions for the Council to address:

- Which payments are deemed non-recoverable and why?
- Which payments have potential for recovery, along with appropriate actions regarding them?

These questions were covered in the exempt legal advice.

### **EXCLUSION OF THE PRESS AND PUBLIC**

The Mayor moved a motion without notice, in accordance with Council Procedure Rule 15.11, to exclude the press and public from the meeting as exempt information would be discussed. This was seconded by Cllr D Blackwell and agreed unanimously.

The Mayor explained that the public would be invited back into the meeting once discussion of the exempt information had concluded and confirmed that any recommendations would be taken in public.

### **Resolved**

That the press and public be excluded from the meeting for discussion of the exempt appendix to Item 14 report.

The public left the meeting at this point and were readmitted once debate of the exempt information had concluded. Detail of the debate relating to the exempt appendix is set out in the exempt appendix to these minutes.

The Leader commented that when this was first brought to their attention, it was evident there was a problem. The internal audit in 2022 identified significant concerns, highlighting that past decisions were not made correctly and that payments had been issued without appropriate Member oversight. This historic mismanagement resulted in substantial financial losses for the Council and led to the 2020/2021 accounts being disclaimed by EY, the Council's external auditors.

In response to this inherited problem, the current administration took steps to rectify the situation. A robust transformation programme and job evaluation were implemented, creating a new staffing structure for the Council. A new Constitution, systems and processes were established, strengthening the role of elected Members to ensure such issues would not arise again. An LGA Health Check in December of last year commended the transformation efforts and a recent LGA Corporate Peer Challenge validated the progress made toward restoring the organisation's health.

Despite the progress, much work remained and the administration was committed to moving the Council forward in the right direction. The Deputy Leader stated that in March, a decision was made to acknowledge the unlawful decisions and potentially unlawful payments made at that time, with plans to seek further legal and professional advice regarding potential claims for restitution.

As Councillors, the primary concern was to protect the Council, its finances, and its ability to remain in control of its future. Consideration had to be given to whether it was prudent to invest further resources in pursuit of recovery and which claims had the best chance of success. The decision carried serious implications and there was frustration over the need to address the resulting issues.

Members expressed support but highlighted that, during a time when food banks had become essential and families were struggling, these irregularities represented a significant abuse of power. Members conveyed their deep pain over the situation, noting that the dysfunction of the Council stemmed from failures at two levels: the officers who had let them down and the Councillors who had failed in their duty to hold the Council accountable.

In response to enquiries about a measured approach considering legislative risks, the CEO confirmed that the recommendations would initiate early conversations, including cross-benefit consultations at each stage. Members recognised that there were questions regarding both legality and morality, emphasising that under this administration, such failings would not be tolerated.

Cllr D Blackwell moved the following motion, seconded by Cllr W Gibson, which was agreed unanimously on a show of hands: That recommendation 2 in the report be approved in respect of the £281,155 paid to the late Chief Executive as additional payments to the flexible retirement scheme through annual leave buy back and the performance related pay which the late Chief Executive awarded to himself; and that recommendation 1 in the report be approved in respect of all other payments identified in the report to Full Council on 13 March 2024; and

That recommendations 3 and 4 be approved as drafted in the report.

### **Resolved**

- (1) To agree the exercise of the delegation of the Assistant Director, Legal & Democratic Services and Monitoring Officer (in consultation with the Section 151 Officer, the Chief Executive, the Leader of the Council, the Deputy Leader of the Council and the Cabinet Member for Resources) to issue and settle court proceedings in respect of the £281,155 paid to the late Chief Executive as additional payments to the flexible retirement scheme through annual leave buy back and the performance related pay which the late Chief Executive awarded to himself.
- (2) To note unlawful decisions, and potentially unlawful payments made, and to write down all other monies identified in the report to Full Council on 13 March 2024 as not to be recovered or irrecoverable in accordance with the Council's Financial Regulations.
- (3) To note that there has been no withdrawal above £50,000 (as approved by Council on 13 March 2024)
- (4) That the Section 151 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 representation.

## **127 REPORT FROM THE LEADER OF THE COUNCIL**

The Leader made the following announcement:

“Members, I am happy, at this second ordinary meeting of Council for 2024/25, to provide you with an update on some key areas of business dealt with by the Cabinet since the last ordinary Council meeting that was held on 24 July.

At its meeting on 13 August Cabinet approved an outline business case for the purchase and development of the former privately owned Abbeyfield sheltered housing scheme in Hadleigh for use as temporary accommodation.

The Council has a statutory duty to provide temporary accommodation to households who present as homeless, regardless of current demand or affordability. In the last two years, the cost of providing temporary accommodation has increased significantly for the Council primarily as a result of increased demand and increased cost. The Council doesn't currently have sufficient temporary housing stock to house any Castle Point residents who become homeless which can sometimes mean we have to house them in temporary accommodation outside the borough. This can have a very detrimental impact on the wellbeing of these residents as they can risk losing their immediate support networks, including friends and family, as well as access to the children's schools and the family GP.

Cabinet also approved a deed of variation to the lease between the Council and Canvey Island Town Council for Canvey Lake. The legal arrangements put in place back in 2010 are no longer fit for purpose. The variation will amend the terms of the lease that relate to the Town Council's Common Liaison Committee and potentially replace it with a stakeholder forum.

Cabinet also approved funding for the Paddocks refurbishment to enable further works to be undertaken, including electrical rewiring works, replacement of the lower roof, replacement of high level rotten window frames and cladding, render repairs and upgrading of fire alarm and security alarm systems, putting in place a door entry system and completing external redecoration works.

At its meeting on 18 September, Cabinet approved a business scheme for a new customer relationship management (CRM) system. This is a key step forwards in modernising the way that residents and businesses interact with the Council to access information, request support and access services. Customers will be able to access all of this at their own convenience rather than having to do so within working hours. The system will streamline customer interactions and improve their experience and will result in quicker, more efficient responses to queries.

The Cabinet also approved a voluntary and community sector building and land leasing policy. This will ensure a consistent approach when the Council leases any of its assets to the voluntary and community sector, which will be fair and transparent. The policy will apply to all Council properties that cannot reasonably achieve full market rent, as agreed by the Asset Review Board.

The Cabinet also agreed to grant a lease for part of the Council offices to CAVS. Currently CAVS leases part of the first floor of the White House which is at the rear of the Council offices. Their current space there is not as modern as the Council offices and the new space within the Kiln Road offices is in an improved location for them to operate their services to residents. Their existing lease for the White House will be replaced with a new lease at a lower value. However, under the new lease CAVS will pay a service charge to the Council to cover, for example, utility costs.

Finally, in September the Deputy Leader responded to 2 consultations on behalf of the Council – one on proposed reforms to the National Planning Policy Framework and other changes to the planning system; the other on the Essex Transport Strategy Consultation.

Thank you, Members – that concludes my update.”

### **128 MOTIONS ON NOTICE**

There were none.

### **129 QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Mayor advised that the Constitution at paragraph 12.10 states that the person asking the question must normally be present at the meeting. However, the Mayor may exercise their discretion to allow a question to be read out by an Officer in the absence of the person making it when the questioner is not present. As none of the 9 members of the public who had asked questions were present at the meeting, their questions would be noted and replies sent to them within 3 working days of this meeting.

The meeting closed at 8.20 pm.

Chair .....

Date .....

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